

AN ORDINANCE

of the Council of the City of Berkley, Michigan
Adding New Section 82-122 to Article IV, Chapter 82,
of the City of Berkley Code of Ordinances to Prohibit Prowling About an Alley
or Private Premises in the Nighttime Without Authority or Permission from the Owner.

THE CITY OF BERKLEY ORDAINS:

SECTION 1: Section 82-122 shall be added to Article IV of Chapter 82 of the Berkley City Code, as follows:

Sec. 82-122 - Prowling.

It shall be unlawful for any person to prowl about any alley or private premises of any other person in the nighttime, without authority or permission from the owner of the premises, in a manner not usual for law-abiding persons, and under circumstances that warrant alarm for the safety of persons or property. Among the circumstances which may be considered in determining whether such alarm is warranted is whether the person takes flight upon the appearance of a police officer, refuses to identify himself or herself, or endeavors to conceal himself/herself or any object. Unless flight by the person or other circumstances make it impractical, a police officer shall afford the person an opportunity to dispel any alarm by requesting the person to identify himself/herself and explain his/her presence and conduct.

SECTION 2: Severability Clause

Should any word, phrase, sentence, paragraph, or section of this Ordinance be held invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 3: Penalty

All violations of this ordinance shall be misdemeanors and upon conviction thereof shall be punishable by a sentence of not more than ninety (90) days of confinement to jail or by a fine of not more than \$500, or both, in the court's discretion.

SECTION 4: Effective Date

This Ordinance shall become effective 30 days following the date of adoption.

SECTION 5: Publication

The City Council directs the City Clerk to publish a summary of this ordinance in compliance with Public Act 182 of 1991, as amended, and Section 6.5 of the Berkley City Charter.

Introduced on the First Reading at the Regular City Council Meeting on Monday, June 5, 2017.

Passed on the Second Reading at the Regular City Council Meeting on Monday, June 19, 2017.



Phil O'Dwyer, Mayor

Attest:



Phommady A. Boucher, City Clerk