



# HOUSE BILL No. 4302

February 2, 1995, Introduced by Reps. Bodem, Dobronski, Nye, Hill, Whyman, Ryan, Schroer, Brackenridge, Clack, Dobb, Rocca, Curtis, Bush, Dalman, McManus, Fitzgerald, Sikkema and Profit and referred to the Committee on Judiciary and Civil Rights.

A bill to amend section 4i of Act No. 279 of the Public Acts of 1909, entitled as amended

"The home rule city act,"

as amended by Act No. 313 of the Public Acts of 1994, being section 117.4i of the Michigan Compiled Laws.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1 Section 1. Section 4i of Act No. 279 of the Public Acts of  
2 1909, as amended by Act No. 313 of the Public Acts of 1994, being  
3 section 117.4i of the Michigan Compiled Laws, is amended to read  
4 as follows:

5 Sec. 4i. Each city ~~may~~ in its charter MAY provide FOR ALL  
6 OF THE FOLLOWING:

7 (a) ~~For laying~~ LAYING and collecting rents, tolls, and  
8 excises.

1 (b) ~~For regulating~~ REGULATING and restricting the  
2 locations of oil and gasoline stations.

3 (c) ~~For the~~ THE establishment of districts or zones within  
4 which the use of land and structures, the height, area, size, and  
5 location of buildings, the required open spaces for light and  
6 ventilation of buildings, and the density of population, may be  
7 regulated by ordinance. The zoning ~~ordinances in~~ ORDINANCE  
8 PROVISIONS APPLICABLE TO 1 or more districts may differ from ~~the~~  
9 ~~zoning ordinances in~~ THOSE APPLICABLE TO other districts. If a  
10 city is incorporated, or if territory is annexed to a city incor-  
11 porated under this act, the zoning ~~ordinances of~~ ORDINANCE PRO-  
12 VISIONS APPLICABLE TO the territory within the newly incorporated  
13 city or ~~of~~ the annexed territory shall remain in effect for 2  
14 years after the incorporation or annexation unless the legisla-  
15 tive body of the city lawfully adopts other zoning ~~ordinances~~  
16 ORDINANCE PROVISIONS.

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

22 (e) ~~For the~~ THE regulation or prohibition of public nudity  
23 within city boundaries. As used in this subdivision, "public  
24 nudity" means knowingly or intentionally displaying in a public  
25 place, or for payment or promise of payment by any person includ-  
26 ing, but not limited to, payment or promise of payment of an  
27 admission fee, any individual's genitals or anus with less than a

1 fully opaque covering, or a female individual's breast with less  
2 than a fully opaque covering of the nipple and areola. Public  
3 nudity does not include any of the following:

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

6 (ii) Material as defined in section 2 of Act No. 343 of the  
7 Public Acts of 1984, being section 752.362 of the Michigan  
8 Compiled Laws.

9 (iii) Sexually explicit visual material as defined in sec-  
10 tion 3 of Act No. 33 of the Public Acts of 1978, being section  
11 722.673 of the Michigan Compiled Laws.

12 (f) ~~For licensing~~ LICENSING, regulating, restricting, and  
13 limiting the number and locations of billboards within the city.

14 (g) ~~For the~~ THE initiative and referendum on all matters  
15 within the scope of the powers of that city, and for the recall  
16 of city officials.

17 (h) ~~For a~~ A system of civil service for city employees,  
18 including employees of that city's board of health, and employees  
19 of any jail operated or maintained by the city. Charter provi-  
20 sions ~~heretofore or hereafter adopted~~ providing for a system of  
21 civil service for employees of a local health board are valid and  
22 effective.

23 (i) ~~For a~~ A system of compensation for city employees and  
24 the dependents of city employees in the case of disability,  
25 injury, or death of city employees.

26 (j) ~~For the~~ THE enforcement of police, sanitary, and other  
27 ordinances that are not in conflict with the general laws.

1       (k) ~~For the~~ THE punishment of persons who violate city  
2 ordinances OTHER THAN ORDINANCES DESCRIBED IN SECTION 44(1), (2),  
3 OR (3). However, the penalty for a violation of a city ordinance  
4 shall not exceed a fine of \$500.00, or imprisonment for 90 days,  
5 or both. HOWEVER, THE PENALTY FOR A VIOLATION OF SUCH A CITY  
6 ORDINANCE SHALL NOT EXCEED A FINE OF \$500.00 OR IMPRISONMENT FOR  
7 93 DAYS, OR BOTH, IF EITHER OF THE FOLLOWING APPLIES:

8       (i) THE VIOLATION SUBSTANTIALLY CORRESPONDS TO A VIOLATION  
9 UNDER SECTION 81(2), 131(3)(A)(i), OR 356D OF THE MICHIGAN PENAL  
10 CODE, ACT NO. 328 OF THE PUBLIC ACTS OF 1931, BEING SECTIONS  
11 750.81, 750.131, AND 750.356D OF THE MICHIGAN COMPILED LAWS.

12       (ii) THE VIOLATION SUBSTANTIALLY CORRESPONDS TO A VIOLATION  
13 UNDER SECTION 300A(1)(A) OF ACT NO. 328 OF THE PUBLIC ACTS OF  
14 1931, BEING SECTION 750.300A OF THE MICHIGAN COMPILED LAWS, AND  
15 THE DEFENDANT DOES NOT HAVE A PRIOR CONVICTION FOR A VIOLATION OF  
16 SECTION 300A OF ACT NO. 328 OF THE PUBLIC ACTS OF 1931.