

Ordinance Amendment

State of Michigan County of Wayne Charter Township of Canton chapter 46 an ordinance to amend chapter 46, article ii, of the Canton Code of Ordinances entitled "offenses involving the person" to revise section 46-31 to bring it into compliance with the public act no. 87 of 2016. The Charter Township of Canton ordains: section 1. Amendment to code. Chapter 46 of the Charter Township of Canton Code Ordinance, article ii, entitled "offenses involving the person," section 46-31 is hereby amended to read as follows: sec. 46-31. - assault and battery; domestic assault and battery. Except as otherwise provided in subsection (b) below, a person who assaults and batters an individual, if no other punishment is prescribed by law, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00 or both an individual who assaults or assaults and batters his or her spouse or former spouse, an individual with whom he or she has a child in common, a resident or former resident of the same household, or an individual with whom he or she has or had a dating relationship with, is guilty of a misdemeanor punishable by up to a \$500.00 fine and/or imprisonment for not greater than 93 days. For purposes of this section, police officers shall have the authority to arrest in accordance with mcl 764.15a, as amended. As used in this section, "dating relationship" is defined as frequent, intimate associations primarily characterized by the expectation of affectional involvement. This term does not include a causal relationship or an ordinary fraternization between two individuals in a business or social context. An individual who assaults or assaults and batters an individual who is pregnant and who knows the individual is pregnant is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of nor more than \$500.00, or both. Section 2. Severability if any clause, sentence, section, paragraph or part of this ordinance, or the application of thereof to any person, firm, corporation, legal entity or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this ordinance. It is hereby declared to the legislative intent of this body that the ordinance is severable, and that the ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this ordinance. Section 3. Repeal of conflicting ordinances all ordinance or parts of ordinance in conflict herewith is hereby repealed only to the extent necessary to give this ordinance full force and effect. Section 4. Savings clause all rights and duties which have matured penalties which have been incurred, proceedings which have begun and prosecution for violations of law occurring before the effective date of this ordinance are not affected or abated by this ordinance. Section 5. Publication the clerk for the Charter Township of Canton shall cause this ordinance to be published in the manner required by law. Section 6. Effective date this ordinance, as amended, shall be effective upon publication as required by law. Certification the foregoing ordinance was duly adopted by the Township board of Trustees of the Charter Township of Canton at its regular meeting called and held on the 14th day of May, 2019, and was ordered to be given publication in the manner required by law. Michael Siegrist, Clerk introduced 04/23/2019 adopted: 05/14/2019 published: 09/05/2019 effective: 09/05/2019. All ordinances can be reviewed in full at www.canton-mi.org or in person at the Canton Township Administration Building.