



Legislation Text

File #: 19-0089, **Version:** 1

An Ordinance to Amend Chapter 108 (Disorderly Conduct) of Title IX of the Code of the City of Ann Arbor to Add a New Section 9:69 (Trespass) (Ordinance No. ORD-19-03)

Attached for your review and consideration is an ordinance to adopt a misdemeanor trespass City Code violation to existing Chapter 108. This ordinance is presented for consideration by Councilmembers Julie Grand and Ali Ramlawi. It is supported by the City's Human Rights Commission and by the Ann Arbor Police Department. As drafted, the proposed ordinance and corresponding penalty mirror MCL 750.552, but omits section (1) (c) that pertains to fenced or posted farm property.

Adopting the proposed Trespass Ordinance will afford the Ann Arbor Police Department the option to cite an individual for criminal trespass under the City Code, in lieu of sending a warrant request to the County Prosecutor's Office. The issuance of a trespass citation under the City Code will afford the receiving party an immediate notice as to when to appear in the 15th District Court.

The process of waiting for the County Prosecutor's Office's review of a warrant request under state law may take several weeks or even months after the incident. Following the issuance of a Criminal Complaint (formal charges) under the state law, the court then provides a mailed notice of an arraignment date to the defendant's last known address. Failure to appear most often results in the issuance by the Court of Orders to Show Cause and eventually Bench Warrants for the arrest of the defendant.

This ordinance will provide an expedited process for a defendant to address their citation in court.

Prepared by: Arianne Slay, Senior Assistant City Attorney

Reviewed by: Robert Pfannes, Interim Chief of Police

Approved by: Howard S. Lazarus, City Administrator

(See Attached Ordinance)

ORDINANCE NO. ORD-19-03

First Reading: January 22, 2019

Public Hearing: February 4, 2019

Approved: February 4, 2019

Published: February 7, 2019

Effective: February 17, 2019

DISORDERLY CONDUCT (TRESPASS)

AN ORDINANCE TO AMEND CHAPTER 108 (DISORDERLY CONDUCT) OF TITLE IX OF THE CODE OF THE CITY OF ANN ARBOR TO ADD A NEW SECTION 9:69 (TRESPASS)

The City of Ann Arbor Ordains:

Section 1: That Chapter 108 of Title IX of the Code of the City of Ann Arbor be amended to add a

new Section 9:69 to read as follows:

9:69. Trespass upon lands or premises of another.

(1) Except as otherwise provided in subsection (2), a person shall not do any of the following:

- (a) Enter the lands or premises of another without lawful authority after having been forbidden to do so by the owner or occupant or the agent of the owner or occupant.
- (b) Remain without lawful authority on the land or premises of another after being notified to depart by the owner or occupant or the agent of the owner or occupant.

(2) Subsection (1) does not apply to a process server who is on the land or premises of another while in the process of attempting, by the most direct route, to serve process upon any of the following:

- (a) An owner or occupant of the land or premises.
- (b) An agent of the owner or occupant of the land or premises.
- (c) A lessee of the land or premises.

(3) A person who violates subsection (1) is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 30 days or by a fine of not more than \$250.00, or both.

(4) As used in this section, "process server" means a person authorized under the revised judicature act of 1961, 1961 PA 236, [, or supreme court rule to serve process.](http://www.westlaw.com/Link/Document/FullText?findType=L&pubNum=1000043&cite=MIST600.101&originatingDoc=N8C5EEB6078ED11E3BB42B703D5CC6141&refType=LQ&originationContext=document&vr=3.0&rs=cblt1.0&transitionType=DocumentItem&contextData=(sc.UserEnteredCitation)> to 600.9947 <http://www.westlaw.com/Link/Document/FullText?findType=L&pubNum=1000043&cite=MIST600.9947&originatingDoc=N8C5EEB6078ED11E3BB42B703D5CC6141&refType=LQ&originationContext=document&vr=3.0&rs=cblt1.0&transitionType=DocumentItem&contextData=(sc.UserEnteredCitation)>)

Section 2. This Ordinance shall take effect on the tenth day following legal publication.

CERTIFICATION

I hereby certify that the foregoing ordinance was adopted by the Council of the City of Ann Arbor, Michigan at its regular session of February 4, 2019.

(Date)

Jacqueline Beaudry, Ann Arbor City Clerk

Christopher Taylor, Mayor

I hereby certify that the foregoing ordinance received legal publication on the City Clerk's Webpage on February 7, 2019.

Jacqueline Beaudry, Ann Arbor City Clerk

Sponsored by: Councilmembers Grand and Ramlawi