

**CITY OF ALBION  
ORDINANCE #2022-06**

AN ORDINANCE TO AMEND CHAPTER 58, ARTICLE III, BY AMENDING SECTION  
58-66, DISTURBING THE PEACE

**Purpose and Finding:**

This Ordinance modifies the existing disturbing the peace ordinance. A prior Michigan Court of Appeals opinion had called into question many of the disturbing the peace ordinances most municipalities had on the books. See *People v Gagnon*, 129 Mich App 678, 341 NW2d 867 (2011). The primary issue was the definition of what constituted a disturbance. More recently in 2021, the Michigan Supreme Court adopted model jury instructions for the offense of disturbing the peace. The following ordinance effectively mirrors the pertinent sections of the new jury instructions. Given that this ordinance is routinely used by the City, updating it is key to future enforcement. Approval is recommended.

THE CITY OF ALBION ORDAINS:

Section 1. Chapter 58, of the Codified Ordinances of the City of Albion, is hereby amended, by amending Article III, by amending Section 58-66 as follows:

1. It shall be unlawful for any person to intentionally engage in the following acts in a public place or any private place without the permission of the owner of the private place:
  - a. Conduct that threatens public safety;
  - b. Threatening violence to other persons;
  - c. Disrupting the peace and quiet of other persons present;
  - d. Interfering with the ability of other persons to perform legal actions or duties;
2. A person must have intentionally engaged in conduct that went beyond stating a position or opinion, or the mere expression of ideas.
3. A person who violates this section shall be guilty of a misdemeanor punishable by up to 90 days in jail, a fine of up to \$500.00, or both.

State Law Reference: MCL 750.170

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 Any ordinance(s) inconsistent with this ordinance are hereby repealed.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 August 18, 2022 after publication.

First Reading:

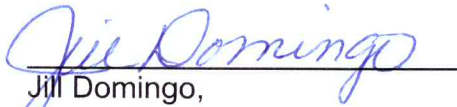
Second Reading & Adoption:

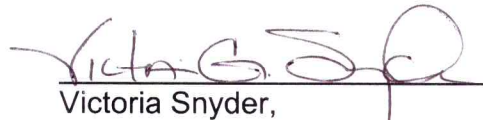
July 5, 2022

July 18, 2022

Ayes 6  
Nays 0  
Absent 1 (Lauder)

Ayes 6  
Nays 0  
Absent 1 (Lauder)

  
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Jill Domingo,  
Clerk

  
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Victoria Snyder,  
Mayor