

THE CHARTER TOWNSHIP OF MT. MORRIS

ORDINANCE NO. 2023-02

An Ordinance to prohibit stalking in the Charter Township of Mount Morris and to provide penalties for violations of this ordinance.

THE CHARTER TOWNSHIP OF MT. MORRIS HEREBY ORDAINS:

That the Code of Ordinances of the Charter Township of Mt. Morris is hereby amended by adding section 10-58 which shall read as follows:

**Article I
Definitions**

- 1.01 **Stalking:** a willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.
- 1.02 **Unconsented:** any contact with another individual that is initiated or continued without that individual's consent or in disregard of that individual's expressed desire that the contact be avoided or discontinued. Unconsented contact includes, but is not limited to, any of the following:
 - A. Following or appearing within the sight of that individual.
 - B. Approaching or confronting that individual in a public place or on private property.
 - C. Appearing at that individual's workplace or residence.
 - D. Entering onto or remaining on property owned, leased, or occupied by that individual.
 - E. Contacting that individual by telephone.
 - F. Sending mail or electronic communications to that individual.
 - G. Placing an object on, or delivering an object to, property owned, leased, or occupied by that individual.
 - H. Victim means an individual who is the target of a willful course of conduct involving repeated or continuing harassment.

Section 10-58 Stalking

**Article II
Violations**

2.02. It shall be unlawful for any person to stalk another person

**Article III
Penalty**

3.01. A person who violates this Ordinance is guilty of a misdemeanor and is subject to imprisonment for not more than ninety-three (93) days or a fine of not more than Five Hundred Dollars (\$500.00), or both.

3.02. In a prosecution for a violation of this section, evidence that the defendant continued to engage in a course of conduct involving repeated unconsented contact with the victim after having been requested by the victim to discontinue the same or a different form of unconsented contact, and to refrain from any further unconsented contact with the victim, gives rise to a rebuttable presumption that the continuation of the course of conduct caused the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

3.03. A criminal penalty provided for under this section may be imposed in addition to any penalty that may be imposed for any other criminal offense arising from the same conduct or for any contempt of court arising from the same conduct.

**Article IV
Severability**

4.01. If any portion of this Ordinance shall be determined invalid or unconstitutional by a Court, the remainder shall be considered severable and shall remain in full force and effect.

**Article V
Publication**

5.01. This Ordinance shall be published in a newspaper circulated within the Charter Township of Mt. Morris, Genesee County, Michigan.

**Article VI
Effective Date**

6.01. This Ordinance shall take effect 30 days after its first publication.

CERTIFICATION:

We, the undersigned, being respectively the Township Supervisor and Township Clerk of the Charter Township of Mt. Morris, Genesee County, Michigan, do hereby certify that the above Mt. Morris Township Ordinance was duly adopted by the Township Board of the Charter Township of Mt. Morris, at which meeting a quorum was present.

Introduction:

August 14, 2023

First publication:

August 16, 2023

Adoption:

Second publication:

Jolena Sims,
Supervisor
Charter Township of Mt. Morris

DeWayn Allen,
Clerk
Charter Township of Mt. Morris