

# HOUSE BILL NO. 4101

February 03, 2021, Introduced by Reps. Glenn, Whitsett, Whiteford, Calley, Kahle, Brabec, Rendon, Paquette, Bollin, Wozniak, Lasinski, Clemente, Camilleri, Hammoud, Yancey, Hope, Anthony, Thanedar, Puri, Bolden, Stone, Allor and Jones 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

1 powers:

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

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

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

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

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

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

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

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

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

1       (j) To license, regulate, or prohibit auctioneers, auctions,  
2 and sales by public bids or offers by buyers or sellers in the  
3 manner of auctions; and to regulate the fees to be paid by and to  
4 auctioneers. However, a license is not required in case of sales  
5 required by law to be made at auction.

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

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

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

15       (n) To regulate and license taverns, houses of public  
16 entertainment, saloons, restaurants, and eating houses; and to  
17 regulate and prescribe the location of saloons. This subdivision  
18 does not authorize the licensing of the sale of alcoholic liquor as  
19 that term is defined in section 105 of the Michigan liquor control  
20 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.

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

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

1 brick, lumber, firewood, coal, hay, and any article of merchandise.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (mm) To license transient traders. In the case of transient  
24 traders who engage in the business of selling goods or merchandise  
25 after the commencement of the fiscal year, the license fee may be  
26 apportioned with relation to the part of the fiscal year that has  
27 expired. If transient traders continue in the same business after  
28 the commencement of the next fiscal year, and their goods or  
29 merchandise are assessed for taxes for the next fiscal year, the

1 traders are not required to take out a second license upon the  
2 commencement of the next fiscal year.

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

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

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

14 Enacting section 2. This amendatory act does not take effect  
15 unless Senate Bill No.\_\_\_\_ or House Bill No. 4112 (request no.  
16 01304'21) of the 101st Legislature is enacted into law.