

ORDINANCE NO. 95-17

AN ORDINANCE TO AMEND CHAPTER 14, ARTICLE II, SECTION 14-22 OF THE ALLEN PARK CODE OF ORDINANCES TO PROVIDE FOR A NEW DEFINITION FOR ASSAULT AND DOMESTIC ASSAULT AND FOR ARRESTS WITHOUT A WARRANT IN CASES OF DOMESTIC ASSAULT.

THE CITY OF ALLEN PARK ORDAINS:

**Section 1. Amendment to Code.**

Chapter 14, Article II, Section 14-22, of the Allen Park Code of Ordinances is hereby amended in its entirety as follows:

Section 14-22A. Assault or Battery.

No person in the City shall commit an assault or an assault and battery upon another.

Section 14-22B. Domestic Assault or Battery.

a. No person within the City shall commit an assault or an assault and battery upon a spouse, a former spouse, or an individual with whom the person has had or has a child in common, or an individual with whom the person is residing or has resided with in the same household.

b. If a police officer has reasonable cause to believe that a violation of subsection (a) has taken place or is taking place such violator may be arrested without a warrant, even though the violation was not committed in the officer's presence.

**Section 2. Repeal.**

All Ordinances or parts of Ordinances in conflict with this Ordinance and specifically Chapter 14, Article II, Section 14-22, are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

**Section 3. Saving Clause.**

Nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or Ordinance hereby repealed pursuant to Section 2 of this Ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

**Section 4. Severability.**

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of

competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

**Section 5. Immediate Effect.**

To preserve the public peace, health, welfare and safety, it is necessary that this Ordinance become immediately operative. It is, therefore, declared to be an emergency measure to take effect immediately.

**Section 6. Penalty.**

A person violating this ordinance shall be guilty of a misdemeanor and subject to the penalties provided in Chapter 1, Section 1-7 of the Allen Park Code of Ordinances.

**Section 7. 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 13th day of February, 1996 and ordered to be given publication in the manner prescribed by law.

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KENNETH E. FORD, Mayor  
City of Allen Park

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BEVERLY KELLEY, City Clerk  
City of Allen Park