

STATE OF MICHIGAN
COUNTY OF WAYNE
CITY OF ALLEN PARK

ORDINANCE #07-2016

AN ORDINANCE OF THE CITY OF ALLEN PARK CODE OF ORDINANCES; AMENDING CHAPTER 26, “OFFENSES”, ARTICLE III, “OFFENSES AGAINST THE PERSON”, BY THE REPEAL AND READOPTION OF SECTION 26-59 TO UPDATE THE TELECOMMUNICATIONS OFFENSE ORDINANCE.

The City of Allen Park Ordains:

SECTION 1. Amendment to Code.

That Section 26-59, Malicious Use of Service Provided by Telecommunications Service Provider, under Chapter 26 “Offenses”, Article III “Offenses Against the Person”, be repealed and readopted to hereafter read as follows:

Chapter 26 “Offenses”
Article III “Offenses Against the Person”

Section 26-59. - Malicious use of service provided by telecommunications service provider.

- (a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Telecommunications, telecommunications service and telecommunications device mean as those terms are defined in MCL 750.540c.

Telecommunications device means, but is not limited to, any instrument, equipment, machine, or device that facilitates telecommunications, including but not limited to a telephone, cellular telephone, pager, computer, any personal communications device, receiver, radio or device that enables use of a modem or other advanced technology.

- (b) A person is guilty of a misdemeanor who maliciously uses any service provided by a telecommunications service provider with intent to terrorize, frighten, intimidate,

threaten, harass, molest, or annoy another person, or to disturb the peace and quiet of another person by any of the following:

- (1) Threatening physical harm or damage to any person or property in the course of a conversation or message through the use of a telecommunications service or device.
 - (2) Falsely and deliberately reporting by message through the use of a telecommunications service or device that a person has been injured, has suddenly taken ill, has suffered death, or has been the victim of a crime or an accident.
 - (3) Deliberately refusing or failing to disengage a connection between a telecommunications device and another telecommunications device or between a telecommunications device and other equipment provided for the transmission of messages through the use of a telecommunications service or device.
 - (4) Using vulgar, indecent, obscene, or offensive language or suggesting any lewd or lascivious act in the course of a conversation or message through the use of a telecommunications service or device.
 - (5) Repeatedly initiating a telephone call and, without speaking, deliberately hanging up or breaking the telephone connection as or after the telephone call is answered.
 - (6) Making an unsolicited commercial telephone call that is received between the hours of 9:00 p.m. and 9:00 a.m. For the purpose of this subdivision, the term "an unsolicited commercial telephone call" means a call made by a person or recording device, on behalf of a person, corporation, or other entity, soliciting business or contributions.
 - (7) Deliberately engaging or causing to engage the use of a telecommunications service or device of another person in a repetitive manner that causes interruption in telecommunications service or prevents the person from utilizing his telecommunications service or device.
 - (8) By communicating with a person, anonymously or otherwise, by telephone, email, internet, social media, or any telecommunications device by voice, written, or electronic communication in a manner likely to harass, harm or cause alarm to a reasonable person.
- (c) An offense is committed under this section if the communication either originates or terminates or both originates and terminates in this city.

SECTION 2. Repeal. All ordinances or parts of ordinances in conflict herewith are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. Saving Clause.

Nothing in this Ordinance or in the code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquiring or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION 4. Severability.

Should any word, sentence, phrase or any portion of this Ordinance be deemed invalid by any court of competent jurisdiction or by any state agency having authority to do so for any reason whatsoever, such holdings shall be construed and limited to such work, sentence, phrase, or any portion of the Ordinance deemed invalid and shall not be construed as affecting the validity of any of the remaining words, sentences, phrases or portions of this Ordinance.

SECTION 5. Publication.

The Clerk for the City of Allen Park shall cause this ordinance to be published in the manner required by law.

SECTION 6. Adoption.

This Ordinance is hereby declared to have been adopted by the City Council of the City of Allen Park, County of Wayne, State of Michigan, at a regular meeting, called and held on the 22nd day of March, 2016.

WILLIAM MATAKAS, Mayor
City of Allen Park

MICHAEL I. MIZZI, City Clerk
City of Allen Park