

HOUSE BILL NO. 5644

March 12, 2020, Introduced by Reps. Glenn, Whiteford, Afendoulis, Kahle, Calley, Bollin, Bellino, Filler, Allor, Farrington, Whitsett, Hammoud, Yaroach, Crawford, Alexander and Cambensy and referred to the Committee on Judiciary.

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 2018
PA 499.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 CHAPTER XI -- GENERAL POWERS OF CITY CORPORATIONS
2 Sec. 1. (1) Except as otherwise provided in subsection (3), a
3 city incorporated under the provisions of this act has, and the
4 council may pass ordinances relating to, the following general
5 powers:



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

6 (b) To prohibit vagrancy, truancy, begging, public
7 drunkenness, disorderly conduct, or ~~prostitution~~**commercial sexual**
8 **activity**.

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

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

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

15 (f) To prohibit and suppress gambling and to authorize the
16 seizure and destruction of instruments and devices used for
17 gambling.

18 (g) To prohibit and prevent the selling or giving of alcoholic
19 liquor as that term is defined in section 105 of the Michigan
20 liquor control code of 1998, 1998 PA 58, MCL 436.1105.

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

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

29 (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 is not required in case of sales
4 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 use
8 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 that term is defined in section 105 of the Michigan liquor control
19 code of 1998, 1998 PA 58, MCL 436.1105.

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

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

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

28 (r) To regulate the inspection, weighing, and measuring of
29 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 vendors.

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,
28 barns, private drains, sinks, and privies.

29 (aa) To prohibit, prevent, and suppress mock auctions and

1 fraudulent games, devices, and practices. Persons managing, using,
2 or practicing; attempting to manage, use, or practice; or aiding in
3 the management or practice of a mock auction or fraudulent game,
4 device, or practice may be subject to the provisions of an
5 ordinance under this subdivision.

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

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

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

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

23 (ff) To provide for the issuing of licenses to the owners and
24 keepers of dogs and to require the owners and keepers of dogs to
25 pay for and obtain licenses; and to regulate and prevent the
26 running at large of dogs, to require dogs to be muzzled, and to
27 authorize the killing of dogs running at large or not licensed in
28 violation of an ordinance of the city.

29 (gg) To prohibit the possession or use of toy pistols,



1 slingshots, and other dangerous toys or implements within the city.

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

6 (ii) To provide for and regulate the numbering of buildings
7 upon the streets and alleys; to require the owners or occupants of
8 buildings to affix numbers on the buildings; and to designate and
9 change the names of public streets, alleys, and parks.

10 (jj) To provide for, establish, regulate, and preserve public
11 fountains and reservoirs within the city, and troughs and basins
12 for watering animals.

13 (kk) To prevent or provide for the construction and operation
14 of street railways, to regulate street railways, and to determine
15 and designate the route and grade of any street railway to be laid
16 or constructed in the city.

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

22 (mm) To license transient traders. In the case of transient
23 traders who engage in the business of selling goods or merchandise
24 after the commencement of the fiscal year, the license fee may be
25 apportioned with relation to the part of the fiscal year that has
26 expired. If transient traders continue in the same business after
27 the commencement of the next fiscal year, and their goods or
28 merchandise are assessed for taxes for the next fiscal year, the
29 traders are not required to take out a second license upon the



1 commencement of the next fiscal year.

2 (2) Except as otherwise provided in subsection (3), the
3 council may enact ordinances and make regulations, consistent with
4 the laws and constitution of this state as they may consider
5 necessary for the safety, order, and good government of the city
6 and the general welfare of the inhabitants of the city, but
7 exclusive rights, privileges, or permits must not be granted by the
8 council.

9 (3) This section is subject to the local government
10 occupational licensing act, **2018 PA 493, MCL 123.1421 to 123.1431.**

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

13 Enacting section 2. This amendatory act does not take effect
14 unless Senate Bill No.____ or House Bill No. 5655 (request no.
15 05968'20) of the 100th Legislature is enacted into law.

