

CITY OF ALBION

ORDINANCE #2013-10

AN ORDINANCE TO CREATE THE OFFENSE OF BREAKING AND ENTERING WITHOUT BREAKING; BUILDINGS, TENTS, BOATS, RAILROAD CARS; ENTERING PUBLIC BUILDINGS WHEN EXPRESSLY DENIED. 58-39.

Purpose and Finding:

Michigan law provides for the crime of breaking and entering or entering without breaking; buildings, tents, boats, railroad cars; entering public buildings when expressly denied in MCL 750.115. The City of Albion does not currently have an ordinance specific to this offense, and to date offenses of this type have been referred to the county for prosecution. Given that this is an offense that occurs with a degree of regularity, it is in the interests of the City of Albion to have an ordinance for this offense to protect and the public at large.

THE CITY OF ALBION ORDAINS:

Sec. 58-39. AN ORDINANCE TO CREATE THE OFFENSE OF BREAKING AND ENTERING WITHOUT BREAKING; BUILDINGS, TENTS, BOATS, RAILROAD CARS; ENTERING PUBLIC BUILDINGS WHEN EXPRESSLY DENIED

1. Any person who breaks and enters or enters without breaking, any dwelling, house, tent, hotel, office, store, shop, warehouse, barn, granary, factory, or other building, boat, ship, railroad car or structure used or kept for public or private use, or any private apartment therein, or any cottage, clubhouse, boathouse, hunting or fishing lodge, garage or the out-buildings belonging thereto, any ice shanty with a value of \$100.00 or more, or any other structure, whether occupied or unoccupied, without first obtaining permission to enter from the owner or occupant, agent, or person having immediate control thereof, is guilty of a misdemeanor.

2. Subsection (1) does not apply to entering without breaking, any place which at the time of the entry was open to the public, unless the entry was expressly denied. Subsection (1) does not apply if the breaking and entering or entering without breaking was committed by a peace officer or an individual under the peace officer's direction in the lawful performance of his or her duties as a peace officer.

(State Law Reference MCL 750.115)

This Ordinance shall take on July 17, 2013 after publication in the Albion Recorder.


First Reading:
June 3, 2013

Second Reading & Adoption:
June 17, 2013

Ayes 7
Nays 0
Absent 0

Ayes 7
Nays 0
Absent 0



Jill Domingo
City Clerk

David Atchison
Mayor

Dated January 17, 2019