

HOUSE BILL No. 6162

June 12, 2018, Introduced by Reps. Guerra, Sabo, Cochran, Chang, Lasinski, Brinks, Geiss, Greig, Love, Green, Pagan, Yancey, Gay-Dagnogo, Wittenberg, Rabhi and Jones and referred to the Committee on Law and Justice.

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) A city incorporated under the provisions of this
2 act has, and the council may pass ordinances relating to, the
3 following general powers:

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

9 (b) To prohibit vagrancy, truancy, begging, public

1 drunkenness, disorderly conduct, or ~~prostitution~~. **COMMERCIAL SEX.**

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

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

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

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

11 (g) To prohibit and prevent the selling or giving of alcoholic
12 liquor ~~, as defined in section 2 of the Michigan liquor control~~
13 ~~act, Act No. 8 of the Public Acts of the Extra Session of 1933,~~
14 ~~being section 436.2 of the Michigan Compiled Laws.~~ **UNDER SECTION 2**
15 **OF FORMER 1933 (EX SESS) PA 8.**

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

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

24 (j) To license, regulate, or prohibit auctioneers, auctions,
25 and sales by public bids or offers by buyers or sellers in the
26 manner of auctions; and to regulate the fees to be paid by and to
27 auctioneers. However, a license ~~shall~~ **MUST** not be required in case

1 of sales required by law to be made at auction.

2 (k) To license, regulate, or prohibit hawking and peddling and
3 to license pawnbroking.

4 (l) To license and regulate wharf boats and to regulate the
5 use of boats in and about the harbor, if any, and within the
6 jurisdiction of the city.

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

11 (n) To regulate and license taverns, houses of public
12 entertainment, saloons, restaurants, and eating houses; and to
13 regulate and prescribe the location of saloons. This subdivision
14 does not authorize the licensing of the sale of alcoholic liquor ~~as~~
15 ~~as defined in section 2 of Act No. 8 of the Public Acts of the~~
16 ~~Extra Session of 1933.~~ **UNDER SECTION 2 OF FORMER 1933 (EX SESS) PA**
17 **8.**

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

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

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

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

1 (s) To provide for the inspection and sealing of weights and
2 measures and to enforce the keeping and use of proper weights and
3 measures by venders.

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

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

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

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

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

22 (y) To regulate the keeping, selling, and using of dynamite,
23 gunpowder, firecrackers and fireworks, and other explosive or
24 combustible materials; to regulate the exhibition of fireworks and
25 the discharge of firearms; and to restrain the making of fires in
26 the streets and other open spaces in the city.

27 (z) To direct and regulate the construction of cellars, slips,

1 barns, private drains, sinks, and privies.

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

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

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

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

22 (ee) To provide for taking a census of the inhabitants of the
23 city, whenever the council sees fit, and to direct and regulate the
24 census.

25 (ff) To provide for the issuing of licenses to the owners and
26 keepers of dogs and to require the owners and keepers of dogs to
27 pay for and obtain such licenses; and to regulate and prevent the

1 running at large of dogs, to require dogs to be muzzled, and to
2 authorize the killing of dogs running at large or not licensed in
3 violation of an ordinance of the city.

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

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

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

14 (jj) To provide for, establish, regulate, and preserve public
15 fountains and reservoirs within the city, and troughs and basins
16 for watering animals.

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

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

26 (mm) To license transient traders. In the case of transient
27 traders who engage in the business of selling goods or merchandise

1 after the commencement of the fiscal year, the license fee may be
2 apportioned with relation to the part of the fiscal year that has
3 expired. If such traders continue in the same business after the
4 commencement of the next fiscal year, and their goods or
5 merchandise are assessed for taxes for the next fiscal year, the
6 traders ~~shall~~**MUST** not be required to take out a second license
7 upon the commencement of the next fiscal year.

8 (2) The council may enact ordinances and make regulations,
9 consistent with the laws and constitution of the state as they may
10 consider necessary for the safety, order, and good government of
11 the city and the general welfare of the inhabitants of the city,
12 but exclusive rights, privileges, or permits ~~shall~~**MUST** not be
13 granted by the council.

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

16 Enacting section 2. This amendatory act does not take effect
17 unless Senate Bill No. ____ or House Bill No. 6169 (request no.
18 02879'17) of the 99th Legislature is enacted into law.