

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5961

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 1994
PA 19.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 CHAPTER XI--GENERAL POWERS OF CITY CORPORATIONS

2 Sec. 1. (1) ~~A~~**EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3),**
3 **A** city incorporated under the provisions of this act has, and the
4 council may pass ordinances relating to, the following general
5 powers:

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

1 city.

2 (b) To prohibit vagrancy, truancy, begging, public
3 drunkenness, disorderly conduct, or prostitution.

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

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

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

10 (f) To prohibit and suppress gambling and to authorize the
11 seizure and destruction of instruments and devices used for
12 gambling.

13 (g) To prohibit and prevent the selling or giving of alcoholic
14 liquor ~~as THAT TERM IS defined in section 2 of the Michigan~~
15 ~~liquor control act, Act No. 8 of the Public Acts of the Extra~~
16 ~~Session of 1933, being section 436.2 of the Michigan Compiled~~
17 ~~Laws~~ **105 OF THE MICHIGAN LIQUOR CONTROL CODE OF 1998, 1998 PA 58,**
18 **MCL 436.1105.**

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

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

27 (j) To license, regulate, or prohibit auctioneers, auctions,

1 and sales by public bids or offers by buyers or sellers in the
2 manner of auctions; and to regulate the fees to be paid by and to
3 auctioneers. However, a license ~~shall~~**IS** not ~~be~~ required in case of
4 sales required by law to be made at auction.

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

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

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

14 (n) To regulate and license taverns, houses of public
15 entertainment, saloons, restaurants, and eating houses; and to
16 regulate and prescribe the location of saloons. This subdivision
17 does not authorize the licensing of the sale of alcoholic liquor ~~7~~
18 as **THAT TERM IS** defined in section 2 ~~of Act No. 8 of the Public~~
19 ~~Acts of the Extra Session of 1933.~~**105 OF THE MICHIGAN LIQUOR**
20 **CONTROL 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.

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

2 (r) To regulate the inspection, weighing, and measuring of
3 brick, lumber, firewood, coal, hay, and any article of merchandise.

4 (s) To provide for the inspection and sealing of weights and
5 measures and to enforce the keeping and use of proper weights and
6 measures by ~~venders~~**VENDORS**.

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

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

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

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

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

25 (y) To regulate the keeping, selling, and using of dynamite,
26 gunpowder, firecrackers and fireworks, and other explosive or
27 combustible materials; to regulate the exhibition of fireworks and

1 the discharge of firearms; and to restrain the making of fires in
2 the streets and other open spaces in the city.

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

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

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

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

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

25 (ee) To provide for taking a census of the inhabitants of the
26 city, whenever the council sees fit, and to direct and regulate the
27 census.

1 (ff) To provide for the issuing of licenses to the owners and
2 keepers of dogs and to require the owners and keepers of dogs to
3 pay for and obtain ~~such~~ licenses; and to regulate and prevent the
4 running at large of dogs, to require dogs to be muzzled, and to
5 authorize the killing of dogs running at large or not licensed in
6 violation of an ordinance of the city.

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

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

13 (ii) To provide for and regulate the numbering of buildings
14 upon the streets and alleys; to require the owners or occupants of
15 buildings to affix numbers on the buildings; and to designate and
16 change the names of public streets, alleys, and parks.

17 (jj) To provide for, establish, regulate, and preserve public
18 fountains and reservoirs within the city, and troughs and basins
19 for watering animals.

20 (kk) To prevent or provide for the construction and operation
21 of street railways, to regulate street railways, and to determine
22 and designate the route and grade of any street railway to be laid
23 or constructed in the city.

24 (ll) To establish and maintain a public library, to provide a
25 suitable building for that public library, and to aid in
26 maintaining ~~such~~ other public libraries as may be established
27 within the city by private beneficence as the council considers to

1 be for the public good.

2 (mm) To license transient traders. In the case of transient
3 traders who engage in the business of selling goods or merchandise
4 after the commencement of the fiscal year, the license fee may be
5 apportioned with relation to the part of the fiscal year that has
6 expired. If ~~such~~**TRANSIENT** traders continue in the same business
7 after the commencement of the next fiscal year, and their goods or
8 merchandise are assessed for taxes for the next fiscal year, the
9 traders ~~shall~~**ARE** not ~~be~~ required to take out a second license upon
10 the commencement of the next fiscal year.

11 (2) ~~The~~**EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3), THE**
12 council may enact ordinances and make regulations, consistent with
13 the laws and constitution of ~~the~~**THIS** state as they may consider
14 necessary for the safety, order, and good government of the city
15 and the general welfare of the inhabitants of the city, but
16 exclusive rights, privileges, or permits ~~shall~~**MUST** not be granted
17 by the council.

18 (3) **THIS SECTION IS SUBJECT TO THE LOCAL GOVERNMENT**
19 **OCCUPATIONAL LICENSING ACT.**

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

22 Enacting section 2. This amendatory act does not take effect
23 unless House Bill No. 5955 of the 99th Legislature is enacted into
24 law.