

Ordinance No. 38

UNLAWFUL ASSEMBLY ORDINANCE TOWNSHIP OF COVERT, MICHIGAN Eff. May 23, 1994

As amended by Ordinance No. 88
Effective date of Amendments March 21, 2017

Sec. 1. **INCITING BREACH OF PEACE.**

No person or persons shall idle, assemble, or congregate in a group with other persons in a manner which creates, encourages or incites a breach of the peace by any member of the group. Such conduct shall include, but not be limited to the throwing of stones and other objects at any person or item of public or private property; fighting language or noisy or boisterous conduct tending to cause a breach of the peace; words, language or statements which, by their very utterance, inflict injury or tend to incite a breach of the peace; disturbing, harassing, intimidating or interfering with any other person or willfully disrupting the use of public walkways and highways. (ord. No. 38 eff. May 23, 1994)

Sec. 2. **HARASS, ASSAULT, INTIMIDATE OR DISTURB.**

No person or persons shall idle, assemble or congregate in a manner which encourages, incites or aids an individual or individuals in the group, by words or conduct, to harass, assault, intimidate, or disturb any other person or interfere with their lawful use of the public walkway or public highways in the Township of Covert; such harassment shall include, but not be limited to, the use of any personally abusive epithets, or words or language of an offensive, disgusting or insulting nature, which epithets, words or language, when addressed to the ordinary citizen are, as a matter of common knowledge, inherently likely to provoke a reaction of fear, anger or apprehension. (ord. No. 38 eff. May 23, 1994)

Sec. 3. **HINDER OR IMPEDE.**

No person or persons shall idle, assemble, or congregate in a manner which hinders or impedes, or tends to hinder or impede, either ingress or egress to any meeting room, rest room, store, office, doorway passageway or stairway. (ord. No. 38 eff. May 23, 1994)

Sec. 4. **EXCESSIVE NOISE.**

Excessive Noise. No person or persons shall idle, assemble or congregate in such a manner as to create or encourage the production of excess noise, as the same is defined by Covert Township Ordinance No. 39, as amended (Township Noise Ordinance.)(ord. No. 88 eff. March __, 2017) .

Sec. 5. **PENALTY FOR VIOLATION.**

5. Any person, firm, association, partnership, corporation or governmental entity who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:

- 1st Offense within 3-year period*	\$ 75.00	\$500.00
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- 2nd Offense within 3-year period*	150.00	500.00
- 3rd Offense within 3-year period*	325.00	500.00
- 4th or More Offense within 3-year period*	500.00	500.00

*Determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Covert Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$10.00 nor more than \$500.00 be ordered. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation exists shall constitute a separate offense. (Ord. No. 88, effective 3-21-17).

Sec. 6. LOCAL REGULATIONS AFFECT.

Nothing in this act shall be deemed to limit any powers now or hereafter possessed by any Township police officer, or other law enforcement officers in the State of Michigan, to enforce the State Curfew Act (Act 41, 1960, as amended; MCLA 722.751 et seq.) or any other State Law or Covert Township Ordinance. (ord. No. 38 eff. May 23, 1994)

Sec. 7. SEVERABILITY

The phrases, sentences, sections, articles and provisions of this Ordinance are hereby declared to be severable, and any such phrase, sentence, section, article or provision which is declared to be unconstitutional or invalid for any reason shall in no way affect the other provisions of this Ordinance. (ord. No. 38 eff. May 23, 1994)

Sec. 8. EFFECTIVE DATE.

This Ordinance shall take effect thirty (30) days after publication, and a true copy of the Ordinance can be inspected or obtained at the Covert Township Hall. (ord. No. 38 eff. May 23, 1994)