

CHARTER TOWNSHIP OF OSHTEMO
KALAMAZOO COUNTY, MICHIGAN

NOTICE OF ORDINANCE ADOPTION

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE CHARTER TOWNSHIP OF OSHTEMO, KALAMAZOO COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that on the 9th day of August, 2011, at a regular meeting of the Township Board of the Charter Township of Oshtemo, Kalamazoo County, Michigan, the Township Board of said Township adopted the Oshtemo Charter Township Loitering Ordinance, which provides as follows:

SECTION I. TITLE.

This Ordinance shall be known and may be cited as the Oshtemo Charter Township Loitering Ordinance.

SECTION II. PURPOSE.

The purpose of this Ordinance is to promote the public health, safety and general welfare by prohibiting loitering on the streets, sidewalks or other public places open to the general public.

SECTION III. DEFINITIONS.

The following definition is fully set forth in the Ordinance:

A. *Harass.*

SECTION IV. REGULATIONS.

The following actions shall constitute a violation of the Ordinance:

- A. No person shall loiter on the streets, sidewalks, or any other public place or place open to the general public in such a manner as to:
1. By words or conduct, harass, assault, molest or intimidate any person;
 2. Interfere with any person's use of said streets, sidewalks or public places.
 3. Create a reasonable belief that a breach of the peace is imminent.
- B. Among the circumstances which may be considered is the fact that the person takes flight upon appearance of a police officer.

- C. Prior to any arrest, an officer must allow a person an opportunity to explain his or her presence and conduct.
- D. No person shall be convicted of an offense if the officer did not comply with Subsection C above.

SECTION V. VIOLATIONS.

A person who violates any provision of this Ordinance shall be guilty of a misdemeanor punishable by a fine of \$500 and up to 90 days in jail. In lieu of arrest, this Section may be enforced by issuing an appearance ticket.

SECTION VI. SEVERABILITY.

The provisions of this Ordinance are hereby declared to be severable.

SECTION VII. REPEAL.

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

SECTION VIII. EFFECTIVE DATE.

This Ordinance shall take effect after publication in accordance with State law. All Ordinances or part of Ordinances in conflict herewith are hereby repealed.

PLEASE TAKE FURTHER NOTICE that the full text of the Ordinance has been posted for public inspection at the Township Hall located at 7275 West Main Street, Kalamazoo, Michigan, 49009, and on the Township's Web Page of www.oshtemo.org

PLEASE TAKE FURTHER NOTICE that said Ordinance will take effect September 16, 2011. A copy of this Ordinance may be purchased or inspected at the office of the Township Clerk at any time during regular business hours of regular business days at the following address.

DEBORAH L. EVERETT, Clerk
Oshtemo Charter Township Hall
7275 West Main Street
Kalamazoo, MI 49009
Telephone: (269) 375-4260

OSHTEMO CHARTER TOWNSHIP ORDINANCE NO. 523

Adopted: August 9, 2011

Effective: September 16, 2011

OSHTEMO CHARTER TOWNSHIP ORDINANCE

An Ordinance to regulate loitering on the streets, sidewalks or other public places open to the general public in the Township to protect the health, safety and welfare of the Township residents, and to repeal all Ordinances or parts of Ordinances in conflict with this Ordinance.

THE CHARTER TOWNSHIP OF OSHTEMO
KALAMAZOO COUNTY, MICHIGAN
ORDAINS:

SECTION I. TITLE.

This Ordinance shall be known and may be cited as the Oshtemo Charter Township Loitering Ordinance.

SECTION II. PURPOSE.

The purpose of this Ordinance is to promote the public health, safety and general welfare by prohibiting loitering on the streets, sidewalks or other public places open to the general public in Oshtemo Charter Township in a way which would result in the intimidation of any other person, interfere with another person's use of said streets, sidewalks or other public places, or create a reasonable belief that a breach of peace is eminent.

SECTION III. DEFINITIONS.

For purposes of this Ordinance, the term set forth below has the following meaning:

- A. *Harass.* As used in this section, the term "*harass*" shall include, but not be limited to, the use of any personally abusive epithets or words, language or conduct of an offensive nature, which epithets, words, conduct or language, when addressed to or directed at a reasonable person, are, as a matter of common knowledge, inherently likely to provoke a reaction of fear, anger or apprehension.

SECTION IV. REGULATIONS.

The following actions shall constitute a violation of the Ordinance:

- A. No person shall loiter on the streets, sidewalks, or any other public place or place open to the general public in such a manner as to:
 - 1. By words or conduct, harass, assault, molest or intimidate any other person;
 - 2. Interfere with any person's use of said streets, sidewalks, public places, or places open to the general public after having been requested to cease such interference by a police or public safety officer; or

3. Create a reasonable belief that a breach of the peace is imminent or a reasonable concern for the safety of persons or property in the vicinity.
- B. Among the circumstances which may be considered in determining whether there is a reasonable belief that a breach of the peace is imminent or a reasonable concern for the safety of persons or property is the fact that the person takes flight upon appearance of a police officer or endeavors to conceal himself or any object.
 - C. Prior to any arrest under Subsection A.3. above, an officer must allow a person an opportunity to dispel any concern or belief which would otherwise be warranted by requesting the person to explain his or her presence and conduct, unless flight by the person or other circumstances make it impracticable or futile.
 - D. No person shall be convicted of an offense under Subsection A.3. above if the officer did not comply with Subsection C above or, if it appears at trial that the explanation given by the person was true and, if believed by the officer at the time, would have dispelled the belief of concern

SECTION V. VIOLATIONS.

A person who violates any provision of this Ordinance shall be guilty of a misdemeanor punishable by a fine of \$500 and up to 90 days in jail. In lieu of arrest, this Section may be enforced by issuing an appearance ticket.

SECTION VI. SEVERABILITY.

The provisions of this Ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a court of competent jurisdiction, it shall not affect the remainder of the Ordinance, which shall continue in full force and effect.

SECTION VII. REPEAL.

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

SECTION VIII. EFFECTIVE DATE.

This Ordinance shall take effect after publication in accordance with State law. All Ordinances or part of Ordinances in conflict herewith are hereby repealed.

DEBORAH L. EVERETT, CLERK
OSHTMO CHARTER TOWNSHIP