



cityofnovi.org

# CITY of NOVI CITY COUNCIL

Agenda Item C  
August 10, 2009

**SUBJECT:** Approval of adoption of Ordinance No. 09-175 to amend the City of Novi Code of Ordinances to amend Chapter 22, Article II, entitled "Offenses Against Public Administration" to add Sec. 22-40 regarding fingerprinting, and to add Sec 22-41 regarding detention for purposes of identification. **SECOND READING.**

**SUBMITTING DEPARTMENT:** Police Department *DEM*

**CITY MANAGER APPROVAL:** *[Signature]*

**BACKGROUND INFORMATION:**

At the Police Department's request, the City Attorney's office has prepared an ordinance to amend Chapter 22, Article II, of the City of Novi Code to add provisions setting forth new fingerprinting requirements and detention authority for the purpose of identification.

The first section, Section 22-40, sets forth a criminal misdemeanor penalty where a person refuses or resists the taking of his or her fingerprints if the taking of such fingerprints is pursuant to the arrest of the person or otherwise required by law.

The second section, Section 22-41, sets forth authority for a peace officer to detain a person under circumstances that reasonably indicate that the person has committed, is committing, or is about to commit a violation of the City Code or other state law. Where the person so detained refuses to state his or her full name and its proper spelling, for purposes of identification, a criminal misdemeanor penalty is authorized. However, under the proposed ordinance, a person so detained may not be compelled to answer any further inquiry of the officer.

**RECOMMENDED ACTION:** Approve **SECOND READING** of Ordinance No. 09-175 to amend the City of Novi Code of Ordinances to amend Chapter 22, Article II, entitled "Offenses Against Public Administration" to add Sec. 22-40 regarding fingerprinting, and to add Sec 22-41 regarding detention for purposes of identification.

	1	2	Y	N
Mayor Landry				
Mayor Pro Tem Gatt				
Council Member Burke				
Council Member Crawford				

	1	2	Y	N
Council Member Margolis				
Council Member Mutch				
Council Member Staudt				

**STATE OF MICHIGAN**  
**COUNTY OF OAKLAND**  
**CITY OF NOVI**  
**ORDINANCE NO. 09-175**

**AN ORDINANCE TO AMEND THE CITY OF NOVI CODE OF ORDINANCES TO AMEND CHAPTER 22, ARTICLE II, ENTITLED "OFFENSES AGAINST PUBLIC ADMINISTRATION" TO ADD SEC. 22-40 REGARDING FINGERPRINTING, AND TO ADD SEC 22-41 REGARDING DETENTION FOR PURPOSES OF IDENTIFICATION**

**THE CITY OF NOVI ORDAINS:**

**PART I.**

**Sec. 22-40. Fingerprinting; refusal or resistance as misdemeanor.**

- (1) A person shall not refuse to allow or resist the taking of his or her fingerprints if the taking of the fingerprints is pursuant to the arrest of the person or is required by law.
- (2) A person who violates subsection (1) is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or by a fine of not more than \$500.00, or both.

**Sec. 22-41. Detention for purpose of identification.**

- (1) Any peace officer authorized to enforce the Code of the City of Novi who encounters a person under circumstances that reasonably indicate that the person has committed, is committing, or is about to commit a violation of the Code of the City of Novi or law of this state, may detain the person pursuant to this section to ascertain the person's identity. Any person so detained shall upon request of the officer state their full name and the proper spelling thereof or, if the person so elects, communicate it to the officer by other effective means. A person detained pursuant to this section may not be compelled to answer any other inquiry of the officer, except as otherwise required by law.
- (2) Failure to comply with this section shall subject the person to arrest for a violation of section 22-30 of the Code of the City of Novi for obstructing, resisting, or hindering an officer in the discharge of their duties only if the person refuses or otherwise fails to comply with the officer's request for identification after the person has been personally advised by an officer of their obligations to identify themselves under this section and personally advised that failure to comply subjects them to arrest.

(3) Nothing in this section shall be construed to limit any lawful conduct of a peace officer in questioning a suspect or witness or be construed to affect any other lawful arrest or detention powers of an officer.

(4) Nothing in this section shall be construed to obviate or affect the enforcement of any other legal requirement of a person to provide identification to an officer under other local ordinances or laws of this state.

**PART II.**

**Savings Clause.** The amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

**PART III.**

**Severability.** Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

**PART IV.**

**Effective Date: Publication.** The provisions of this Ordinance shall become effective fifteen (15) days after its adoption and shall be published within 15 days of its adoption by publication of a brief notice in a newspaper circulated in the City, stating the date of enactment and the effective date of the ordinance, a brief statement as to the subject matter of this Ordinance and such other facts as the Clerk shall deem pertinent, and that a copy of the Ordinance is available for public use and inspection at the office of the City Clerk.

MADE, PASSED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, ON THE \_\_\_ DAY OF \_\_\_\_\_, 2009.

\_\_\_\_\_  
DAVID B LANDRY, MAYOR

\_\_\_\_\_  
MARYANNE CORNELIUS, CITY CLERK

Ayes:  
Nays:  
Abstentions:  
Absent:

**CERTIFICATION OF ADOPTION**

I hereby certify that the foregoing is a true and complete copy of an Ordinance passed at a \_\_\_\_\_ meeting of the Novi City Council, held on the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
MARYANNE CORNELIUS, CITY CLERK

Adopted:  
Published:  
Effective:

1201831