

SUBSTITUTE FOR  
HOUSE BILL NO. 4390

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

2 Sec. 1. (1) A city incorporated under the provisions of  
3 this act has, and the council may pass ordinances relating to,  
4 the following general powers:

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

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

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

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

8 (e) To regulate or license the use of places of  
9 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 alco-  
14 holic liquor, as defined in section ~~2 of the Michigan liquor~~  
15 ~~control act, Act No. 8 of the Public Acts of the Extra Session of~~  
16 ~~1933, being section 436.2 of the Michigan Compiled Laws~~ 1105 OF  
17 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  
21 or received, except lectures on historic, literary, or scientific  
22 subjects.

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

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

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

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

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

15       (n) To regulate and license taverns, houses of public enter-  
16 tainment, saloons, restaurants, and eating houses; and to regu-  
17 late and prescribe the location of saloons. This subdivision  
18 does not authorize the licensing of the sale of alcoholic liquor,  
19 as defined in section ~~2 of Act No. 8 of the Public Acts of the~~  
20 ~~Extra Session of 1933~~ 1105 OF THE MICHIGAN LIQUOR CONTROL CODE  
21 OF 1998, 1998 PA 58, MCL 436.1105.

22       (o) To license and regulate vehicles used for the transpor-  
23 tation of persons or property for hire in the city; and to regu-  
24 late or fix their stands on the streets and public places and at  
25 wharves, boat landings, railroad station grounds, and other  
26 places.

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1 (p) To regulate and license toll bridges within the city and  
2 to prescribe the rates and charges for passage over the bridges.

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

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

7 (s) To provide for the inspection and sealing of weights and  
8 measures and to enforce the keeping and use of proper weights and  
9 measures by venders.

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

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

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

18 (w) To provide for the clearing of driftwood and noxious  
19 matter from the city's bodies of water; and to prohibit and pre-  
20 vent the depositing in the city's bodies of water of matter tend-  
21 ing to render the water impure, unwholesome, or offensive.

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

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1       (y) To regulate the keeping, selling, and using of dynamite,  
2 gunpowder, firecrackers and fireworks, and other explosive or  
3 combustible materials; to regulate the exhibition of fireworks  
4 and the discharge of firearms; and to restrain the making of  
5 fires in the streets and other open spaces in the city.

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

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

14       (bb) To prohibit, prevent, and suppress lotteries for the  
15 drawing or disposing of money or other property. Persons main-  
16 taining, directing, or managing such lotteries or aiding in the  
17 maintenance, directing, or managing of such lotteries may be  
18 subject to the provisions of an ordinance under this  
19 subdivision.

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

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

2 (ee) To provide for taking a census of the inhabitants of  
3 the city, whenever the council sees fit, and to direct and regu-  
4 late the census.

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

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

14 (hh) To require horses, mules, or other animals attached to  
15 vehicles or standing in the streets, lanes, or alleys in the city  
16 to be securely fastened, hitched, watched, or held and to regu-  
17 late the placing and provide for the preservation of hitching  
18 posts.

19 (ii) To provide for and regulate the numbering of buildings  
20 upon the streets and alleys; to require the owners or occupants  
21 of buildings to affix numbers on the buildings; and to designate  
22 and change the names of public streets, alleys, and parks.

23 (jj) To provide for, establish, regulate, and preserve  
24 public fountains and reservoirs within the city, and troughs and  
25 basins for watering animals.

26 (kk) To prevent or provide for the construction and  
27 operation of street railways, to regulate street railways, and to

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1 determine and designate the route and grade of any street railway  
2 to be laid or constructed in the city.

3       (11) To establish and maintain a public library, to provide  
4 a suitable building for that public library, and to aid in main-  
5 taining such other public libraries as may be established within  
6 the city by private beneficence as the council considers to be  
7 for the public good.

8       (mm) To license transient traders. In the case of transient  
9 traders who engage in the business of selling goods or merchan-  
10 dise after the commencement of the fiscal year, the license fee  
11 may be apportioned with relation to the part of the fiscal year  
12 that has expired. If such traders continue in the same business  
13 after the commencement of the next fiscal year, and their goods  
14 or merchandise are assessed for taxes for the next fiscal year,  
15 the traders shall not be required to take out a second license  
16 upon the commencement of the next fiscal year.

17       (2) The council may enact ordinances and make regulations,  
18 consistent with the laws and constitution of the state as they  
19 may consider necessary for the safety, order, and good government  
20 of the city and the general welfare of the inhabitants of the  
21 city, but exclusive rights, privileges, or permits shall not be  
22 granted by the council.

23       Enacting section 1. This amendatory act does not take  
24 effect unless all of the following bills of the 89th Legislature  
25 are enacted into law:

26       (a) House Bill No. 5874.

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**1** (b) House Bill No. 4388.

**2** (c) House Bill No. 4389.