

THE HOME RULE CITY ACT (EXCERPT)
Act 279 of 1909

117.4i Permissible charter provisions.

Sec. 4i. Each city may provide in its charter for 1 or more of the following:

(a) Laying and collecting rents, tolls, and excises.

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

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

(d) Except as otherwise provided in this subdivision, the regulation of trades, occupations, and amusements within city boundaries, if the regulations are not inconsistent with state or federal law, and the prohibition of trades, occupations, and amusements that are detrimental to the health, morals, or welfare of the inhabitants of that city. This subdivision is subject to the local government occupational licensing act.

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

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

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

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

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

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

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

(i) Subject to sections 4p and 4u, a system of compensation for city employees and for the dependents of city employees in the case of disability, injury, or death of city employees.

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

(k) The punishment of persons who violate city ordinances other than ordinances described in section 4l. The penalty for a violation of such a city ordinance must not exceed a fine of \$500.00 or imprisonment for 90 days, or both. However, unless otherwise provided by law, the ordinance may provide that a violation of the ordinance is punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both, if the violation substantially corresponds to a violation of state law that is a misdemeanor for which the maximum period of imprisonment is 93 days. In addition, a city may adopt section 625(1)(c) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, by reference in an adopting ordinance and shall provide that a violation of that ordinance is punishable by 1 or more of the following:

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

(ii) Imprisonment for not more than 180 days.

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

History: Add. 1929, Act 126, Eff. Aug. 28, 1929;—CL 1929, 2239;—Am. 1937, Act 309, Eff. Oct. 29, 1937;—Am. 1939, Act 175, Eff. Sept. 29, 1939;—Am. 1941, Act 10, Imd. Eff. Mar. 5, 1941;—Am. 1941, Act 283, Imd. Eff. June 17, 1941;—CL 1948, 117.4i;—Am. 1957, Act 131, Imd. Eff. May 25, 1957;—Am. 1963, Act 166, Eff. Sept. 6, 1963;—Am. 1991, Act 175, Eff. Mar. 30, 1992;—Am. 1994, Act 17, Eff. May 1, 1994;—Am. 1994, Act 313, Imd. Eff. July 21, 1994;—Am. 1996, Act 179, Imd. Eff. Apr. 19, 1996;—Am. 1999, Act 55, Eff. Oct. 1, 1999;—Am. 2012, Act 7, Imd. Eff. Feb. 15, 2012;—Am. 2014, Act 183, Imd. Eff. June 20, 2014;—Am. 2017, Act 214, Imd. Eff. Dec. 20, 2017;—Am. 2018, Act 498, Imd. Eff. Dec. 27, 2018.

Compiler's note: Enacting section 1 of Act 498 of 2018 provides:

"Enacting section 1. This amendatory act is retroactive and takes effect January 1, 2018."