

**LOITERING AND EMERGENCY CURFEW
ORDINANCE #29A**

In ordinance to protect and secure the public health, safety, and general welfare by the prohibition of loitering in or upon public or private places within the Township of Butman to establish circumstances under which emergency curfew regulations may be put into effect and police assistance may be obtained from adjoining municipalities; to provide penalties for the violation of the provisions of this ordinance and to repeal any ordinances or part of ordinances in conflict herewith.

THE TOWNSHIP OF BUTMAN, GLADWIN COUNTY, MICHIGAN,
ORDAINS:

Section 1: Name

This ordinance shall be known and cited as the Butman Township Loitering and Emergency Curfew Ordinance.

Section 2: Purpose

The purpose of this ordinance shall be to prohibit the gathering of people in public places and unlawful or mischievous purposes; to prohibit persons from loitering or standing in, near, or upon public or private places, unless for a valid, proper, peaceful and lawful purpose; to establish emergency curfew regulations and authority for use in time of civil disturbances and disorder; and to provide authority to obtain police assistance from adjoining municipalities, pursuant to agreements with such municipalities, in times of civil disorder.

Section 3: Regulations

A. No person or persons shall collect or congregate in crowds, nor arrange, encourage or abet the collection of persons or crowds for illegal, violent, destructive or mischievous purposes on any street, alley, sidewalk, park, ground or other place open to public use.

B. No person or persons shall incite any disturbance, violence or damage to persons or property nor aid or abet the assemblage of persons where such gathering is likely to cause such public or private disturbance, violence, damage or riot.

C. No person or persons shall, either individually or with others, stand, loiter, stroll or collect in groups for any unlawful, violent, destructive or mischievous purpose or without reasonable lawful cause, nor in any manner which would intentionally inconvenience or interfere with others lawfully, peacefully and properly occupying any place, either public or private, in Butman Township; and no such person or persons shall refuse to leave any such place upon the request of any person having lawful supervision or control of said place. The foregoing places shall include, among others, any and all schools, hospitals and governmental or municipal properties.

D. No person or persons shall loiter in or about any place where liquor is sold, nor any pool room, billiard hall, amusement hall, gambling house or disorderly house, or wander about the street of Butman Township without any lawful means of support or without being able to furnish a legal and truthful reasons for his/her presence in the particular location, or without identifying, upon request, his/her legal place of residence.

E. Emergency curfew regulations shall be put into effect as provided in Section 3(F) hereof by order of the Township Supervisor (or in his/her absence, any two members of the Township Board) at any time such Supervisor or Township Board members shall determine that any of the following conditions exist in the Township;

1. Violation of law or creation of disorder, disturbance, destruction or rioting by groups or gangs of persons.
2. Emotional, volatile, threatening and hostile conduct or action by any group, crowd or gang of persons within the Township.
3. Public demonstrations threatening the peace, health or general welfare of the people within the Township.

F. Upon issuance of such an emergency curfew order by the Township Supervisor, or members of the Township Board, as provided in Section 3(E) Hereof, no person shall be upon the streets or in any public place within the Township between the hours of 10 p.m. and 6 a.m. unless he/she is in the performance of his/her lawful employment; or can justify the necessity of his/her presence in the street or public place by some other lawful and adequate reason.

G. The Township Supervisor (or in his/her absence, any two members of the Township Board), after making such emergency curfew order, may request the assistance of the police of any other municipality pursuant to any

agreement heretofore or hereafter made with such municipality for such purpose by the Butman Township Board.

Section 4: Save Clause

The provisions of this ordinance are hereby declared to be separable and if any clause, sentence, or word, section or provision is declared void or unenforceable for any reasons by any court of competent jurisdiction, it shall not affect any other portion of such ordinance.

Section 5: Penalties

Any person, firm or corporation that violates any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punishable by a fine of not more than \$100 or by imprisonment in a county jail not to exceed 90 days, or by both such fine and imprisonment. Each day that a violation continues to exist shall constitute a separate offense.

Section 6: Effective Date

This ordinance shall take effect on October 1, 2012. All ordinances or parts of ordinances in conflict with any other provisions of this ordinance are hereby repealed.

AUTHENTICATIION OF RECORD

We, Shirley Kyle, Supervisor and Don Joyce, Clerk, for Butman Township, Gladwin County, Michigan, hereby authenticate the following relative to the foregoing ordinance:

1. That the same was adopted by the Butman Township Board on the 13 day of September, 2012
2. That the following members of the Township Board voted yes, in favor of said ordinance: Joyce, Kyle, Johnson, Ruppert and Wolski
3. The following members of the Township Board voted No, against the ordinance: 0
4. That the following members of the Township Board were absent: 0

Butman Township
Gladwin County, Michigan
By: _____
Shirley Kyle, Supervisor
By: _____
Don Joyce, Clerk