



# HOUSE BILL No. 4368

February 24, 1993, Introduced by Rep. Middaugh and referred to the Committee on State Affairs.

A bill to amend section 1 of chapter XI of Act No. 215 of the Public Acts of 1895, entitled as amended

"An act to provide for the incorporation of cities of the fourth class; to provide for the vacation of the incorporation thereof; to define the powers and duties of such cities and the powers and duties of the municipal finance commission or its successor agency and of the department of treasury with regard thereto; to provide for the levy and collection of taxes, borrowing of money, and issuance of bonds and other evidences of indebtedness by cities; to define the application of this act and provide for its amendment by cities subject thereto, and to validate such prior amendments and certain prior actions taken and bonds issued by such cities,"

being section 91.1 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Section 1 of chapter XI of Act No. 215 of the  
2 Public Acts of 1895, being section 91.1 of the Michigan Compiled  
3 Laws, is amended to read as follows:

## CHAPTER XI

1  
2       Sec. 1. Every city incorporated under the provisions of  
3 this act, shall, in addition to such other powers as are herein  
4 conferred, have the general powers and authority in this chapter  
5 mentioned; and the council may pass such ordinances in relation  
6 thereto, and for the exercise of the same, as they may ~~deem~~  
7 CONSIDER proper, namely:

8       (A) ~~First,~~ To restrain and prevent vice and immorality,  
9 gambling, noise and disturbance, indecent or disorderly conduct  
10 or assemblages, and to punish for the same; to prevent and quell  
11 riots; to preserve peace and good order, and to protect the prop-  
12 erty of the corporation, and of its inhabitants, and of any asso-  
13 ciation, public or private corporation or congregation therein,  
14 and to punish for injuries thereto, or for unlawful interference  
15 therewith. —

16       (B) ~~Second,~~ To apprehend and punish vagrants, truants,  
17 mendicants, street beggars, drunkards and persons found drunk in  
18 any of the public streets or places in the city, disorderly per-  
19 sons, and persons conducting themselves in a disorderly manner in  
20 any of the public streets or places in the city, and common  
21 prostitutes. —

22       (C) ~~Third,~~ To prevent injury or annoyance from anything  
23 dangerous, offensive, or unhealthy; to prohibit and remove any-  
24 thing tending to cause or promote disease; to prevent and abate  
25 nuisances, and to punish those occasioning them, or neglecting or  
26 refusing to abate, discontinue or remove the same. —

1 (D) ~~Fourth,~~ To prohibit and suppress all disorderly houses  
2 and places, houses of ill-fame, assignation houses, gambling  
3 houses, and all places where persons resort for gaming or to play  
4 at games of chance EXCEPT AS OTHERWISE ALLOWED BY LAW, and to  
5 punish the keepers thereof. —

6 (E) ~~Fifth,~~ To regulate or license the use of billiard  
7 tables, nine or ten-pin alleys or tables and ball alleys. —

8 (F) ~~Sixth,~~ To prohibit and suppress every species of gam-  
9 bling, and to authorize the seizure and destruction of all  
10 instruments and devices used for the purpose of gaming — EXCEPT  
11 AS OTHERWISE ALLOWED BY LAW.

12 (G) ~~Seventh,~~ To prohibit and prevent the selling or giving  
13 of any spirituous, fermented or intoxicating liquors to any  
14 drunkard or intemperate person, minor or apprentice, and to  
15 punish any person so doing. —

16 (H) ~~Eighth,~~ To regulate, restrain or prohibit all sports,  
17 exhibitions of natural or artificial curiosities, caravans, cir-  
18 cuses, menageries, theatrical exhibitions, shows, and all exhibi-  
19 tions of whatever name or nature, for which money or other reward  
20 is in any manner demanded or received; lectures on historic, lit-  
21 erary, or scientific subjects excepted. —

22 (I) ~~Ninth,~~ To prevent and punish violations of the Sabbath  
23 day, and the disturbance of any religious meeting, congregation  
24 or society, or other public meeting assembled for any lawful pur-  
25 pose; and to require all places of business to be closed on the  
26 Sabbath day. —

1     ~~Tenth, To license auctioneers, auctions and sales at~~  
 2 ~~auction, to regulate or prohibit the sale of live or domestic~~  
 3 ~~animals at auction in the streets or alleys, or upon any public~~  
 4 ~~grounds within the city, to regulate or prohibit the sale of~~  
 5 ~~goods, wares, property, or anything at auction, or by any manner~~  
 6 ~~of public biddings or offers by the buyers or sellers after the~~  
 7 ~~manner of auction sales, and to license the same, and to regulate~~  
 8 ~~the fees to be paid by and to auctioneers, but no license shall~~  
 9 ~~be required in case of sales required by law to be made at auc-~~  
 10 ~~tion or public vendue,~~

11     (J) ~~Eleventh,~~ To license hawkers, peddlers and pawnbro-  
 12 kers, and hawking and peddling, and to regulate, license or pro-  
 13 hibit the sale or peddling of goods, wares, merchandise, refresh-  
 14 ments or any kind of property or thing by persons going about  
 15 from place to place in the city for that purpose, or from any  
 16 stand, cart, vehicle, or other device, in or upon the streets,  
 17 highways, alleys, sidewalks, or in or upon the wharves, docks, or  
 18 from boats, open places or spaces, public grounds or buildings in  
 19 the city. —

20     (K) ~~Twelfth,~~ To license and regulate wharf boats, and to  
 21 regulate the use of tugs and other boats used in and about the  
 22 harbor, and within the jurisdiction of the city. —

23     (L) ~~Thirteenth,~~ To establish or authorize, license and  
 24 regulate ferries to and from the city, or any place therein, or  
 25 from 1 part of the city to another, and to regulate and prescribe  
 26 from time to time the charges and prices for the transportation  
 27 of persons and property thereon. —

1 (M) ~~Fourteenth,~~ To regulate and license all taverns and  
2 houses of public entertainment; all saloons, restaurants, and  
3 eating houses, and to regulate and prescribe the location of  
4 saloons; but this shall not be construed as authorizing the  
5 licensing of the sale of intoxicating liquors. —

6 (N) ~~Fifteenth,~~ To license and regulate all vehicles of  
7 every kind used for the transportation of persons or property for  
8 hire, in the city, and regulate or fix their stands on the  
9 streets and public places, and at wharves, boat landings, rail-  
10 road station grounds and other places. —

11 (O) ~~Sixteenth,~~ To regulate and license all toll bridges  
12 within the city, and to prescribe the rates and charges for pas-  
13 sage over the same. —

14 (P) ~~Seventeenth,~~ To provide for and regulate the inspec-  
15 tion of meats, poultry, fish, butter, cheese, lard, vegetables,  
16 flour, meat and other provisions. —

17 (Q) ~~Eighteenth,~~ To regulate the inspection, weighing and  
18 measuring of brick, lumber, fire-wood, coal, hay and any article  
19 of merchandise. —

20 (R) ~~Nineteenth,~~ To provide for the inspection and sealing  
21 of weights and measures and to enforce the keeping and use of  
22 proper weights and measures by ~~venders,~~ VENDORS.

23 (S) ~~Twentieth,~~ To regulate the construction, repair, and  
24 use of vaults, cisterns, areas, hydrants, pumps, sewers and  
25 gutters. —

26 (T) ~~Twenty first,~~ To prohibit and prevent, in the streets,  
27 or elsewhere in the city, indecent exposure of the person, the

1 show, sale, or exhibition for sale, of indecent or obscene  
2 pictures, drawings, engravings, paintings, and books or pam-  
3 phlets, and all indecent or obscene exhibitions and shows of  
4 every kind. —

5 (U) ~~Twenty second,~~ To regulate or prohibit bathing in the  
6 rivers, ponds, streams and waters of the city. —

7 (V) ~~Twenty third,~~ To provide for clearing the rivers,  
8 ponds, canals and streams of the city, and the races connected  
9 therewith, of all driftwood and noxious matter; to prohibit and  
10 prevent the depositing therein of any filth or other matter tend-  
11 ing to render the waters thereof impure, unwholesome and  
12 offensive. —

13 (W) ~~Twenty fourth,~~ To compel the owner or occupant of any  
14 grocery, tallow chandler shop, soap or candy factory, butcher  
15 shop or stall, slaughter house, stable, barn, privy, sewer, or  
16 other offensive, nauseous or unwholesome place or house, to  
17 cleanse, remove, or abate the same whenever the council shall  
18 deem it necessary for the health, comfort or convenience of the  
19 inhabitants of the city. —

20 (X) ~~Twenty fifth,~~ To regulate the keeping, selling and  
21 using of dynamite, gunpowder, firecrackers and fireworks, and  
22 other explosive or combustible materials, and the exhibition of  
23 fireworks, and the discharge of firearms, and to restrain the  
24 making or lighting of fires in the streets and other open spaces  
25 in the city. —

26 (Y) ~~Twenty sixth,~~ To direct and regulate the construction  
27 of cellars, slips, barns, private drains, sinks and privies. —

1 (Z) ~~Twenty seventh,~~ To prohibit, prevent, and suppress  
2 mock auctions and every kind of fraudulent game, device, or prac-  
3 tice, and to punish all persons managing, using, practicing, or  
4 attempting to manage, use or practice the same and all persons  
5 aiding in the management or practice thereof. —

6 (AA) ~~Twenty eighth,~~ To prohibit, prevent and suppress all  
7 lotteries for the drawing or disposing of money, or any other  
8 property whatsoever and to punish all persons maintaining,  
9 directing, or managing the same, or aiding in the maintenance,  
10 directing or managing the same — EXCEPT AS OTHERWISE ALLOWED BY  
11 LAW.

12 (BB) ~~Twenty ninth,~~ To license and regulate solicitors for  
13 passengers or for baggage to and from any hotel, tavern, public  
14 house, boat or railroad; and to provide the places where they may  
15 be admitted to solicit or receive patronage; also draymen,  
16 carmen, truckmen, porters, runners, drivers of cabs, hackney  
17 coaches, omnibuses, carriages, sleighs, express vehicles and  
18 vehicles of every other description used and employed for hire,  
19 and to fix and regulate the amounts and rates of their  
20 compensation. —

21 (CC) ~~Thirtieth,~~ To provide for the protection and care of  
22 paupers, and to prohibit and prevent all persons from bringing to  
23 the city, from any other place, any pauper or other person likely  
24 to become a charge upon the city, and to punish therefor. —

25 (DD) ~~Thirty first,~~ To provide for taking a census of the  
26 inhabitants of the city, whenever the council shall see fit, and  
27 to direct and regulate the same. —

1 (EE) ~~Thirty second,~~ To provide for the issuing of licenses  
2 to the owners and keepers of dogs, and to compel the owners and  
3 keepers thereof to pay for and obtain such licenses; and to regu-  
4 late and prevent the running at large of dogs, to require them to  
5 be muzzled and to authorize the killing of all dogs not licensed,  
6 or running at large in violation of any ordinance of the city.

7 —

8 (FF) ~~Thirty third,~~ To prohibit and punish the use of toy  
9 pistols, sling shots and other dangerous toys or implements  
10 within the city. —

11 (GG) ~~Thirty fourth,~~ To require any horses, mules or other  
12 animals attached to any vehicle or standing in any of the  
13 streets, lanes or alleys in the city to be securely fastened,  
14 hitched, watched, or held; and to regulate the placing and pro-  
15 vide for the preservation of hitching posts. —

16 (HH) ~~Thirty fifth,~~ To provide for and regulate the number-  
17 ing of buildings upon the streets and alleys, and to compel the  
18 owners or occupants to affix numbers on the same; and to desig-  
19 nate and change the names of public streets, alleys and parks.

20 —

21 (II) ~~Thirty six,~~ To provide for, establish, regulate and  
22 preserve public fountains and reservoirs within the city, and  
23 such troughs and basins for watering animals as they may deem  
24 proper. —

25 (JJ) ~~Thirty seventh,~~ To prevent or provide for the con-  
26 struction and operation of street railways and to regulate the



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

3 (KK) ~~Thirty eighth,~~ To establish and maintain a public  
4 library, and to provide a suitable building therefor, and to aid  
5 in maintaining such other public libraries as may be established  
6 within the city by private beneficence as the council may deem to  
7 be for the public good. —

8 (LL) ~~Thirty ninth,~~ The council may also license transient  
9 traders, which shall be held to include all persons who may  
10 engage in the business of selling goods or merchandise after the  
11 commencement of the fiscal year, and the license fee in such  
12 cases may be apportioned with relation to the part of the fiscal  
13 year which has expired, but such traders, if they continue in the  
14 same business, shall not be required to take out a second license  
15 after the commencement of the next fiscal year: Provided, Such  
16 goods or merchandise have been assessed for taxes for said fiscal  
17 year. —

18 (MM) ~~Fortieth,~~ The council shall further have authority to  
19 enact all ordinances, and to make all such regulations, consis-  
20 tent with the laws and constitution of the state as they may deem  
21 necessary for the safety, order and good government of the city,  
22 and the general welfare of the inhabitants thereof; but no exclu-  
23 sive rights, privileges or permits shall be granted by the coun-  
24 cil to any person or persons, or to any corporation, for any pur-  
25 pose whatever.

1       Section 2. This amendatory act shall not take effect unless  
2 all of the following bills of the 87th Legislature are enacted  
3 into law:

4       (a) Senate Bill No. \_\_\_\_\_ or House Bill No. 4341

5 (request no. 02622'93).

6       (b) Senate Bill No. \_\_\_\_\_ or House Bill No. 4343

7 (request no. 02622'93 a).

8       (c) Senate Bill No. \_\_\_\_\_ or House Bill No. 4342

9 (request no. 02622'93 b).