

**CITY OF ALBION
ORDINANCE #2020-09**

AN ORDINANCE TO REPEAL CHAPTER 58, ARTICLE IV, SECTION 58-97,
INSULTING, ANNOYING CONDUCT IN PUBLIC

Purpose and Finding:

As the council is aware, at a recent council meeting the public use of profanity was discussed as it relates to first amendment rights. Currently, the City has section 58-97 which purports to penalize persons who insult, annoy, or use profane language with others. Since the early 1970's there have been several cases which would invalidate the City's ability to enforce such an ordinance, i.e. *Cohen v California*, 403 US 15 (1971). While first amendment rights are not absolute, (i.e. obscenity and inciting others to violence), as it stands Section 58-97 is generally not enforceable. It is recommended that said ordinance be repealed and that Section 58-97 be reserved for future use.

THE CITY OF ALBION ORDAINS:

Section 1. Chapter 58, Article IV, Section 58-97 of the Codified Ordinances of the City of Albion, is hereby repealed in its entirety. Section 58-97 shall be reserved for future use.

Section 2. Severability. This ordinance and each article, section, subsection, paragraph, subparagraph, part, provision, sentence, word and portion thereof are hereby declared to be severable, and if they or any of them are declared to be invalid or unenforceable for any reason by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

Section 3. Repeal. Any ordinance(s) inconsistent with this ordinance are hereby repealed.

This Ordinance shall take effect on December 2, 2020 after publication.

First Reading:

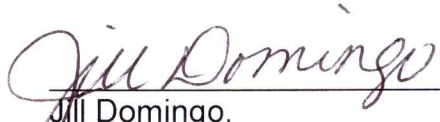
Second Reading & Adoption:

October 19, 2020

November 2, 2020

Ayes 7
Nays 0
Absent 0

Ayes 6
Nays 0
Absent 1 (Lauder)



Jill Domingo,
Clerk



David Atchison,
Mayor.