

HOUSE BILL No. 5960

May 9, 2018, Introduced by Rep. Wentworth and referred to the Committee on Local Government.

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending section 4i (MCL 117.4i), as amended by 2017 PA 214.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4i. Each city may provide in its charter for 1 or more of
2 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 of
8 buildings, the required open spaces for light and ventilation of
9 buildings, and the density of population may be regulated by
10 ordinance. The zoning ordinance provisions applicable to 1 or more

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

8 (d) ~~The~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBDIVISION, THE**
9 regulation of trades, occupations, and amusements within city
10 boundaries, if the regulations are not inconsistent with state or
11 federal law, and the prohibition of trades, occupations, and
12 amusements that are detrimental to the health, morals, or welfare
13 of the inhabitants of that city. **THIS SUBDIVISION IS SUBJECT TO THE**
14 **LOCAL GOVERNMENT OCCUPATIONAL LICENSING ACT.**

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

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

26 (ii) Material as that term is defined in section 2 of 1984 PA
27 343, MCL 752.362.

1 (iii) Sexually explicit visual material as that term is
2 defined in section 3 of 1978 PA 33, MCL 722.673.

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

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

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

12 (i) Subject to sections 4p and 4u, a system of compensation
13 for city employees and for the dependents of city employees in the
14 case of disability, injury, or death of city employees.

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

17 (k) The punishment of persons who violate city ordinances
18 other than ordinances described in section 4/. The penalty for a
19 violation of such a city ordinance must not exceed a fine of
20 \$500.00 or imprisonment for 90 days, or both. However, unless
21 otherwise provided by law, the ordinance may provide that a
22 violation of the ordinance is punishable by imprisonment for not
23 more than 93 days or a fine of not more than \$500.00, or both, if
24 the violation substantially corresponds to a violation of state law
25 that is a misdemeanor for which the maximum period of imprisonment
26 is 93 days. In addition, a city may adopt section 625(1)(c) of the
27 Michigan vehicle code, 1949 PA 300, MCL 257.625, by reference in an

1 adopting ordinance and shall provide that a violation of that
2 ordinance is punishable by 1 or more of the following:

3 (i) Community service for not more than 360 hours.

4 (ii) Imprisonment for not more than 180 days.

5 (iii) A fine of not less than \$200.00 or more than \$700.00.

6 Enacting section 1. This amendatory act takes effect 90 days
7 after the date it is enacted into law.

8 Enacting section 2. This amendatory act does not take effect
9 unless Senate Bill No. _____ or House Bill No. 5955 (request no.
10 03124'17) of the 99th Legislature is enacted into law.