

SENATE BILL No. 101

February 19, 1991, Introduced by Senators KELLY, CONROY, KOIVISTO, CHERRY and BERRYMAN and referred to the Committee on Local Government and Reapportionment.

A bill to amend sections 1a, 4i, 29, and 32 of Act No. 279 of the Public Acts of 1909, entitled as amended

"An act to provide for the incorporation of cities and for revising and amending their charters; to provide for certain powers and duties; to provide for the levy and collection of taxes by cities, borrowing of money, and issuance of bonds or other evidences of indebtedness; to validate actions taken, bonds issued, and obligations heretofore incurred; and to repeal certain acts and parts of acts on specific dates,"

being sections 117.1a, 117.4i, 117.29, and 117.32 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 1a, 4i, 29, and 32 of Act No. 279 of
2 the Public Acts of 1909, being sections 117.1a, 117.4i, 117.29,
3 and 117.32 of the Michigan Compiled Laws, are amended to read as
4 follows:

5 Sec. 1a. As used in this act, ~~the phrase "having a~~
6 ~~population," or any phrase or combination of words of like~~

1 ~~import, shall be construed to mean "now or hereafter having a~~
 2 ~~population of." The words "last," "latest," "preceding" or "last~~
 3 ~~preceding" used in connection with a "federal" or "United States"~~
 4 ~~or other census, or any words, phrases or combinations of words~~
 5 ~~of like import, shall be construed to also include any such~~
 6 ~~census taken after the enactment of the statute.~~ "CIVIL
 7 INFRACTION" AND "MUNICIPAL CIVIL INFRACTION" MEAN THOSE TERMS AS
 8 DEFINED IN SECTION 113 OF THE REVISED JUDICATURE ACT OF 1961, ACT
 9 NO. 236 OF THE PUBLIC ACTS OF 1961, BEING SECTION 600.113 OF THE
 10 MICHIGAN COMPILED LAWS.

11 Sec. 4i. (1) Each city may in its charter provide:

12 (A) ~~(1)~~ For laying and collecting rents, tolls, and
 13 excises.

14 (B) ~~(2)~~ For regulating and restricting the locations of
 15 oil and gasoline stations.

16 (C) ~~(3)~~ For the establishment of districts or zones within
 17 which the use of land and structures, the height, ~~the~~ area,
 18 ~~the~~ size, and location of buildings, ~~and~~ THE required open
 19 spaces for light and ventilation of ~~such~~ buildings, and the
 20 density of population may be regulated by ordinance. ~~Such regu-~~
 21 ~~lations in~~ THE ZONING ORDINANCE PROVISIONS APPLICABLE TO 1 or
 22 more districts may differ from those ~~in~~ APPLICABLE TO other
 23 districts. ~~Whenever any~~ IF A city is incorporated ~~,~~ or
 24 ~~whenever~~ IF territory is annexed to ~~any~~ A city incorporated
 25 pursuant to ~~the provisions of~~ this act, the ~~then existing~~
 26 zoning ~~regulations for~~ ORDINANCE PROVISIONS APPLICABLE TO the
 27 territory within the newly incorporated city or ~~for~~ the annexed

1 territory ~~,~~ shall remain in ~~full force and~~ effect for ~~a~~
2 ~~period of~~ 2 years after THE incorporation or annexation ~~,~~
3 unless the legislative body of the city ~~shall~~ lawfully ~~adopt~~
4 ADOPTS other zoning ~~regulations or ordinances~~ ORDINANCE
5 PROVISIONS.

6 (D) ~~(4)~~ For the regulation of trades, occupations, and
7 amusements within ~~its~~ CITY boundaries, IF THE REGULATIONS ARE
8 not inconsistent with state ~~and~~ OR federal ~~laws~~ LAW, and for
9 the prohibition of ~~such~~ trades, occupations, and amusements
10 ~~as~~ THAT are detrimental to the health, morals, or welfare of
11 ~~its~~ THE inhabitants OF THE CITY.

12 (E) ~~(5)~~ For licensing, regulating, restricting, and limit-
13 ing the number and locations of billboards within the city.

14 (F) ~~(6)~~ For the initiative and referendum on all matters
15 within the scope of ~~its~~ THE powers OF THE CITY, and for the
16 recall of ~~all of its~~ CITY officials.

17 (G) ~~(7)~~ For a system of civil service for ~~its~~ CITY
18 employees, including ~~the~~ employees of ~~any city~~ THE CITY'S
19 board of health and ~~the~~ employees of any ~~prison~~ JAIL operated
20 or maintained by ~~it~~ THE CITY. Charter provisions ~~heretofore~~
21 ~~or hereafter adopted~~ providing for a system of civil service for
22 employees of ~~any~~ A local health board ~~shall be~~ ARE valid and
23 effective.

24 (H) ~~(8)~~ For a system of compensation for ~~its~~ CITY
25 employees and ~~their~~ THE dependents OF CITY EMPLOYEES in the
26 case of disability, injury, or death of ~~such~~ CITY employees.

1 (I) ~~(9)~~ For the enforcement of ~~all such local,~~ police,
2 sanitary, and other ~~regulations as~~ ORDINANCES THAT are not in
3 conflict with the general laws.

4 (J) ~~(10)~~ For the punishment of ~~these~~ PERSONS who violate
5 ~~its laws or~~ CITY ordinances. ~~, but no punishment~~ A PENALTY
6 FOR A VIOLATION OF A CITY ORDINANCE shall NOT exceed a fine of
7 \$500.00 or imprisonment for 90 days, or both, in the discretion
8 of the court. ~~, said imprisonment may be in the county jail or~~
9 ~~city prison, or in any workhouse in the state authorized by law~~
10 ~~to receive prisoners from such city.~~

11 (2) WHETHER OR NOT AUTHORIZED BY THE CITY CHARTER, THE LEG-
12 ISLATIVE BODY OF A CITY MAY MAKE A VIOLATION OF AN ORDINANCE A
13 CIVIL INFRACTION. A VIOLATION OF AN ORDINANCE IS A MUNICIPAL
14 CIVIL INFRACTION ONLY IF THE ORDINANCE EXPLICITLY STATES THAT A
15 VIOLATION IS A MUNICIPAL CIVIL INFRACTION. IF A VIOLATION OF AN
16 ORDINANCE IS A CIVIL INFRACTION, THE ORDINANCE MAY PROVIDE A
17 CIVIL FINE FOR ITS VIOLATION.

18 Sec. 29. The district court, a municipal court, the traffic
19 and ordinance division of the recorder's court of the city of
20 Detroit, the common pleas court, or the circuit court, as pro-
21 vided by law, may hear, try, and determine actions ~~and~~
22 ~~prosecutions~~ for the recovery and enforcing of fines, penalties,
23 and forfeitures imposed by the charter and ordinances of the
24 city, and ~~punish~~ SANCTION offenders for the violation of the
25 charter and ordinances, as is prescribed and directed in the
26 charter or ordinances.

1 Sec. 32. (1) Except as provided in subsection (3), there
2 may be elected or appointed in each city ~~at least 1 constable~~
3 OR MORE CONSTABLES who shall have like powers and authorities ~~in~~
4 ~~matters~~ in civil and criminal ~~nature~~ MATTERS, and in relation
5 to the service of process, civil and criminal, as are conferred
6 by law on constables in townships. A city, by ordinance, may
7 abolish, restrict, and limit the authority conferred upon a con-
8 stable by law, except that a city constable may be appointed by a
9 district court as a district court officer and may perform duties
10 permitted pursuant to chapter 83 of THE REVISED JUDICATURE ACT OF
11 1961, Act No. 236 of the Public Acts of 1961, as amended, being
12 sections 600.8301 to 600.8395 of the Michigan Compiled Laws. ~~A~~
13 EXCEPT AS OTHERWISE PROVIDED IN SECTIONS 8701 AND 8707 OF ACT
14 NO. 236 OF THE PUBLIC ACTS OF 1961, BEING SECTIONS 600.8701 AND
15 600.8707 OF THE MICHIGAN COMPILED LAWS, AND SECTION 742 OF THE
16 MICHIGAN VEHICLE CODE, ACT NO. 300 OF THE PUBLIC ACTS OF 1949,
17 BEING SECTION 257.742 OF THE MICHIGAN COMPILED LAWS, A constable
18 shall serve all process issued for breaches of ordinances of the
19 city. A city may by ordinance provide for the appointment of
20 additional constables except that the maximum number of persons
21 who may be appointed as constables shall not exceed the number of
22 elected constables ~~new~~ provided for in the charter of the city
23 ON SEPTEMBER 23, 1949. An appointed or elected constable may be
24 paid a salary in addition to fees.

25 (2) This section ~~shall~~ DOES not apply to ~~cities which~~
26 ~~have~~ A CITY THAT HAS a population of 500,000 or more.

1 (3) A constable shall serve all warrants, notices, and
2 process lawfully directed to the constable by the city and shall
3 perform other duties required of a constable by law. A city, by
4 ordinance, may restrict or limit the duties of a city constable
5 prescribed by law. If the city requires the constable to perform
6 both statutory criminal and civil duties, a person elected or
7 appointed to the office of city constable shall fulfill the mini-
8 mum employment standards established by the law enforcement
9 ~~officers training~~ council pursuant to section 9 of THE MICHIGAN
10 LAW ENFORCEMENT OFFICERS TRAINING COUNCIL ACT OF 1965, Act
11 No. 203 of the Public Acts of 1965, as amended, being section
12 28.609 of the Michigan Compiled Laws. The cost of complying with
13 these standards shall be borne by the city.

14 Section 2. This amendatory act shall not take effect unless
15 Senate Bill No. 96

16 of the 86th Legislature is enacted into law.