

# HOUSE BILL No. 5961

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

A bill to amend 1895 PA 215, entitled "The fourth class city act," by amending section 1 of chapter XI (MCL 91.1), as amended by 1994 PA 19.

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

1 CHAPTER XI--GENERAL POWERS OF CITY CORPORATIONS

2 Sec. 1. (1) ~~A~~**EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3),**  
3 **A** city incorporated under the provisions of this act has, and the  
4 council may pass ordinances relating to, the following general  
5 powers:

6 (a) To restrain and prevent vice and immorality, gambling,  
7 noise and disturbance, and indecent or disorderly conduct or  
8 assemblages; to prevent and quell riots; to preserve peace and good  
9 order; and to protect the property of the city or of persons in the

1 city.

2 (b) To prohibit vagrancy, truancy, begging, public  
3 drunkenness, disorderly conduct, or prostitution.

4 (c) To prevent injury or annoyance from anything dangerous,  
5 offensive, or unhealthy; to prohibit and remove anything tending to  
6 cause or promote disease; and to prevent and abate nuisances.

7 (d) To prohibit and suppress places of disorderly conduct,  
8 immorality, or vice.

9 (e) To regulate or license the use of places of entertainment.

10 (f) To prohibit and suppress gambling and to authorize the  
11 seizure and destruction of instruments and devices used for  
12 gambling.

13 (g) To prohibit and prevent the selling or giving of alcoholic  
14 liquor ~~as THAT TERM IS defined in section 2 of the Michigan~~  
15 ~~liquor control act, Act No. 8 of the Public Acts of the Extra~~  
16 ~~Session of 1933, being section 436.2 of the Michigan Compiled~~  
17 ~~Laws.~~ **105 OF THE MICHIGAN LIQUOR CONTROL CODE OF 1998, 1998 PA 58,**  
18 **MCL 436.1105.**

19 (h) To regulate, restrain, or prohibit sports, exhibitions,  
20 caravans, and shows for which money or other reward is demanded or  
21 received, except lectures on historic, literary, or scientific  
22 subjects.

23 (i) To prevent the violation of the Sabbath day, or the  
24 disturbance of a religious meeting, congregation, or society or  
25 other public meeting assembled for a lawful purpose; and to require  
26 businesses to be closed on the Sabbath day.

27 (j) To license, regulate, or prohibit auctioneers, auctions,

1 and sales by public bids or offers by buyers or sellers in the  
2 manner of auctions; and to regulate the fees to be paid by and to  
3 auctioneers. However, a license ~~shall~~**IS** not ~~be~~ required in case of  
4 sales required by law to be made at auction.

5 (k) To license, regulate, or prohibit hawking and peddling and  
6 to license pawnbroking.

7 (l) To license and regulate wharf boats and to regulate the  
8 use of boats in and about the harbor, if any, and within the  
9 jurisdiction of the city.

10 (m) To establish, authorize, license, and regulate ferries to  
11 and from the city or a place in the city; and to regulate and  
12 prescribe the charges and prices for the transportation of persons  
13 and property by ferry.

14 (n) To regulate and license taverns, houses of public  
15 entertainment, saloons, restaurants, and eating houses; and to  
16 regulate and prescribe the location of saloons. This subdivision  
17 does not authorize the licensing of the sale of alcoholic liquor ~~as~~  
18 as **THAT TERM IS** defined in section 2 ~~of Act No. 8 of the Public~~  
19 ~~Acts of the Extra Session of 1933.~~**105 OF THE MICHIGAN LIQUOR**  
20 **CONTROL CODE OF 1998, 1998 PA 58, MCL 436.1105.**

21 (o) To license and regulate vehicles used for the  
22 transportation of persons or property for hire in the city; and to  
23 regulate or fix their stands on the streets and public places and  
24 at wharves, boat landings, railroad station grounds, and other  
25 places.

26 (p) To regulate and license toll bridges within the city and  
27 to prescribe the rates and charges for passage over the bridges.

1 (q) To provide for and regulate the inspection of food.

2 (r) To regulate the inspection, weighing, and measuring of  
3 brick, lumber, firewood, coal, hay, and any article of merchandise.

4 (s) To provide for the inspection and sealing of weights and  
5 measures and to enforce the keeping and use of proper weights and  
6 measures by ~~venders~~. **VENDORS**.

7 (t) To regulate the construction, repair, and use of vaults,  
8 cisterns, areas, hydrants, pumps, sewers, and gutters.

9 (u) To prohibit and prevent indecent exposure of the person;  
10 the show, sale, or exhibition for sale of indecent or obscene  
11 pictures, drawings, engravings, paintings, books, or pamphlets; and  
12 indecent or obscene exhibitions and shows.

13 (v) To regulate or prohibit bathing in the city's bodies of  
14 water.

15 (w) To provide for the clearing of driftwood and noxious  
16 matter from the city's bodies of water; and to prohibit and prevent  
17 the depositing in the city's bodies of water of matter tending to  
18 render the water impure, unwholesome, or offensive.

19 (x) To compel the owner or occupant of any grocery, tallow  
20 chandler shop, soap or candy factory, butcher shop or stall,  
21 slaughter house, stable, barn, privy, sewer, or other offensive,  
22 nauseous, or unwholesome place to cleanse, remove, or abate it when  
23 the council considers it necessary for the health, comfort, or  
24 convenience of the inhabitants of the city.

25 (y) To regulate the keeping, selling, and using of dynamite,  
26 gunpowder, firecrackers and fireworks, and other explosive or  
27 combustible materials; to regulate the exhibition of fireworks and

1 the discharge of firearms; and to restrain the making of fires in  
2 the streets and other open spaces in the city.

3 (z) To direct and regulate the construction of cellars, slips,  
4 barns, private drains, sinks, and privies.

5 (aa) To prohibit, prevent, and suppress mock auctions and  
6 fraudulent games, devices, and practices. Persons managing, using,  
7 or practicing; attempting to manage, use, or practice; or aiding in  
8 the management or practice of a mock auction or fraudulent game,  
9 device, or practice may be subject to the provisions of an  
10 ordinance under this subdivision.

11 (bb) To prohibit, prevent, and suppress lotteries for the  
12 drawing or disposing of money or other property. Persons  
13 maintaining, directing, or managing such lotteries or aiding in the  
14 maintenance, directing, or managing of ~~such~~ lotteries may be  
15 subject to the provisions of an ordinance under this subdivision.

16 (cc) To license and regulate solicitors for passengers or for  
17 baggage to and from a hotel, tavern, public house, boat, or  
18 railroad and to provide the places where they may be admitted to  
19 solicit or receive patronage; and to license and regulate porters,  
20 runners, and drivers of vehicles used and employed for hire, to  
21 provide the places where they ~~be~~**ARE** admitted to solicit or receive  
22 patronage, and to fix and regulate the amounts and rates of their  
23 compensation.

24 (dd) To provide for the protection and care of paupers.

25 (ee) To provide for taking a census of the inhabitants of the  
26 city, whenever the council sees fit, and to direct and regulate the  
27 census.

1           (ff) To provide for the issuing of licenses to the owners and  
2 keepers of dogs and to require the owners and keepers of dogs to  
3 pay for and obtain ~~such~~ licenses; and to regulate and prevent the  
4 running at large of dogs, to require dogs to be muzzled, and to  
5 authorize the killing of dogs running at large or not licensed in  
6 violation of an ordinance of the city.

7           (gg) To prohibit the possession or use of toy pistols,  
8 slingshots, and other dangerous toys or implements within the city.

9           (hh) To require horses, mules, or other animals attached to  
10 vehicles or standing in the streets, lanes, or alleys in the city  
11 to be securely fastened, hitched, watched, or held and to regulate  
12 the placing and provide for the preservation of hitching posts.

13           (ii) To provide for and regulate the numbering of buildings  
14 upon the streets and alleys; to require the owners or occupants of  
15 buildings to affix numbers on the buildings; and to designate and  
16 change the names of public streets, alleys, and parks.

17           (jj) To provide for, establish, regulate, and preserve public  
18 fountains and reservoirs within the city, and troughs and basins  
19 for watering animals.

20           (kk) To prevent or provide for the construction and operation  
21 of street railways, to regulate street railways, and to determine  
22 and designate the route and grade of any street railway to be laid  
23 or constructed in the city.

24           (ll) To establish and maintain a public library, to provide a  
25 suitable building for that public library, and to aid in  
26 maintaining ~~such~~ other public libraries as may be established  
27 within the city by private beneficence as the council considers to

1 be for the public good.

2 (mm) To license transient traders. In the case of transient  
3 traders who engage in the business of selling goods or merchandise  
4 after the commencement of the fiscal year, the license fee may be  
5 apportioned with relation to the part of the fiscal year that has  
6 expired. If ~~such~~ **TRANSIENT** traders continue in the same business  
7 after the commencement of the next fiscal year, and their goods or  
8 merchandise are assessed for taxes for the next fiscal year, the  
9 traders ~~shall~~ **ARE** not ~~be~~ required to take out a second license upon  
10 the commencement of the next fiscal year.

11 (2) ~~The~~ **EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3), THE**  
12 council may enact ordinances and make regulations, consistent with  
13 the laws and constitution of ~~the~~ **THIS** state as they may consider  
14 necessary for the safety, order, and good government of the city  
15 and the general welfare of the inhabitants of the city, but  
16 exclusive rights, privileges, or permits ~~shall~~ **MUST** not be granted  
17 by the council.

18 (3) **THIS SECTION IS SUBJECT TO THE LOCAL GOVERNMENT**  
19 **OCCUPATIONAL LICENSING ACT.**

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

22 Enacting section 2. This amendatory act does not take effect  
23 unless Senate Bill No. \_\_\_\_ or House Bill No. 5955 (request no.  
24 03124'17) of the 99th Legislature is enacted into law.