

**GAINES TOWNSHIP
ORDINANCE NUMBER 111**

An ordinance to make unlawful the posting of certain messages; and to proscribe penalties for violations thereof.

THE GAINES TOWNSHIP BOARD HEREBY ORDAINS:

Section 1. Unlawful Posting of Messages.

- (a) A person shall not post a message through the use of any medium of communication, including the internet or a computer, computer program, computer system, or computer network, or other electronic medium of communication, without the victim's consent, if all of the following apply:
- (1) The person knows or has reason to know that posting the message could cause two or more separate noncontinuous acts of unconsented contact with the victim.
 - (2) Posting the message is intended to cause conduct that would make the victim feel terrorized, frightened, intimidated, threatened, harassed, or molested.
 - (3) Conduct arising from posting the message would cause a reasonable person to suffer emotional distress and to feel terrorized, frightened, intimidated, threatened, harassed or molested.
 - (4) Conduct arising from posting the message causes the victim to suffer emotional distress and to feel terrorized, frightened, intimidated, threatened, harassed or molested.
- (b) This section does not apply to an internet or computer network service provider who in good faith, and without knowledge of the specific nature of the message posted, provides the medium for disseminating information or communication between persons.
- (c) The court may order a person convicted of violating this ordinance to reimburse the township for the expenses incurred in relation to the violation in the same manner that expenses may be ordered to be reimbursed under section 1f of chapter IX of the code of criminal procedure, Public Act No. 175 of 1927 (MCL 769.1f).
- (d) This ordinance does not prohibit a person from being charged with, convicted of, or punished for any other violation of law committed by that person while violating or attempting to violate this ordinance.

(e) This ordinance does not prohibit constitutionally protected speech or activity.

(f) A person may be prosecuted in this township for violating or attempting to violate this ordinance only if one of the following applies:

(1) The person posts the message while in this township.

(2) Conduct arising from posting the message occurs in this township.

(3) The victim is present in this township at the time the offense or any element of the offense occurs.

(4) The person posting the message knows that the victim resides in this township.

(g) As used in this section:

(1) The term "computer" means any connected, directly interoperable or interactive device, equipment, or facility that uses a computer program or other instructions to perform specific operations including logical, arithmetic, or memory functions with or on computer data or a computer program and that can store, retrieve, alter, or communicate the results of the operations to a person, computer program, computer, computer system, or computer network.

(2) The term "computer network" means the interconnection of hardwire or wireless communication lines with a computer through remote terminal, or a complex consisting of two or more interconnected computers.

(3) The term "computer program" means a series of internal or external instructions communicated in a form acceptable to a computer that directs the functioning of a computer, computer system, or computer network in a manner designed to provide or produce products or results from the computer, computer system or computer network.

(4) The term "computer system" means a set of related, connected or unconnected, computer equipment, devices, software, or hardware.

(5) The term "device" includes, but is not limited to, an electronic, magnetic, electrochemical, biochemical, hydraulic, optical, or organic object that performs input, output, or storage functions by the manipulation of electronic, magnetic or other impulses.

(6) The term "emotional distress" means significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling.

- (7) The term "Internet" has the same meaning as defined in section 230 of title II of the Communications Act of 1934, 47 USC 230, and includes voice over internet protocol services.
- (8) The term "post a message" means transferring, sending, posting, publishing, disseminating, or otherwise communicating or attempting to transfer, send, post, publish, disseminate, or otherwise communicate information, whether truthful or untruthful, about the victim.
- (9) The term "victim" means the individual who is the target of the conduct elicited by the posted message or a member of that individual's immediate family.
- (10) The term "unconsented contact" means 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 any of the following:
- a. Following or appearing within sight of the victim.
 - b. Approaching or confronting the victim in a public place or on private property.
 - c. Appearing at the victim's workplace or residence.
 - d. Entering onto or remaining on property owned, leased, or occupied by the victim.
 - e. Contacting the victim by telephone.
 - f. Sending mail or electronic communications to the victim through the use of any medium, including the internet or a computer, computer program, computer system, or computer network.
 - g. Placing an object on, or delivering or having delivered an object to, property owned, leased, or occupied by the victim.

Section 2. Penalty.

A person violating this ordinance shall be guilty of a misdemeanor punishable by a fine of not more than \$500.00 and/or imprisonment in the county jail for not more than 90 days.

Section 3. Effective Date.


This ordinance shall take effect 30 days after publication.

At a regular meeting of the Board of Trustees for the Township of Gaines held on February 3, 2016, Lee Purdy moved for adoption of the foregoing ordinance and Diane Hyrman supported the motion.

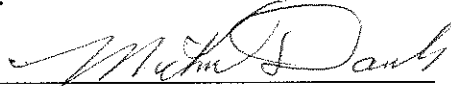
Voting for: Michael Dowler, Paul Fortino, Diane Hyrman, and Lee Purdy.

Voting against: None.

The Supervisor declared the ordinance adopted.



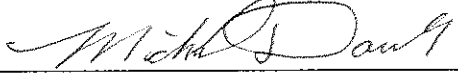
Paul Fortino
Supervisor



Michael Dowler
Clerk

Certification

Michael Dowler, Gaines Township Clerk, certifies that the foregoing is a true copy of Ordinance No. 111 which was enacted by the Board of Trustees of Gaines Township at a regular meeting held on February 3, 2016.



Michael Dowler, Township Clerk