

# HOUSE BILL No. 6083

November 30, 2016, Introduced by Reps. Pscholka and Poleski 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 2014 PA 183, and  
by adding section 4u.

## **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

1 buildings, the required open spaces for light and ventilation of  
2 buildings, and the density of population may be regulated by  
3 ordinance. The zoning ordinance provisions applicable to 1 or more  
4 districts may differ from those applicable to other districts. If a  
5 city is incorporated, or if territory is annexed to a city  
6 incorporated under this act, the zoning ordinance provisions  
7 applicable to the territory within the newly incorporated city or  
8 the annexed territory ~~shall~~**MUST** remain in effect for 2 years after  
9 the incorporation or annexation unless the legislative body of the  
10 city lawfully adopts other zoning ordinance provisions.

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

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

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

27 (ii) Material as defined in section 2 of 1984 PA 343, MCL

1 752.362.

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

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

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

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

13 (i) Subject to ~~section~~ **SECTIONS 4p AND 4U**, a system of  
14 compensation for city employees and for the dependents of city  
15 employees in the case of disability, injury, or death of city  
16 employees.

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

19 (k) The punishment of persons who violate city ordinances  
20 other than ordinances described in section 4l. The penalty for a  
21 violation of such a city ordinance ~~shall~~ **MUST** not exceed a fine of  
22 \$500.00 or imprisonment for 90 days, or both. However, unless  
23 otherwise provided by law, the ordinance may provide that a  
24 violation of the ordinance is punishable by imprisonment for not  
25 more than 93 days or a fine of not more than \$500.00, or both, if  
26 the violation substantially corresponds to a violation of state law  
27 that is a misdemeanor for which the maximum period of imprisonment

1 is 93 days. In addition, a city may adopt section 625(1)(c) of the  
2 Michigan vehicle code, 1949 PA 300, MCL 257.625, by reference in an  
3 adopting ordinance and shall provide that a violation of that  
4 ordinance is punishable by 1 or more of the following:

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

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

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

8 **SEC. 4U. (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2),**  
9 **IF A CITY PROVIDES RETIREMENT BENEFITS AS PART OF A SYSTEM OF**  
10 **COMPENSATION UNDER SECTION 4I, THE RETIREMENT BENEFITS ARE SUBJECT**  
11 **TO THE LOCAL UNIT OF GOVERNMENT RETIREMENT ACT.**

12 **(2) THIS SECTION DOES NOT APPLY TO A CITY DESCRIBED IN SECTION**  
13 **4P.**

14 Enacting section 1. This amendatory act does not take effect  
15 unless Senate Bill No. \_\_\_\_\_ or House Bill No. 6074 (request no.  
16 06264'16 \*) of the 98th Legislature is enacted into law.