

SENATE BILL No. 1184

May 5, 2004, Introduced by Senators TOY, BERNERO and OLSHOVE and referred to the Committee on Local, Urban and State Affairs.

A bill to amend 1909 PA 279, entitled
"The home rule city act,"
by amending section 4i (MCL 117.4i), as amended by 1999 PA 55.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4i. Each city may provide in its charter for 1 or more
2 of the following:

3 (a) Laying and collecting rents, tolls, and excises.

4 (b) Regulating and restricting the locations of oil and
5 gasoline stations.

6 (c) The establishment of districts or zones within which the
7 use of land and structures, the height, area, size, and location
8 of buildings, the required open spaces for light and ventilation
9 of buildings, and the density of population may be regulated by
10 ordinance. The zoning ordinance provisions applicable to 1 or
11 more districts may differ from those applicable to other

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

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

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

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

24 (ii) Material as defined in section 2 of 1984 PA 343,
25 MCL 752.362.

26 (iii) Sexually explicit visual material as defined in section
27 3 of 1978 PA 33, MCL 722.673.

1 (f) Licensing, regulating, restricting, and limiting the
2 number and locations of billboards within the city.

3 (g) The initiative and referendum on all matters within the
4 scope of the powers of that city and the recall of city
5 officials.

6 (h) A system of civil service for city employees, including
7 employees of that city's board of health, and employees of any
8 jail operated or maintained by the city. Charter provisions
9 providing for a system of civil service for employees of a local
10 health board are valid and effective.

11 (i) A system of compensation for city employees and the
12 dependents of city employees in the case of disability, injury,
13 or death of city employees.

14 (j) The enforcement of police, sanitary, and other ordinances
15 that are not in conflict with the general laws.

16 (k) The punishment of persons who violate city ordinances
17 other than ordinances described in section 4/. The penalty for a
18 violation of such a city ordinance shall not exceed a fine of
19 ~~-\$500.00-~~ **\$5,000.00** or imprisonment for 90 days, or both.

20 ~~However, unless~~ **Unless** otherwise provided by law, the ordinance
21 may provide that a violation of the ordinance is punishable by **a**
22 **fine of not more than \$5,000.00 or** imprisonment for not more than
23 93 days, ~~or a fine of not more than \$500.00,~~ or both, if the
24 violation substantially corresponds to a violation of state law
25 that is a misdemeanor for which the maximum period of
26 imprisonment is 93 days.