

**STATE OF MICHIGAN
87TH LEGISLATURE
REGULAR SESSION OF 1993**

Introduced by Senators Conroy, Schwarz, Arthurhultz, Cherry, Berryman, Stabenow, Honigman, Hart,
Kelly, Koivisto and Faxon

ENROLLED SENATE BILL No. 353

AN ACT 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," section 4i as amended by Act No. 175 of the Public Acts of 1991, being sections 117.1a, 117.4i, 117.29, and 117.32 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Sections 1a, 4i, 29, and 32 of Act No. 279 of the Public Acts of 1909, section 4i as amended by Act No. 175 of the Public Acts of 1991, being sections 117.1a, 117.4i, 117.29, and 117.32 of the Michigan Compiled Laws, are amended to read as follows:

Sec. 1a. As used in this act, "civil infraction" and "municipal civil infraction" mean those terms as defined in section 113 of the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, being section 600.113 of the Michigan Compiled Laws.

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

(a) For laying and collecting rents, tolls, and excises.

(b) For regulating and restricting the locations of oil and gasoline stations.

(c) For the establishment of districts or zones within which the use of land and structures, the height, area, size, and location of buildings, the required open spaces for light and ventilation of buildings, and the density of population, may be regulated by ordinance. The zoning ordinance provisions applicable to 1 or more districts may differ from those applicable to other districts. If a city is incorporated, or if territory is annexed to a city incorporated under this act, the zoning ordinance provisions applicable to the territory within the newly incorporated city or the annexed territory shall remain in effect for 2 years after the incorporation or annexation unless the legislative body of the city lawfully adopts other zoning ordinance provisions.

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

(e) For the regulation or prohibition of public nudity within city boundaries. As used in this subdivision, "public nudity" means knowingly or intentionally displaying in a public place, or for payment or promise of payment by any

person including, but not limited to, payment or promise of payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering.

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

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

(h) For a system of civil service for city employees, including employees of that city's board of health, and employees of any jail operated or maintained by the city. Charter provisions providing for a system of civil service for employees of a local health board are valid and effective.

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

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

(k) For the punishment of persons who violate city ordinances. However, the penalty for a violation of a city ordinance shall not exceed a fine of \$500.00, or imprisonment for 90 days, or both.

(2) Whether or not authorized by the city charter, the legislative body of a city may make a violation of an ordinance a civil infraction. A violation of an ordinance is a municipal civil infraction only if the ordinance explicitly states that a violation is a municipal civil infraction. If a violation of an ordinance is a civil infraction, the ordinance may provide a civil fine for its violation.

Sec. 29. The district court, a municipal court, the traffic and ordinance division of the recorder's court of the city of Detroit, the common pleas court, or the circuit court, as provided by law, may hear, try, and determine actions for the recovery and enforcing of fines, penalties, and forfeitures imposed by the charter and ordinances of the city, and sanction offenders for the violation of the charter and ordinances, as is prescribed and directed in the charter or ordinances.

Sec. 32. (1) Except as provided in subsection (3), there may be elected or appointed in each city 1 or more constables who shall have the same powers and authorities in civil and criminal matters, and in relation to the service of process, civil and criminal, as are conferred by law on constables in townships. A city, by ordinance, may abolish, restrict, and limit the authority conferred upon a constable by law, except that a city constable may be appointed by a district court as a district court officer and may perform duties permitted pursuant to chapter 83 of the revised judiciary act of 1961, Act No. 236 of the Public Acts of 1961, as amended, being sections 600.8301 to 600.8395 of the Michigan Compiled Laws. Except as otherwise provided in section 8707 of Act No. 236 of the Public Acts of 1961, being section 600.8707 of the Michigan Compiled Laws, and section 742 of the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being section 257.742 of the Michigan Compiled Laws, a constable shall serve all process issued for breaches of ordinances of the city. A city may by ordinance provide for the appointment of additional constables except that the maximum number of persons who may be appointed as constables shall not exceed the number of elected constables provided for in the charter of the city on September 23, 1949. An appointed or elected constable may be paid a salary in addition to fees.

(2) This section does not apply to a city that has a population of 500,000 or more.

(3) A constable shall serve all warrants, notices, and process lawfully directed to the constable by the city and shall perform other duties required of a constable by law. A city, by ordinance, may restrict or limit the duties of a city constable prescribed by law. If the city requires the constable to perform both statutory criminal and civil duties, a person elected or appointed to the office of city constable shall fulfill the minimum employment standards established by the law enforcement council pursuant to section 9 of the Michigan law enforcement officers training council act of 1965, Act No. 203 of the Public Acts of 1965, as amended, being section 28.609 of the Michigan Compiled Laws. The cost of complying with these standards shall be borne by the city.

Section 2. This amendatory act shall not take effect unless Senate Bill No. 348 of the 87th Legislature is enacted into law.

This act is ordered to take immediate effect.

Secretary of the Senate.

Co-Clerk of the House of Representatives.

Approved -----

Governor.