



# HOUSE BILL No. 6147

September 25, 1996, Introduced by Reps. Pitoniak, Brewer, DeMars and Parks and referred to the Committee on Local Government.

A bill to amend section 1 of chapter VII of Act No. 3 of the Public Acts of 1895, entitled as amended "The general law village act," as amended by Act No. 314 of the Public Acts of 1994, being section 67.1 of the Michigan Compiled Laws.

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

1 Section 1. Section 1 of chapter VII of Act No. 3 of the  
2 Public Acts of 1895, as amended by Act No. 314 of the Public Acts  
3 of 1994, being section 67.1 of the Michigan Compiled Laws, is  
4 amended to read as follows:

5 CHAPTER VII

6 Sec. 1. A village subject to this act has, in addition to  
7 other powers that are conferred, the general power and authority  
8 granted in this chapter. The council of a village subject to  
9 this act may enact ordinances relating to the powers described in

1 this section as it considers proper, including, but not limited  
2 to, ordinances relating to 1 or more of the following:

3 (a) To restrain and prevent vice and immorality.

4 (b) To punish vagrants, disorderly persons, and  
5 prostitutes.

6 (c) To abate nuisances and preserve the public health.

7 (d) To prohibit and suppress disorderly houses and gaming  
8 houses.

9 (e) To regulate, license, or suppress billiard tables and  
10 ball alleys, public dance halls, and soft drink emporiums.

11 (f) To suppress gaming.

12 (g) To regulate and license public shows and exhibitions.

13 (h) To ~~license auctioneers,~~ license and regulate hawkers  
14 and peddlers, ~~to regulate or prohibit sales of property at auc-~~  
15 ~~tion except sales made pursuant to an order of a court or public~~  
16 ~~law,~~ to require transient traders and dealers to obtain a  
17 license before engaging in business, and to regulate by ordinance  
18 the terms and conditions of issuing those licenses.

19 (i) To license and regulate hacks and other public  
20 vehicles.

21 (j) To provide for and regulate the inspection of  
22 provisions.

23 (k) To regulate or prohibit bathing in the rivers, ponds,  
24 streams, and waters of the village.

25 (l) To regulate or prohibit the selling, storing, or trans-  
26 portation of combustible or explosive substances or materials

1 within the village, and to regulate and restrain the making of  
2 fires in the streets or other open spaces in the village.

3 (m) To provide for the organization and regulation of a fire  
4 department, to provide for the prevention and extinguishment of  
5 fires, and to establish and maintain definite fire limits.

6 (n) To license and regulate solicitors for passengers or  
7 baggage for any hotel, tavern, public house, boat, or railroad,  
8 and draymen, carmen, truckmen, porters, runners, drivers of cabs,  
9 hackney coaches, omnibuses, carriages, sleighs, express vehicles,  
10 and other vehicles used and employed for hire, and to fix and  
11 regulate the amount and rate of compensation of those  
12 individuals.

13 (o) To require horses, mules, or other animals attached to  
14 any vehicle or standing in any street, lane, or alley in the vil-  
15 lage to be securely fastened, hitched, watched, or held.

16 (p) To prevent and punish horse racing and immoderate driv-  
17 ing in any street, park, or alley and to authorize the stopping  
18 and detaining of any person who is immoderately driving or riding  
19 in any street, park, or alley in the village.

20 (q) To prevent the running at large of dogs, to require dogs  
21 to be muzzled, and to authorize the destruction of dogs found at  
22 large in violation of an ordinance of the village.

23 (r) To establish lines and grades upon which buildings may  
24 be erected, and beyond which buildings shall not extend.

25 (s) To prevent the erection and provide for the removal of  
26 buildings considered unsafe.

1 (t) To regulate the placement and provide for the  
2 preservation of horse posts or hitching posts.

3 (u) To declare and define the powers and duties of the offi-  
4 cers of the village whose powers and duties are not specifically  
5 prescribed in this act.

6 (v) To require the treasurer or marshal of the village, and  
7 other officers of the village as the council considers proper to  
8 give bonds for the discharge of their official duties.

9 (w) To see that the officers of the village perform their  
10 duties faithfully and that proper measures are taken to punish  
11 neglect of duty by any officer of the village.

12 (x) To provide for the care, custody, and preservation of  
13 the public property of the village.

14 (y) To investigate any matter that may come under the juris-  
15 diction of the village and that is pursuant to the authority  
16 vested in the council or in any officer under this act. The  
17 council by majority consent of the council members serving may  
18 serve upon a person a subpoena that has been authorized by a  
19 court of proper jurisdiction in the county in which the village  
20 is located compelling the person to appear before the council or  
21 any committee of the council to be examined under oath or to  
22 produce a document or object for inspection or copying. If a  
23 person objects to or otherwise fails to comply with the written  
24 notice served upon him or her, the council may file in that court  
25 an action to enforce the subpoena. The court may issue an order  
26 requiring the person to appear to be examined or to produce a

1 document or object for inspection or copying. Failure to obey  
2 the order of the court is punishable by the court as a contempt.

3 (z) To adopt other ordinances and make other regulations for  
4 the safety and good government of the village and the general  
5 welfare of its inhabitants that are not inconsistent with the  
6 general laws of this state.

7 (aa) To regulate or prohibit public nudity within village  
8 boundaries. As used in this subdivision, "public nudity" means  
9 knowingly or intentionally displaying in a public place, or for  
10 payment or promise of payment by any person including, but not  
11 limited to, payment or promise of payment of an admission fee,  
12 any individual's genitals or anus with less than a fully opaque  
13 covering, or a female individual's breast with less than a fully  
14 opaque covering of the nipple and areola. Public nudity does not  
15 include any of the following:

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

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

21 (iii) Sexually explicit visual material as defined in sec-  
22 tion 3 of Act No. 33 of the Public Acts of 1978, being section  
23 722.673 of the Michigan Compiled Laws.

24 Section 2. This amendatory act shall not take effect unless  
25 all of the following bills of the 88th Legislature are enacted  
26 into law:

1 (a) Senate Bill No. \_\_\_\_\_ or House Bill No. 6149 (request  
2 no. 07035'96).

3 (b) Senate Bill No. \_\_\_\_\_ or House Bill No. 6148 (request  
4 no. 07035'96 a).

5 (c) Senate Bill No. \_\_\_\_\_ or House Bill No. 6146 (request  
6 no. 07035'96 c).