

# HOUSE BILL No. 4580

April 27, 1999, Introduced by Reps. Faunce, Julian, Garcia, Howell, Patterson, Jacobs and O'Neil and referred to the Committee on Criminal Law and Corrections.

A bill to amend 1909 PA 279, entitled  
"The home rule city act,"  
by amending section 4i (MCL 117.4i), as amended by 1996 PA 179.

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 4i. Each city may PROVIDE in its charter ~~provide~~ FOR  
2 1 OR MORE OF THE FOLLOWING:

3       (a) ~~For laying~~ LAYING and collecting rents, tolls, and  
4 excises.

5       (b) ~~For regulating~~ REGULATING and restricting the loca-  
6 tions of oil and gasoline stations.

7       (c) ~~For the~~ THE establishment of districts or zones within  
8 which the use of land and structures, the height, area, size, and  
9 location of buildings, the required open spaces for light and  
10 ventilation of buildings, and the density of population may be  
11 regulated by ordinance. The zoning ordinance provisions

1 applicable to 1 or more districts may differ from those  
2 applicable to other districts. If a city is incorporated, or if  
3 territory is annexed to a city incorporated under this act, the  
4 zoning ordinance provisions applicable to the territory within  
5 the newly incorporated city or the annexed territory shall remain  
6 in effect for 2 years after the incorporation or annexation  
7 unless the legislative body of the city lawfully adopts other  
8 zoning ordinance provisions.

9 (d) ~~For the~~ THE regulation of trades, occupations, and  
10 amusements within city boundaries, if the regulations are not  
11 inconsistent with state or federal law, and ~~for~~ the prohibition  
12 of trades, occupations, and amusements that are detrimental to  
13 the health, morals, or welfare of the inhabitants of that city.

14 (e) ~~For the~~ THE regulation or prohibition of public nudity  
15 within city boundaries. As used in this subdivision, "public  
16 nudity" means knowingly or intentionally displaying in a public  
17 place, or for payment or promise of payment by any person includ-  
18 ing, but not limited to, payment or promise of payment of an  
19 admission fee, any individual's genitals or anus with less than a  
20 fully opaque covering — or a female individual's breast with  
21 less than a fully opaque covering of the nipple and areola.  
22 Public nudity does not include any of the following:

23 (i) A woman's breastfeeding of a baby whether or not the  
24 nipple or areola is exposed during or incidental to the feeding.

25 (ii) Material as defined in section 2 of ~~Act No. 343 of the~~  
26 ~~Public Acts of 1984, being section 752.362 of the Michigan~~  
27 ~~Compiled Laws~~ 1984 PA 343, MCL 752.362.

1 (iii) Sexually explicit visual material as defined in  
2 section 3 of ~~Act No. 33 of the Public Acts of 1978, being sec-~~  
3 ~~tion 722.673 of the Michigan Compiled Laws~~ 1978 PA 33,  
4 MCL 722.673.

5 (f) ~~For licensing~~ LICENSING, regulating, restricting, and  
6 limiting the number and locations of billboards within the city.

7 (g) ~~For the~~ THE initiative and referendum on all matters  
8 within the scope of the powers of that city ~~,~~ and ~~for~~ the  
9 recall of city officials.

10 (h) ~~For a~~ A system of civil service for city employees,  
11 including employees of that city's board of health, and employees  
12 of any jail operated or maintained by the city. Charter provi-  
13 sions providing for a system of civil service for employees of a  
14 local health board are valid and effective.

15 (i) ~~For a~~ A system of compensation for city employees and  
16 the dependents of city employees in the case of disability,  
17 injury, or death of city employees.

18 (j) ~~For the~~ THE enforcement of police, sanitary, and other  
19 ordinances that are not in conflict with the general laws.

20 (k) ~~For the~~ THE punishment of persons who violate city  
21 ordinances other than ordinances described in section ~~41(1),~~  
22 ~~(2), or (3)~~ 41. ~~However, the~~ THE penalty for a violation of  
23 such a city ordinance shall not exceed a fine of \$500.00 ~~,~~ or  
24 imprisonment for 90 days, or both. HOWEVER, UNLESS OTHERWISE  
25 PROVIDED BY LAW, THE ORDINANCE MAY PROVIDE THAT A VIOLATION OF  
26 THE ORDINANCE IS PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 93  
27 DAYS OR A FINE OF NOT MORE THAN \$500.00, OR BOTH, IF THE

1 VIOLATION SUBSTANTIALLY CORRESPONDS TO A VIOLATION OF THE  
2 MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.1 TO 257.923, THAT IS  
3 A MISDEMEANOR FOR WHICH THE MAXIMUM PERIOD OF IMPRISONMENT IS 93  
4 DAYS.

5 Enacting section 1. This amendatory act takes effect  
6 October 1, 1999.

7 Enacting section 2. This amendatory act does not take  
8 effect unless all of the following bills of the 90th Legislature  
9 are enacted into law:

10 (a) Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_ (request  
11 no. 01321'99).

12 (b) Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_ (request  
13 no. 01325'99).

14 (c) Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_ (request  
15 no. 01326'99).

16 (d) Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_ (request  
17 no. 01327'99 \*).

18 (e) Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_ (request  
19 no. 01328'99 \*).

20 (f) Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_ (request  
21 no. 01329'99).

22 (g) Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_ (request  
23 no. 01340'99 a \*).

24 (h) Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_ (request  
25 no. 01340'99 b \*).

26 (i) Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_ (request  
27 no. 01340'99 c \*).

01340'99 \*

1 (j) Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_ (request  
2 no. 01340'99 d \*).