

SENATE BILL NO. 1038

May 17, 2022, 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 2018 PA 498; 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.
- 4 (b) Regulating and restricting the locations of oil and

1 gasoline stations.

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

14 (d) Except as otherwise provided in this subdivision, the
15 regulation of trades, occupations, and amusements within city
16 boundaries, if the regulations are not inconsistent with state or
17 federal law, and the prohibition of trades, occupations, and
18 amusements that are detrimental to the health, morals, or welfare
19 of the inhabitants of that city. This subdivision is subject to the
20 local government occupational licensing act, **2018 PA 493, MCL**
21 **123.1421 to 123.1431.**

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

1 include any of the following:

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

4 (ii) Material as that term is defined in section 2 of 1984 PA
5 343, MCL 752.362.

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

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

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

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

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

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

23 (k) The punishment of persons who violate city ordinances
24 other than ordinances described in section 4/. The penalty for a
25 violation of such a city ordinance must not exceed a fine of
26 \$500.00 or imprisonment for 90 days, or both. However, unless
27 otherwise provided by law, the ordinance may provide that a
28 violation of the ordinance is punishable by imprisonment for not
29 more than 93 days or a fine of not more than \$500.00, or both, if

1 the violation substantially corresponds to a violation of state law
2 that is a misdemeanor for which the maximum period of imprisonment
3 is 93 days. In addition, a city may adopt section 625(1)(c) of the
4 Michigan vehicle code, 1949 PA 300, MCL 257.625, by reference in an
5 adopting ordinance and shall provide that a violation of that
6 ordinance is punishable by 1 or more of the following:

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

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

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

10 Enacting section 1. Sections 4p, 4s, and 4t of the home rule
11 city act, 1909 PA 279, MCL 117.4p, 117.4s, and 117.4t, are
12 repealed.