

SENATE BILL NO. 224

March 14, 2019, Introduced by Senator SANTANA and referred to the Committee on Appropriations.

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; and to repeal acts and parts of acts.

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.

1 (b) Regulating and restricting the locations of oil and
2 gasoline stations.

3 (c) The establishment of districts or zones within which the
4 use of land and structures, the height, area, size, and location of
5 buildings, the required open spaces for light and ventilation of
6 buildings, and the density of population may be regulated by
7 ordinance. The zoning ordinance provisions applicable to 1 or more
8 districts may differ from those applicable to other districts. If a
9 city is incorporated, or if territory is annexed to a city
10 incorporated under this act, the zoning ordinance provisions
11 applicable to the territory within the newly incorporated city or
12 the annexed territory must remain in effect for 2 years after the
13 incorporation or annexation unless the legislative body of the city
14 lawfully adopts other zoning ordinance provisions.

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

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

29 (i) A woman's breastfeeding of a baby whether or not the nipple

1 or areola is exposed during or incidental to the feeding.

2 (ii) Material as that term is defined in section 2 of 1984 PA
3 343, MCL 752.362.

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

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

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

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

15 (i) Subject to ~~sections 4p and~~ **section 4u**, a system of
16 compensation for city employees and for the dependents of city
17 employees in the case of disability, injury, or death of city
18 employees.

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

21 (k) The punishment of persons who violate city ordinances
22 other than ordinances described in section 4l. The penalty for a
23 violation of such a city ordinance must not exceed a fine of
24 \$500.00 or imprisonment for 90 days, or both. However, unless
25 otherwise provided by law, the ordinance may provide that a
26 violation of the ordinance is punishable by imprisonment for not
27 more than 93 days or a fine of not more than \$500.00, or both, if
28 the violation substantially corresponds to a violation of state law
29 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 Enacting section 1. Sections 4p, 4s, and 4t of the home rule
9 city act, 1909 PA 279, MCL 117.4p, 117.4s, and 117.4t, are
10 repealed.