

SUMMARY

AN ORDINANCE to amend Chapter 50 of the 1984 Detroit City Code, *Streets, Sidewalks and Other Public Places*; by amending Article IX, *Marches, Parades and Processions*, by amending Division 1. *Generally*, Sections 50-9-1 through 50-9-15; to set forth definitions, to establish exemptions and to set forth misdemeanor penalties for violations; by amending Division 2. *Permit*, by amending Sections 50-9-16 through 50-9-30; to require a permit for a march, parade or procession, to establish standards and procedures for the review and input of the City of Detroit on the application, issuance, and/or revocation of such permits, to authorize City Council to select alternate permit dates, and to set forth the duties of the permittee.

CITY CLERK 2015 OCT 21 PM 2:22

1 BY COUNCIL MEMBER _____:

2 AN ORDINANCE to amend Chapter 50 of the 1984 Detroit City Code, *Streets, Sidewalks and*
3 *Other Public Places*; by amending Article IX, *Marches, Parades and Processions*, by amending Division 1.
4 *Generally*, Sections 50-9-1 through 50-9-15; to set forth definitions, to establish exemptions and to set
5 forth misdemeanor penalties for violations; by amending Division 2. *Permit*, by amending Sections
6 50-9-16 through 50-9-30; to require a permit for a march, parade or procession, to establish standards
7 and procedures for the review and input of the City of Detroit on the application, issuance, and/or
8 revocation of such permits, to authorize City Council to select alternate permit dates, and to set forth
9 the duties of the permittee.

10 IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT THAT:

11 Section 1. Chapter 50 of the 1984 Detroit City Code is amended by amending Division 1.
12 *Generally*, Sections 50-9-1 through 50-9-15, and by amending Division 2. *Permit*, by amending Sections
13 50-9-16 through 50-9-30, to read as follows:

14 CHAPTER 50. STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

15 ARTICLE IX. MARCHES, PARADES AND PROCESSIONS

16 DIVISION 1. GENERALLY

17 Sec. 50-9-1. Definitions.

18 ~~The following words and phrases, when used in this article, shall have the meanings~~
19 ~~respectively ascribed to them~~ For the purposes of this article, the following words and phrases
20 shall have the meaning respectively ascribed to them by this section:

21 March means a demonstration upon any street in the City where members of the public
22 exercise their rights under the First Amendment of the United States Constitution and under Article
23 I, Section 3, of the 1963 Michigan Constitution.

1 Parade is means any ~~parade, march, ceremony, show,~~ exhibition, pageant, or procession or
2 show of any kind, or any similar display, in or upon any street, park or other public place in this
3 the city.

4 Parade permit is means a permit ~~as required by this article~~ to engage in a march as defined in
5 this section or a parade as defined in this section.

6 **Sec. 50-9-2. Exemptions from article.**

7 This article shall not apply to:

8 (1) Any march that is held on any sidewalk, park or public place in the City, and, except
9 for normal pedestrian traffic, will not utilize any street in the City;

10 ~~(1)(2)~~ A Funeral processions procession;

11 ~~(3)~~ A governmental agency acting within the scope of its function;

12 ~~(2)(4)~~ Students going to and from school classes or participating in educational activities,
13 providing provided, that such conduct is under the immediate direction and
14 supervision of the proper school authorities;

15 ~~(3)~~ A governmental agency acting within the scope of its functions.

16 **Sec. 50-9-3. Misdemeanor violation; continuing violation; penalties for conviction thereof.**

17 (a) It shall be unlawful for any person to violate any provision of this article.

18 (b) Any person who violates this article may be issued a misdemeanor violation for each day
19 that the violation continues.

20 (c) Any person who is found guilty of violating any provision of this article shall be convicted
21 of a misdemeanor for each misdemeanor violation that is issued and, in the discretion of the court,
22 may be fined up to \$500.00 and sentenced up to 90 days in jail, or both, for each misdemeanor
23 violation that is issued.

24 **Secs. ~~50-9-3~~ 50-9-4—50-9-15. Reserved.**

DIVISION 2. PERMIT

Sec. 50-9-16. Permit rRequired.

No person shall engage in, participate in, aid, form or start any march or parade, unless a parade permit shall have been obtained from the chief of police ~~upon approval~~ and approved by the city council through adoption of a resolution.

Sec. 50-9-17. Application.

(a) *Filing*. A person seeking issuance of a parade permit shall file an application with the chief of police on forms provided by such officer.

(b) *Filing period*. An application for a parade permit shall be filed with the chief of police not less than seven (7) days nor more than thirty (30) days before the date on which it is proposed to conduct the march or parade.

(c) *Contents*. The application for a parade permit shall set forth the following information:

(1) The name, address and telephone number of the person seeking to conduct such march or parade;

(2) If the march or parade is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible head of such organization;

(3) The name, address and telephone number of the person who will be the march or parade ~~chairman~~ chairperson and who will be responsible for its conduct;

(4) The date when the march or parade is to be conducted;

(5) The route to be traveled, the starting point and the termination point;

(6) The approximate number of persons who, and animals and vehicles which, will constitute such march or parade; ~~the~~ and type of animals, and description of the vehicles;

- 1 (7) The hours when such march or parade will start and terminate;
- 2 (8) A statement as to whether the march or parade will occupy all or only a portion of the
3 width of the streets proposed to be traversed;
- 4 (9) The location by streets of any assembly areas for such march or parade;
- 5 (10) The time at which units of the march or parade will begin to assemble at any such
6 assembly area ~~or areas~~;
- 7 (11) The interval of space to be maintained between units of such march or parade;
- 8 (12) If the march or parade is designed to be held by, and on behalf of or for, any person
9 other than the applicant, the applicant for such permit shall file with the chief of police
10 a communication in writing from the person proposing to hold the march or parade,
11 authorizing the applicant to apply for the permit on ~~his behalf~~ of such person proposing
12 to hold the march or parade;
- 13 (13) Any additional information which the chief of police shall find reasonably necessary
14 to a fair determination as to whether a permit should issue.

15 (d) *Late applications.* The chief of police shall have the authority, where good cause
16 is shown ~~therefor, shall have the authority~~ to consider any application hereunder which is filed
17 less than seven (7) days before the date such parade is proposed to be conducted.

18 (e) *Fee.* There shall be paid at the time of filing the application for a parade permit a
19 fee of ~~one hundred dollars (\$100.00)~~. This fee may be waived in whole or in part by the city
20 council. In accordance with Section 9-507 of the Charter, the Chief of Police is authorized to
21 establish a necessary fee with the approval of the City Council, through adoption of a
22 resolution, for the cost of issuing the permit. After adoption of a resolution by the City Council
23 and approval of the resolution by the Mayor, the fee shall be:

(1) Published in a daily newspaper of general circulation and in the Journal of the City Council;

(2) Made available at the Police Department and at the Office of the City Clerk; and

(3) Be reviewed by the Chief of Police at least once every two years.

Sec. 50-9-18. Standards for issuance.

The chief of police shall issue a permit as provided for under this division when, from a consideration of the application and from such other information as may otherwise be obtained, the city council finds that:

(1) The conduct of the march or parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;

(2) The conduct of the march or parade will not require the diversion of so great a number of police officers of the city to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the city;

(3) The conduct of such march or parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the ~~town~~ city other than that to be occupied by the proposed line of march or parade and areas contiguous thereto;

(4) The concentration of persons, animals and vehicles at assembly points of the march or parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;

(5) The conduct of such march or parade will not interfere with the movement of fire-fighting equipment en route to a fire;

(6) The conduct of the march or parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance;

1 (7) The march or parade is scheduled to move from its point of origin to its point of
2 termination expeditiously and without unreasonable delays en route;

3 (8) The march or parade is not to be held for the sole purpose of advertising any product,
4 cause, goods or event and is not designed to be held purely for private profit.

5 **Sec. 50-9-19. Notice of rejection.**

6 If Where the city council disapproves the application for a parade permit, ~~it~~ the City Clerk
7 shall mail to the applicant a notice of Council's action within three (3) days after the date upon
8 which the application was filed ~~a notice of its action~~.

9 **Sec. 50-9-20. Alternative.**

10 ~~The city council, in~~ When denying an application for a parade permit, the City Council shall
11 be empowered to authorize the conduct of the march or parade on a date, at a time, or over a route
12 different from that named by the applicant. An applicant desiring to accept an alternate permit
13 shall, file a written notice of acceptance with the Chief of Police within three (3) days after notice
14 of the action of the city council, ~~file a written notice of acceptance with the chief of police~~. An
15 alternate parade permit shall conform to the requirements of, and shall have the effect of a parade
16 permit under this division.

17 **Sec. 50-9-21. Contents.**

18 Each parade permit shall state the following information:

- 19 (1) Starting time;
20 (2) Minimum speed;
21 (3) Maximum speed;
22 (4) Maximum interval of space to be maintained between the units of the march or parade;
23 (5) The portions of the streets to be traversed that may be occupied by the march or parade;
24 (6) The maximum length of the march or parade in miles of fractions thereof;

1 (7) Such other information as the chief of police shall find necessary to the enforcement
2 of this article.

3 **Sec. 50-9-22. Duties of permittee.**

4 A permittee under this division shall comply with all permit directions and conditions and
5 with this Code, and with all applicable laws and ordinances state and federal law. The march or
6 parade chairman chairperson or other person heading or leading such activity shall carry the parade
7 permit upon ~~his~~ their person during the conduct of the march or parade.

8 **Sec. 50-9-23. Revocation.**

9 The chief of police shall have the authority to revoke a parade permit issued under this division
10 upon application of the standards for issuance as set forth in section 50-9-18.

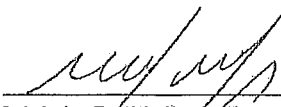
11 **Secs. 50-9-24 – 50-9-30. Reserved.**

12 Section 2. This ordinance is hereby declared necessary to preserve the public peace, health, safety,
13 and welfare of the People of the City of Detroit.

14 Section 3. All ordinances, or parts of ordinances, that conflict with this ordinance are repealed.

15 Section 4. In the event this ordinance is passed by two-thirds (2/3) majority of City Council
16 Members serving, it shall be given immediate effect and become effective upon publication in
17 accordance with Section 4-118 of the 2012 Detroit City Charter. Where this ordinance is passed by
18 less than a two-thirds (2/3) majority of City Council Members serving, it shall become effective on
19 the thirtieth (30) day after enactment, or on the first business day thereafter, in accordance with Section
20 4-118 of the 2012 Detroit City Charter.

Approved as to form:



Melvin B. Hollowell
Corporation Counsel

S U M A R Y

AN ORDINANCE to amend Chapter 40 of the 1984 Detroit City Code, *Parks and Recreation*; by amending Article I, titled *In General*, by adding Division 1, *Generally*, by amending Sections 40-1-1 through 40-1-10 to add definitions of alcoholic beverage, alcoholic liquor, demonstration, leafleting, petitioning, public event, and solicitation, to set forth civil penalties, to declare boulevards within the City of Detroit, to set forth the jurisdiction over parks, public places, boulevards, and jurisdiction over roadways, to require the public lighting department to furnish lights and set forth the duties of the recreation department; by adding Division 2, *Non-Traffic Regulations*, by amending Sections 40-1-11 through 40-1-40, to add time of closure of private parks, to prohibit hunting and overnight camping; by adding Division 3, *Traffic Regulations*, by amending Sections 40-1-41 through 40-1-60, to amend the section numbering; by adding Division 4, *Regulations on Leafleting, Petitioning, Solicitation, Demonstration and Public Events in City Parks*, by adding Sections 40-1-61 through 40-1-80, to require a permit, to authorize permit fees, to establish an application process, to set forth the basis for rejection and/or revocation of a permit, and to provide for instant permission to engage in expressive activity; by amending Article IV, *Hart Plaza*, by amending Section 40-4-1 to clarify the description and boundaries of Hart Plaza, by amending Section 40-4-7 to allow for bicycles and strollers; by adding Article V, *Campus Martius Park*, by adding Sections 40-5-1 through 40-5-20, to set forth the description and boundaries of Campus Martius Park, to provide for the scheduling of events, to prohibit commercial hawking and sales, to prohibit the possession, sale or consumption of alcoholic beverages with exceptions, to prohibit climbing in fountains, to prohibit games and wheeled vehicles, to prohibit roller skates, roller blades, scooters and skateboards with exceptions, to prohibit open fires, to set forth prohibited certain activities regarding leafleting, petitioning, solicitation and demonstration activities within the Park, to require a permit, and to set forth civil penalties for violations.

1 BY COUNCIL MEMBER _____:

2 AN ORDINANCE to amend Chapter 40 of the 1984 Detroit City Code, *Parks and Recreation*; by
3 amending Article I, titled *In General*, by adding Division 1, *Generally*, by amending Sections 40-1-1
4 through 40-1-10 to add definitions of alcoholic beverage, alcoholic liquor, demonstration, leafleting,
5 petitioning, public event, and solicitation, to set forth civil penalties, to declare boulevards within the
6 City of Detroit, to set forth the jurisdiction over parks, public places, boulevards, and jurisdiction over
7 roadways, to require the public lighting department to furnish lights and set forth the duties of the
8 recreation department; by adding Division 2, *Non-Traffic Regulations*, by amending Sections 40-1-11
9 through 40-1-40, to add time of closure of private parks, to prohibit hunting and overnight camping;
10 by adding Division 3, *Traffic Regulations*, by amending Sections 40-1-41 through 40-1-60, to amend the
11 section numbering; by adding Division 4, *Regulations on Leafleting, Petitioning, Solicitation, Demonstration*
12 *and Public Events in City Parks*, by adding Sections 40-1-61 through 40-1-80, to require a permit, to
13 authorize permit fees, to establish an application process, to set forth the basis for rejection and/or
14 revocation of a permit, and to provide for instant permission to engage in expressive activity; by
15 amending Article IV, *Hart Plaza*, by amending Section 40-4-1 to clarify the description and boundaries
16 of Hart Plaza; by amending Section 40-4-7 to allow for bicycles and strollers; by adding Article V,
17 *Campus Martius Park*, by adding Sections 40-5-1 through 40-5-20, to set forth the description and
18 boundaries of Campus Martius Park, to provide for the scheduling of events, to prohibit commercial
19 hawking and sales, to prohibit the possession, sale or consumption of alcoholic beverages with
20 exceptions, to prohibit climbing in fountains, to prohibit games and wheeled vehicles, to prohibit
21 roller skates, roller blades, scooters and skateboards with exceptions, to prohibit open fires, to set
22 forth prohibited certain activities regarding leafleting, petitioning, solicitation and demonstration
23 activities within the Park, to require a permit, and to set forth civil penalties for violations.

24 IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT THAT:

1 Section 1. Chapter 40 of the 1984 Detroit City Code, Article I, titled *In General*, is amended by
2 adding Division 1, *Generally*, by amending Sections 40-1-1 through 40-1-10; by adding Division 2, *Non-*
3 *Traffic Regulations*, by amending Sections 40-1-11 through 40-1-40; by adding Division 3, *Traffic*
4 *Regulations*, by amending Sections 40-1-41 through 40-1-60; by adding Division 4. *Regulations on*
5 *Leafleting, Petitioning, Solicitation, Demonstration and Public Events in City Parks*, by adding Sections 40-1-61
6 through 40-1-80; by amending Article IV, *Hart Plaza*, by amending Section 40-4-1; by adding Article
7 V, *Campus Martinis Park*, by adding Sections 40-5-1 through 40-5-20, to read as follows:

8 CHAPTER 40. PARKS AND RECREATION

9 ARTICLE I. IN GENERAL

10 DIVISION 1. GENERALLY

11 Sec. 40-1-1. Definitions.

12 For the purposes of this article Chapter, the following words and phrases shall have the
13 meanings respectively ascribed to them by this section:

14 Alcoholic beverage means any beverage which contains alcoholic liquor and, therefore, is
15 under the jurisdiction and control of the Michigan Liquor Control Commission.

16 Alcoholic liquor means any spirituous, vinous, malt, or fermented liquor, liquids and
17 compounds, whether or not medicated, proprietary, patented, and by whatever name called, which
18 contain one-half (½) of one percent (1%) or more of alcohol by volume, are fit for use as a
19 beverage, and are defined and classified by the Michigan Liquor Control Commission according
20 to alcoholic content as being alcohol, beer, brandy, mixed spirit drink, mixed wine drink,
21 sacramental wine, spirits, or wine.

22 Demonstration means any demonstration, picketing, speechmaking, marching, holding of
23 vigils, and all other like forms of conduct which involve the communication or expression of views

1 or grievances, engaged in by one or more persons in a manner consistent with laws applicable to
2 such conduct in a public place.

3 *Leafleting* means the distribution of non-commercial printed material or items while walking
4 or standing and addressing the person to whom the material is offered in a manner consistent with
5 laws applicable to such conduct in a public place.

6 *Parks, public places or boulevards* means all parks, parkways, playfields, park lots, grass
7 plots, golf courses, playgrounds, recreation centers, athletic fields, open places, squares, lands
8 under water and other open space or recreational areas which are now owned by the city or under
9 city control or may hereafter be acquired by purchase, gift, devise, bequest, loan or lease.

10 *Petitioning* means the seeking and gathering of signatures on petitions in a manner consistent
11 with laws applicable to such conduct in a public place.

12 *Public Event* means sports events, pageants, celebrations, historical reenactments, regattas,
13 entertainments, exhibitions, fairs, festivals and similar events (including such events presented by
14 the City), which do not satisfy the definition of "Demonstration" outlined above, and which are
15 engaged in by one or more persons in a manner consistent with laws applicable to such conduct in
16 a public place. This term includes any event for which an entry fee is charged.

17 *Roller skates or roller blades* mean a pair of shoes mounted upon one (1) or more sets of
18 wheels that are most often propelled by the user in an upright, standing position.

19 *Scooter* means a footboard that is mounted upon two (2) or more wheels, controlled by an
20 upright steering handle, and often propelled by the user in an upright, standing position.

21 *Skateboard* means a footboard that is mounted upon wheels and usually propelled by the user
22 who sometimes stands, sits, kneels or lays upon the device while in motion.

1 Solicitation means any act by which one person requests an immediate donation of money or
2 other thing of value from another or others in person, regardless of the solicitor's purpose or
3 intended use of the money or other thing of value, in a manner consistent with laws applicable to
4 such conduct in a public place. The solicitation may be oral, written, or by other means of
5 communication. Solicitation is not intended to mean sales or vending.

6 **Sec. 40-1-2. Civil and criminal penalties.**

7 (a) A person who violates sections 40-1-42, 40-1-43, 40-1-44, 40-1-45, 40-1-46, 40-1-47, 40-
8 1-48, 40-1-49, 40-1-30, 40-1-61, 40-1-67, 40-5-10, and 40-5-11 of this Code or any traffic
9 regulation issued pursuant to section 40-1-41 of this Code shall be responsible for a civil infraction
10 and shall be subject to a civil fine of not more than one hundred dollars (\$100.00) plus costs as
11 provided for in Chapter 55 of this Code.

12 (b) Except for sections 40-1-42, 40-1-43, 40-1-44, 40-1-45, 40-1-46, 40-1-47, 40-1-48, 40-
13 1-49, 40-1-30, 40-1-61, 40-1-67, 40-5-10, and 40-5-11 or any traffic regulation issued pursuant to
14 section 40-1-41, the violation of which is a civil infraction, any person who violates any other
15 section in this article is subject to issuance of a misdemeanor violation and, upon conviction, is
16 subject to the penalties set forth in section 1-1-9(a) of this Code.

17 **Sec. 40-1-2 40-1-3. - Boulevards.**

18 (a) The following roadways, from lot line to lot line, are hereby declared to be boulevards for
19 the purpose of this article:

20 Arden Park—From Woodward to Oakland

21 Boston Boulevard—East and West from Oakland to Linwood

22 Chicago Boulevard—From Jefferson to Mack

23 Chicago Boulevard—From Woodward to Dexter

1 Dexter Boulevard—From West Grand Boulevard to Joy Road

2 Douglas MacArthur Bridge

3 Grand Boulevard, East and West—From the mainland terminus of the Belle Isle Bridge to the
4 terminus of the West Grand Boulevard and West Jefferson

5 Lafayette Boulevard—From West Grand Boulevard to Green

6 LaSalle Boulevard—From West Grand Boulevard to Boston Boulevard

7 Oakman Boulevard—From Kendall Avenue to Ewald Avenue and from Chicago Boulevard
8 to the boundary line of the City of Dearborn

9 Oakman Court—From Oakman Boulevard to Linwood

10 ~~Pontchartrain~~ Pontchartrain Boulevard—From McNichols Road to Palmer Park

11 Second Boulevard—From Clairmount to the southerly line of the City of Highland Park

12 Washington Boulevard—From Convention Hall Building (Cobo Hall) to Park Avenue.

13 (b)No roadway or highway hereafter acquired by the city, otherwise than by condemnation,
14 shall be deemed to be boulevards without legislative action by ordinance by the city council, even
15 though such roadway or highway be designated a boulevard in the plat, deed or other instrument
16 by which the city may acquire the same.

17 ~~Sec. 40-1-3~~ 40-1-4. - Jurisdiction over parks, public places, boulevards, and jurisdiction over
18 roadways in parks and public places.

19 The recreation department shall have jurisdiction over the following:

20 (1)~~Roadways~~ and drives within the boundaries of all city parks, ~~playfields, playgrounds and~~
21 public places.

1 (2) All parks, playfields, playgrounds or public places, and boulevards, as defined in this
2 Chapter, now owned or hereafter acquired by the city, within or without its boundaries, shall be
3 deemed to be parks within the meaning of this article.

4 **Sec. 40-1-5. - Lights to be furnished by public lighting department and/or the public lighting**
5 **authority.**

6 The public lighting department and/or the public lighting authority shall furnish proper and
7 sufficient lights for the parks, public places and boulevards of the city.

8 **Sec. 40-1-4 40-1-6. Duties of recreation department generally; establishment of rules and**
9 **regulations relative to parks; police powers of employees of departments; investigation of**
10 **claims by police department.**

11 (a) It shall be the duty of the recreation department to improve and beautify in appropriate
12 manner the parks, parkways, boulevards and public places, and boulevards placed in the
13 jurisdiction of the department by virtue of this article and Charter of the city. The recreation
14 department shall establish reasonable rules and regulations for the protection of rights and property
15 vested in the city and under control of the department, for the uses, care, maintenance and
16 management of all parks and their dockage, bridges on Belle Isle, public grounds and boulevards
17 and concerning waters surrounding Belle Isle, subject to control of the United States Department
18 of Defense.

19 (b) It shall be the duty of the recreation department to enforce, through the employees of the
20 department, the provisions of this article. The powers and duties of police officers are hereby
21 conferred upon such employees of the department as are selected by the recreation department,
22 upon taking appropriate oath as peace officers; provide provided, that it shall be the duty of the
23 chief of police to assign a sufficient number of police officers to properly police the parks, public

1 recreation areas and boulevards of the city and to cooperate with the employees of the department
2 in the enforcement of this article. The police department shall investigate the complaints made by
3 the recreation department relative to violation of this article and shall take such action therein as
4 the facts may warrant.

5 Secs. 40-1-7 – 40-1-10. Reserved.

6 DIVISION 2. NON-TRAFFIC REGULATIONS

7 Sec. 40-1-5 40-1-11. Encroachments, obstructions, etc., prohibited; exceptions.

8 (a) No person shall erect, maintain or permit to be erected or maintained any building,
9 obstruction or encroachment of any kind upon any park, ~~parkway, park lot, playground, playfield,~~
10 public place or boulevard. The word term “encroachment” as used in this section shall be deemed
11 to include any sign, cornice, bay-window, awning, marquee, porch drive, walk or other projection
12 of any character which rests upon or projects over ~~any park~~ the property or of any park, public
13 place ~~defined in this article, or boulevard~~. The provisions of this section shall not apply to
14 encroachments upon Washington Boulevard, East Grand Boulevard between Milwaukee Avenue
15 and Hamtramck Drive-Sargeant Street, Oakman Boulevard from the westerly line of the City of
16 Highland Park to Linwood Avenue and from Turner Avenue to West Chicago Avenue, which are
17 authorized by the ~~official building code of the city~~ State Construction Code.

18 (b) Where, in unusual circumstances, undue hardship would be suffered or no good purpose
19 would be served, the city council may ~~modify any of~~ amend the requirements of subsection (a) of
20 this section on a declared boulevard, as designated in section 40-1-23, upon the recommendation
21 of the recreation department; provided, that the recreation department shall obtain a report from
22 the ~~community and economic~~ planning and development department before filing their
23 recommendation with the city council.

1 **Sec. ~~40-1-6~~ 40-1-12. Permit required for digging, tunneling, etc.**

2 No person shall open, take up or tunnel under or otherwise interfere with any part or portion
3 of any park, ~~park lot, parkway,~~ public place or boulevard without a written permit from the
4 recreation department. Before granting of such permit, the applicant shall be required to deposit
5 with the recreation department a sum of money, to be determined by the recreation department,
6 which will fully cover the expense that may be incurred by the recreation department in connection
7 therewith. In case the recreation department ~~is put to~~ incurs any actual expense in connection with
8 such work, it shall retain the amount therefor from such deposit and shall refund the balance, if
9 any, to the person who deposited the same.

10 **Sec. ~~40-1-7~~ 40-1-13. Storage of building materials, etc.; lights required on materials;
11 protection of trees and shrubs.**

12 (a) No person shall place, deposit or allow to be placed, kept or deposited upon any park, ~~park~~
13 ~~lot, parkway,~~ public place or boulevard any building material or other material without a written
14 ~~permit~~ having first ~~been obtained~~ a written permit from the recreation department, which permit
15 shall state the space to be occupied and the limit of time it shall be in force.

16 (b) Any person acting under such permit and causing or permitting an obstruction to be placed
17 upon any park, public place or boulevard shall cause at least two (2) red lights to be placed in
18 conspicuous places upon the same from sunset to sunrise of each day during which such
19 obstruction remains, and shall also construct and maintain proper safeguards and a safe and proper
20 plank sidewalk at least two (2) feet wide around each obstruction. Any trees, shrubs or plants in or
21 around any building operation shall be protected by a good substantial box, not less than four (4)
22 feet square and six (6) feet high.

23 **Sec. ~~40-1-8~~. Moving of buildings.**

1 ~~No person shall remove or cause to be moved any house, building or other structure on or~~
2 ~~across any park, public place or boulevard, except between the hours of 1:00 a.m. and 6:00 a.m.,~~
3 ~~and the occupancy of such park, public place or boulevard shall continue only between such hours.~~
4 ~~No such house, building or structure shall be moved without a written permit from the recreation~~
5 ~~department, who may in their discretion refuse to grant the same. A deposit of not less than fifty~~
6 ~~dollars (\$50.00) shall accompany the application for the permit and the amount of such deposit~~
7 ~~may be fixed above such sum in the discretion of the recreation department. The person to whom~~
8 ~~the permit is issued shall, after moving has been completed, replace the roadways, grass plots and~~
9 ~~other property which may have been injured to their former condition, under the supervision of the~~
10 ~~recreation department. If such work is not done immediately, it shall be done by the department,~~
11 ~~which shall deduct the expense thereof from the amount deposited with the application for the~~
12 ~~permit.~~

13 **Sec. ~~40-1-9~~ 40-1-14. Permittees to assume liability for damages.**

14 No permit shall be granted under this article to any person for any purpose, unless, in the
15 application therefor, the party applying for the same shall agree to indemnify and save the city
16 harmless from all liability because of caused by the permit applicant resulting in injury to person
17 or property arising out of the activity or privilege for which the permit was granted. The risk
18 management division of the finance department shall establish and publish a schedule of
19 indemnification limits and amounts.

20 **Sec. ~~40-1-10~~ 40-1-15. Hours for private City parks and public places; time of closure;**
21 **prohibited activity during closure.**

22 ~~No person shall loiter, picnic, party, congregate or remain upon or within any private park,~~
23 ~~private playfield, or private playgrounds between the hours of 10:00 p.m. and 6:00 a.m. In order~~

1 ~~for this section to be enforceable, such time shall be clearly and legibly posted upon permanent~~
2 ~~signs prominently displayed on the site of such park, playground or playfield.~~

3 (a) All city parks and public places, as defined in section 40-1-1 of this Code, shall be closed
4 to the public from 10:00 p.m. to 6:00 a.m., unless posted signs designate a different period of
5 closure. No person shall loiter, picnic, party, congregate, or remain upon or within any city park
6 or public place during the time of closure.

7 (b) Under circumstances considered by the police department to be hazardous to the public
8 health, safety or welfare, the chief of police, or the chief's designee, is authorized to temporarily
9 close any park or public place at any hour. No person shall loiter or remain within a park or public
10 place after an order to vacate has been given by the police department. Each such closing shall be
11 documented in a report that is prepared by the chief of police, or the designee of the chief of police,
12 and filed with the city clerk for transmittal to the city council.

13 **Sec. 40-1-16. Private parks; time of closure; prohibited activity during closure.**

14 No person shall loiter, picnic, party, congregate, or remain upon or within any private park,
15 private playfield, or private playground between the hours of 10:00 p.m. and 6:00 a.m. unless
16 otherwise designated by the recreation department. In order for this section to be enforceable, such
17 time shall be clearly and legibly posted upon permanent signs prominently displayed on the site of
18 such park, playground, or playfield. For purposes of this section, "private" means owned by a
19 non-governmental entity.

20 **Sec. 40-1-11 40-1-17. Advertising, placing of signs, etc.**

21 No person shall distribute any advertising matter, political or otherwise, from any vehicle, nor
22 or post or place any notices, signs or other encumbrances of any description upon any erection,

1 structure or tree, shrub or vine which may be growing or erected in, upon or surrounding any park
2 or public ~~property~~ place or boulevard under the control of the recreation department.

3 **Sec. ~~40-1-12~~ 40-1-18. Sale of any article, goods, merchandise, or food prohibited; exceptions;**
4 **distribution of commercial handbills prohibited within any park, public place or boulevard.**

5 (a) The sale or offer of sale, or barter of any article, goods, merchandise, or food of any kind
6 within any park, public place or boulevard is prohibited, except:

7 (1) Sales of articles by recreation department employees as authorized by the director of the
8 recreation department, or his or her designee;

9 (2) Concessions sold by persons pursuant to a contract with the city;

10 (3) Sales by licensed stationary food preparation vendors pursuant to section ~~40-1-24~~ 40-1-29
11 of this Code; and

12 (4) Sales by approved vendors made in conjunction with an authorized activity, event, or use
13 within the boundaries of a city park in accordance with recreation department rules
14 governing vendors in parks and public spaces. provided, that articles, goods,
15 merchandise, or food of any kind shall not be sold, or offered for sale, on any boulevard,
16 drive, roadway, or street within or adjacent to any park, public place or boulevard.

17 (b) No hawking, peddling, soliciting or distribution ~~on~~ of handbills for commercial purposes
18 shall be allowed within any park, public place or boulevard.

19 **Sec. ~~40-1-13~~ 40-1-19. Depositing of rubbish, filth, etc., prohibited.**

20 No person shall place or deposit any dead carcass, ordure, filth, dirt, rubble, papers or other
21 matter or substance upon any park, ~~or~~ public place or boulevard.

22 **Sec. ~~40-1-14~~ 40-1-20. Throwing stones, etc., into and wading in pools, etc., prohibited.**

1 No basin, pool, fountain, lake or canal shall be fouled by stone, wood or any other substance,
2 ~~nor~~ or bathed in ~~nor~~ or waded into, except in wading pools designated for that purpose by the
3 recreation department.

4 **Sec. ~~40-1-15~~ 40-1-21. Fishing and swimming.**

5 No fishing or swimming shall be allowed from or upon any portion of the parks, boulevards,
6 and public places, except those places or sections specifically designated by the recreation
7 department. ~~Fishing or s~~Swimming is prohibited in any of the canals of Belle Isle Park.

8 **Sec. ~~40-1-16~~ 40-1-22. Molesting, etc., animals and fowl.**

9 No person shall molest or in any manner disturb or annoy any animal, fish or fowl which may
10 be placed in any fountain, pool, basin or enclosure or allowed to run at large.

11 **Sec. ~~40-1-17~~ 40-1-23. Abandonment of animals in parks prohibited.**

12 No person shall abandon, leave or desert, within the confines of any park, any carnivorous
13 animals, such as cats, dogs or any other species of animal which is or may be a menace to the wild
14 life which is or may hereafter be harbored within the confines of any such park.

15 **Sec. ~~40-1-18~~ 40-1-24. Riding of horses; dogs to be on leashes.**

16 (a)No person shall ride upon any horse unless the animal is equipped with a saddle. Riding
17 horses shall not be driven on or ridden upon any roadway set aside for motor vehicle traffic, ~~nor~~
18 or upon any footpath or trail set aside for pedestrians or bicyclists. Riding across lawns, fields or
19 gardens in any park ~~or playground, public area or boulevard~~ is strictly forbidden; provided, that
20 this regulation shall not apply to any mounted police officer engaged in performing his such
21 officer's regular duty.

22 (b)Except locations designated by the recreation department as a dog park area, ~~No~~ dogs
23 shall be permitted within the confines of any park, ~~playground or public place, or boulevard,~~ unless

1 such dogs shall be attached to a leash which does not exceed six (6) feet in length; ~~such leash to~~
2 ~~be of~~ and is sufficient strength to hold such animal in constant check. Tying animals by a leash
3 which exceeds six (6) feet in length to any tree, shrub, structure or other fixture or thing is strictly
4 forbidden.

5 ~~Sec. 40-1-19. Loitering, etc., in parks or playgrounds after closing.~~

6 ~~No person shall loiter or remain upon any park, playfield, playground or other public place~~
7 ~~after the hour the recreation department has ordered such park, playfield, playground or other~~
8 ~~public place to be closed.~~

9 ~~Sec. 40-1-20~~ 40-1-25. Permit for ride concessions required; designation of docks for pleasure
10 boats.

11 No owner or operator of any boat, automobile, aeroplane or hydroplane shall solicit or be
12 permitted to operate for hire upon or from any portion of a park, public place or boulevard, without
13 first obtaining a permit from the recreation department, which permit may be issued under such
14 reasonable conditions as may be established and may be revoked or suspended for violation of
15 such conditions or for other cause. The recreation department may designate wharves and docks
16 ~~at which~~ where pleasure boats may be moored.

17 ~~Sec. 40-1-21~~ 40-1-26. Playing of games prohibited except in designated areas and where
18 required with permit; gambling prohibited; roller skating, scooter use, and skateboarding
19 prohibited except on roadways and drives.

20 (a) ~~No persons~~ person shall play any ~~games~~ game in or upon parks, public places or
21 boulevards, provided, that baseball, football, tennis and other games of recreation may be played
22 upon such portion of the parks, public places or boulevards as may be designated by the recreation
23 department under such rules and regulations as may have been promulgated, or may be

promulgated by the Department in accordance with section 2-111 of the 2012 Detroit City Charter and, where required, upon first obtaining a permit therefor.

(b) No person shall gamble upon any park, public place, or boulevard of the city.

(c) No person shall operate or ride upon any roller skates, roller blades, scooters, or skateboards upon parks, public places, or boulevards in such a manner as to harm, or be likely to harm, any person or property.

Sec. ~~40-1-22~~ 40-1-27. Golfing activities.

No person shall engage in any golfing activity, such as practice driving or putting upon any park, ~~playfield, playground or other~~ public place, or boulevard. This restriction shall not apply to any designated golf course, golf practice driving range, golf practice driving net, golf practice putting green or ~~putting course~~ golf school.

Sec. ~~40-1-23~~ 40-1-28. Combustion powered model planes, boats and cars.

No combustion powered model aircraft, model automobile or model boat shall be operated or the engines thereof tested in any park, public place or boulevard, except at such locations as may be designated by the recreation department.

Sec. ~~40-1-24~~ 40-1-29. Designated areas for picnics; sale of food or beverages prohibited except as permitted.

(a) No picnics may be held upon or in any city park, ~~bathing beach, or~~ public place or boulevard, except in those areas designated by the city ~~for that purpose~~.

(b) No food or beverages of any kind shall be permitted to be sold or offered for sale in any city park, ~~bathing beach, or~~ public place or boulevard on any roadway or drive within any park, except as permitted under this section ~~of the Code~~.

1 (c) All food or beverages offered for sale in any city park, ~~bathing beach~~, public place, or on
2 any roadway or drive within any city park, shall be permitted pursuant to agreement with the city,
3 as approved by the ~~Detroit~~ City Council, except for food preparation vendors, as defined in section
4 41-2-1 of this Code, permitted under this subsection (d) of this section.

5 (d) The director of the recreation department may approve and designate certain locations in
6 city parks for the sale of food by food preparation vendors. All food preparation vendors shall be
7 licensed by the state and the city and comply with all applicable laws, provisions of this Code,
8 regulations, and rules, including the Michigan Food Law of 2000, being MCL 289.1101 *et seq.*
9 and Chapter 21, Article X, and Chapter 41, Article II, of this Code.

10 (e) In accordance with section 2-111 of the ~~1997 Detroit City~~ Charter, the director of the
11 recreation department is authorized to promulgate rules for the use of any city park, ~~bathing beach~~,
12 or public place for picnics and for the sale food or beverages in any city park, public place, or on
13 any roadway or drive within any city park.

14 **Sec. ~~40-1-25~~ 40-1-30. Permit required for marches, parades, etc.**

15 (a) No parade, procession, exercises, or other activities which can reasonably be expected to
16 result in the congregating together of a large number of people more than forty-five individuals
17 shall be permitted within any parks, public places, and boulevards without a permit having been
18 obtained from the recreation department.

19 (b) No permit shall be issued by the recreation department for major events or special uses or
20 activities such as the Grand Prix within parks, public places, or boulevards which could alter in
21 any significant way the appearance, noise level, or accessibility, without prior approval of the
22 ~~Detroit-city~~ council.

1 (c) No construction or alteration other than routine maintenance or replacement within parks,
2 public places or boulevards shall begin without prior approval of the ~~Detroit~~ city council.

3 (d) The requirements of this section are subject to to instant permission to engage in expressive
4 activity undertaken in accordance with section 40-1-67.

5 **Sec. 40-1-26 40-1-31. Use of firearms or fireworks; kindling of fires.**

6 ~~Within or upon any parks, public places and boulevards, no~~ No person shall fire or discharge
7 any revolver or other firearm, ~~nor or~~ kindle ~~nor or~~ build a fire, except in places designated by the
8 recreation department, ~~nor or~~ throw stones or other missiles, ~~nor or~~ fire, discharge or set off any
9 rocket, cracker, torpedo, squib or other fireworks containing any substance of an explosive nature.
10 The last inhibition shall not prevent special fireworks exhibitions to be given under the auspices
11 or direction of the department, upon special permit issued by the department.

12 **Sec. 40-1-32. Overnight camping prohibited.**

13 No overnight camping is permitted in any park, public place or boulevard, as defined in section
14 40-1-1 and section 40-1-3 of this Code.

15 **Sec. 40-1-33. Hunting prohibited.**

16 No hunting is permitted in any park, public place or boulevard, as defined in section 40-1-1
17 and section 40-1-3 of this Code.

18 **Secs. 40-1-34 – 40-1-40. Reserved.**

19 **DIVISION 3. TRAFFIC REGULATIONS**

20 **Sec. 40-1-27 40-1-41. Regulation of traffic.**

21 The department of transportation is authorized, with the approval of the recreation department,
22 ~~shall have authority~~ to regulate and control traffic vehicles upon or within the parks, public places

1 and boulevards. It may designate certain roadways to be used by vehicles going in a certain
2 direction and shall make evident such designation ~~by~~ through the erection of appropriate signs.

3 **Sec. ~~40-1-28~~ 40-1-42. Vehicles on footwalks, bridle paths, etc.**

4 No wheelbarrow, handcart, automobile, motorcycle, bicycle, motor-driven cycle, go-cart or
5 unlicensed vehicle shall be permitted on the footwalks, sidewalks, bridle paths, pedestrian trails,
6 ~~grass-plots~~ or planted places of any park, public place or boulevard, except in ~~such sections~~ areas
7 as may be designated by the recreation department or recreation department employees in the
8 execution of their duties.

9 **Sec. ~~40-1-29~~ 40-1-43. Driving or parking prohibited on grass or shrubbery; stopping,**
10 **standing or parking generally.**

11 (a) No person shall drive or park any vehicle of any description upon any part of a park, public
12 place or boulevard laid out and appropriated for grass or shrubbery.

13 (b) ~~Nor shall any~~ No person shall stop, stand or park a vehicle upon that portion of the highway
14 located between the property lot lines and the nearest curblines, unless permitted by ~~action of the~~
15 recreation department and the department of transportation ~~and~~ through the erection of appropriate
16 signs ~~are erected~~.

17 **Sec. ~~40-1-30~~ 40-1-44. Obstruction of traffic.**

18 No vehicle shall be permitted to stand upon any boulevard or roadway of any park or public
19 place in such a manner as to obstruct or blockade traffic. Every vehicle shall come to a complete
20 stop before crossing any boulevard; provided, that this regulation shall not apply to any intersection
21 where traffic is being directed by a traffic officer or traffic signal.

22 **Sec. ~~40-1-31~~ 40-1-45. Speed limits.**

1 No vehicle shall be operated or driven in any park or public place at a rate of speed in excess
2 of twenty-five (25) miles per hour. Where signs are erected for the control of traffic ~~which is at a~~
3 speed of less than twenty-five (25) miles per hour, it shall be unlawful to exceed the rate of speed
4 so designated ~~upon~~ by the sign.

5 **Sec. ~~40-1-32~~ 40-1-46. Trailers prohibited.**

6 No automobile or other vehicle hauling a second vehicle or trailer of any description shall be
7 permitted within any parks or public places. The term "Trailer," as used in this section shall mean
8 any vehicle which is either wholly or partially dependent upon another unit to provide motive
9 power.

10 **Sec. ~~40-1-33~~ 40-1-47. Testing of vehicles prohibited.**

11 No motor ear ~~vehicle~~, truck or motorcycle shall be driven in any park for testing same.
12 "Testing" ~~is hereby defined to be~~ means the operating or driving of a motor vehicle for ascertaining
13 its fitness for service and use other than in those areas designated and authorized by the recreation
14 department.

15 **Sec. ~~40-1-34~~ 40-1-48. Trucks prohibited; exceptions.**

16 No person shall operate ~~upon or within any park, public place or boulevard~~ any truck, as the
17 term is defined by the Michigan Vehicle Code, being MCL 257.1, et seq., or any other vehicle
18 used for hauling or distribution of merchandise, freight or material upon or within any park, public
19 place or boulevard; provided, that such truck or vehicle may be operated upon or within such ~~parks,~~
20 ~~public places or boulevards~~ park, public place or boulevard, for the shortest possible distance,
21 when necessary to serve any property upon such park, public place or boulevard or contiguous
22 thereto, or when it is necessary to cross any boulevard. The provisions of this section shall not
23 apply to vehicles operated by the recreation department.

1 ~~Sec. 40-1-35. Lights to be furnished by public lighting department.~~

2 The public lighting department shall furnish proper and sufficient lights for the parks, public
3 places and boulevards of the city.

4 ~~Sec. 40-1-36~~ 40-1-49. - Repairing, cleaning of automobiles.

5 No person shall clean, wash, polish, repair or in any manner service any motor vehicle or
6 trailer within the confines of any public park, public place or boulevard, or cause the same to be
7 done. For the purpose of this section, the term "repair" ~~shall be deemed to mean~~ the replacement
8 of old, worn out parts of the vehicle with new parts, and the term "service" ~~shall be deemed to~~
9 ~~mean~~ the draining of oil, sludge, gasoline and water for the purpose of replacing same with a new
10 supply. This prohibition shall not apply to the changing of deflated tires or the performing of
11 necessary emergency work on a disabled car for the purpose of immediate movement or to places
12 specifically set aside by the recreation department for motor vehicle repair and service.

13 ~~Sec. 40-1-37. Civil and criminal penalties.~~

14 ~~(a) A person who violates sections 40-1-28, 40-1-29, 40-1-30, 40-1-31, 40-1-32, 40-1-33, 40-~~
15 ~~1-34 and 40-1-36 of this Code or any traffic regulation issued pursuant to section 40-1-27 of this~~
16 ~~Code shall be responsible for a civil infraction and shall be subject to a civil fine of not more than~~
17 ~~one hundred dollars (\$100.00) plus costs as provided for in section 55-2-31 of this Code.~~

18 ~~(b) Except for sections 40-1-28, 40-1-29, 40-1-30, 40-1-31, 40-1-32, 40-1-33, 40-1-34 and 40-~~
19 ~~1-36 or any traffic regulation issued pursuant to section 40-1-27, the violation of which is a civil~~
20 ~~infraction, any person who violates any other section in this article is subject to issuance of a~~
21 ~~misdemeanor violation and, when convicted, is subject to receiving a fine of up to five hundred~~
22 ~~dollars (\$500.00), to being sentenced of up to ninety (90) days in jail, or both in the discretion of~~
23 ~~the court.~~

1 Secs. 40-1-50 – 40-1-60. Reserved.

2 DIVISION 4. REGULATIONS ON LEAFLETING, PETITIONING, SOLICITATION,

3 DEMONSTRATIONS AND PUBLIC EVENTS IN CITY PARKS

4 Sec. 40-1-61. Permit required for Leafletting, Petitioning, Solicitation and Demonstration
5 activities; exceptions.

6 (a) Groups of more than forty-five (45) individuals who desire to engage in leafletting,
7 petitioning, solicitation or demonstration activities shall obtain a permit from the recreation
8 department.

9 (b) Leafletting, petitioning, solicitation and demonstration activities by a group of forty-five
10 (45) or fewer individuals will be allowed without a permit, unless:

11 (1) The activity unduly interferes or conflicts with a previously-issued permit for the same
12 area;

13 (2) The location sought is not suitable because of landscaping, planting or other
14 environmental conditions reasonably likely to be negatively impacted by the proposed
15 activity;

16 (3) The activity unduly impedes vehicular or pedestrian traffic, or endangers the person(s)
17 engaging in such activities or the public;

18 (4) The activity unduly impedes scheduled activities;

19 (5) The activity unduly impedes the operation and functioning of authorized commercial
20 activities on park grounds;

21 (6) The activity violates any federal, state or local law, ordinance or regulation; or

1 (7) The activity requires sound amplification (except that a hand-held, battery operated
2 megaphone is allowed without a permit, so long as its use will comply with relevant noise
3 ordinances).

4 (c) The permit requirements are subject to the provisions in section 40-1-67 and Article IV.

5 **Sec. 41-1-62. Permit fees; waivers.**

6 (a) In accordance with Section 9-507 of the 2012 City Charter, the recreation department shall
7 establish and publish a schedule of fees for permits under this Division, based on the cost of
8 processing an application during the permitted activity. The fee for the permit shall be in addition
9 to any rental or usage fee that would normally apply for the use of the park or facility.

10 (b) The schedule of permit fees shall include provisions for full or partial fee waivers for any
11 person or group that attests that they cannot afford them or that payment of the fee will significantly
12 inhibit the ability to engage in the permitted activity.

13 **Sec. 41-1-63. Permit required for Public Events; exceptions.**

14 In the case of a public event, if the recreation department director determines that the proposed
15 activity will require the commitment of municipal resources or personnel, security, cleanup
16 expenses or other significant costs beyond those which are normally available or normally
17 provided by the city, the director may also require the applicant to meet reasonable insurance,
18 bonding or indemnification requirements, subject to First Amendment limitations.

19 **Sec. 40-1-64. Application for Permits.**

20 (a) Applicants for a permit must supply the following information in the application:

21 (1) The name, address and day and evening phone number of the person or organization or
22 other entity seeking the permit;

23 (2) The name, address and day and evening phone number of the person who will be

1 responsible for conducting the public event, picnic or private gathering;

2 (3) The nature of the public event, picnic or private gathering. The director of the recreation
3 department reserves the right to request additional information if necessary;

4 (4) The date or dates, and hours during which the public event, picnic or private gathering is
5 proposed to be held, including set up and disassembly time;

6 (5) The number of persons who will be engaged in such activities;

7 (6) The location to be used;

8 (7) The equipment and structures to be used during the activity; and

9 (8) Information about any fees to be charged for the activity.

10 (b) Applicants for permits for leafleting, petitioning, solicitation and demonstration activities
11 must apply for a permit at least two (2) business days prior to the event. However, in order to
12 respond to imminent events or concerns, the recreation department will waive the 2-day advance
13 notice requirement if the size and nature of the activity will not reasonably require the commitment
14 of municipal resources or personnel beyond those which are normally available or which can
15 reasonably be made available within the necessary time period.

16 (c) Applicants for permits for a public event must apply for a permit at least seven (7) business
17 days prior to the event.

18 **Sec. 40-1-65. Decision on the Application for a Permit(s); basis for rejection.**

19 (a) The recreation department shall issue a decision on permit applications within two (2)
20 business days of receipt. The decision and the grounds for the decision shall be forwarded to the
21 applicant in writing.

22 (b) In the event a permit is denied, the recreation department shall notify the applicant in
23 writing immediately of the reasons for that determination.

1 (c) An applicant whose permit application has been denied under this rule can seek review in
2 a court of law.

3 (d) The permit holder, or the person in charge of an expressive activity without a permit under
4 section 40-1-67, shall exercise reasonable care under the circumstances to prevent damage to city
5 property by those participating in the activity.

6 (e) The recreation department shall not issue a permit if the department finds that:

7 (1) The application is incomplete or contains a material falsehood;

8 (2) The individual applying for the permit has intentionally damaged park property within
9 six months from the date of the application. Such applicant, if issued a permit, will be
10 required to post a bond consistent with First Amendment protections;

11 (3) The activity will unduly interfere or conflict with a previously-issued permit for the same
12 area;

13 (4) The location sought is not suitable because of landscaping, planting or other
14 environmental conditions reasonably likely to be negatively impacted by the proposed
15 activity;

16 (5) The activity will unduly impede vehicular or pedestrian traffic, or will endanger the
17 applicant or the public;

18 (6) The activity will unduly impede scheduled activities;

19 (7) The activity will unduly impede the operation and functioning of adjacent commercial
20 activities;

21 (8) The activity is of such a nature or duration that it cannot reasonably be accommodated in
22 the particular area requested in the permit application;

23 (9) The activity will violate any federal, state or local law, ordinance or regulation; or

1 (10) The activity is of such a nature or duration that it cannot reasonably be accommodated in
2 the particular area requested in the permit application;

3 (f) For purposes of this Article, the term "unduly impede" shall not be construed to include
4 minor inconveniences or disruptions, such as can reasonably be expected whenever a large group
5 of people are gathered together.

6 **Sec. 40-1-66. Revocation of permit; basis for revocation.**

7 (a) The city, through the recreation department or the police department, may revoke a permit
8 for any of the following reasons:

9 (1) Violation of the terms or conditions of the permit;

10 (2) The activities or conduct of the permit holder constitute a clear and present danger to the
11 public health, welfare and safety;

12 (3) The number of persons engaged in the permitted activity exceeds the number stated in
13 the permit, subject to section 40-1-67; and

14 (4) The activities of the permit holder constitute a violation of any applicable law or
15 regulation.

16 (b) In granting a permit for a demonstration, the city will exercise no discretion over the
17 issuance of a permit hereunder, except as provided for in this Chapter. Nothing in this Chapter
18 shall be construed to interfere with the right of public assembly except as constitutionally
19 permitted.

20 **Sec. 40-1-67. Instant Permission to Engage in Expressive Activity.**

21 (a) If a person or group otherwise qualified for a permit for expressive activity (that is, the
22 proposed event or activity will not violate section 40-1-65(e), paragraphs 2 through 10 justifying
23 a denial of a permit specified above), including leafleting, petitioning, solicitation or

1 demonstration, appears at a location where this expressive activity is allowed, with the purpose of
2 engaging in this expressive activity, but does not have a permit to do so, and a member of the
3 police department responds to the location, such officer should contact the director for the
4 recreation department, or his/her designee, by telephone or email or other similar means to report
5 the situation and to determine whether there are any events with permits scheduled for that
6 location.

7 (b)If there are no conflicting permits, the police shall allow the expressive activity to proceed,
8 unless precluded by one of the following:

9 (1) The issuance of instant permission to engage in expressive activity would result in any
10 actual diminution, caused by the lack of advance notice, in the ability of the police
11 department, or the ability of other governmental agencies, appropriately to organize and
12 allocate their personnel and resources so as to fulfill their general missions and to protect
13 the rights of both persons exercising free speech and other persons wishing to use the
14 streets, sidewalks, and other public ways, and parks; or

15 (2) The proposed event will create a substantial possibility of violent, disorderly conduct
16 likely to endanger public safety or to result in significant property damage; or

17 (3) The proposed event will create a substantial possibility of unreasonable interference with
18 pedestrian or vehicular traffic or for danger to the public notwithstanding the deployment
19 of available governmental personnel.

20 (c)In assessing whether the applicant shall be allowed to proceed with the activity requested
21 without a permit, the fact that activity protected by the First Amendment is involved shall create a
22 strong presumption that the activity should be allowed to proceed, assuming that no conflicting
23 permit has been issued to others.

1 (d) If, after having been notified that a person or group desires to engage in expressive
2 activities without a permit, the recreation department determines that the proposed event or activity
3 will violate section 40-1-65(e), paragraphs 2 through 10 justifying a denial of a permit specified
4 above, the recreation department may request that the police department ask the person or group
5 to disperse or relocate their activities.

6 (e) The police officer should ask the person or group leader for a contact name, address,
7 telephone number and email, and for the reason why the person or group did not or could not apply
8 for a permit under the normal permit application rules. The officer should convey that information
9 to the recreation department. The response to the officer's inquiries or the failure to provide a
10 response shall in no way be considered in deciding whether to grant or deny permission to engage
11 in the expressive activity at issue.

12 (f) If the director of the recreation department or his/her designee cannot be reached, and it
13 cannot be determined whether there are any previously scheduled activities or events for the
14 location at the time of the proposed expressive activity, the police shall allow the non-permitted
15 expressive activity to take place, subject to the provisions above. In the event that a person or
16 group with a permit to conduct an activity at the same time and place arrives at the location, persons
17 engaged in non-permitted activities shall vacate the area for use by the permit holder and may be
18 directed to disperse or relocate their activity. The fact that a person or group otherwise qualified
19 for a permit for expressive activity, such as leafleting, petitioning, solicitation, and demonstration,
20 does not have one shall not, by itself, be a basis to order the group to disperse, even if director of
21 the recreation department or his/her designee cannot be reached.

22 (g) If, at any time after the grant of permission to engage in expressive activity without a
23 permit, there is a material change in any of the criteria listed in subsection (b) of this section, which

1 would have warranted denial of permission to engage in expressive activity without a permit, that
2 permission may be withdrawn.

3 (h)If a private security guard employed to patrol the area where the expressive activity is
4 taking, or will take, place responds to the location before the police, the security guard shall
5 immediately contact the police which shall take action in accordance with the provisions outlined
6 above. The private security guard shall allow the expressive activity to commence or continue until
7 the police arrive unless the proposed event will create a substantial possibility of violent, disorderly
8 conduct likely to endanger public safety or to result in significant property damage or will interfere
9 with a previously scheduled permitted activity.

10 Secs. 40-1-68 – 40-1-80. Reserved.

11 ARTICLE IV. HART PLAZA

12 Sec. 40-4-1. – ~~Definitions~~ Description and boundaries of Hart Plaza.

13 ~~For the purposes of this article, the following words and phrases shall have the meanings~~
14 ~~respectively ascribed to them by this section:~~

15 ~~*Alcoholic beverage* means any beverage which contains alcoholic liquor and, therefore, is~~
16 ~~under the jurisdiction and control of the Michigan Liquor Control Commission.~~

17 ~~*Alcoholic liquor* means any spirituous, vinous, malt, or fermented liquor, liquids and~~
18 ~~compounds, whether or not medicated, proprietary, patented, and by whatever name called, which~~
19 ~~contain one half (½) of one percent (1%) or more of alcohol by volume, are fit for use as a~~
20 ~~beverage, and are defined and classified by the Michigan Liquor Control Commission according~~
21 ~~to alcoholic content as being alcohol, beer, brandy, mixed spirit drink, mixed wine drink,~~
22 ~~sacramental wine, spirits, or wine.~~

~~Hart Plaza means~~ Hart Plaza is a multipurpose facility owned by the city whose marketing, sales, and event services functions are operated by the recreation department, whose administrative services, and buildings and mechanical maintenance, functions are operated by the general services department, and which is located within and underneath the following described boundaries:

West: Eastern edge of the former Veterans' Memorial Building turnaround driveway, extended southward.

East: Western edge of Bates Street, extended southward.

South: Northern edge of the walkway immediately adjacent to the northern edge of the Detroit River.

North: Southern curb line of East Jefferson Avenue.

~~Roller skates or roller blades mean a pair of shoes mounted upon one (1) or more sets of wheels that are most often propelled by the user in an upright, standing position.~~

~~Scooter means a footboard that is mounted upon two or more wheels, controlled by an upright steering handle, and often propelled by the user in an upright, standing position.~~

~~Skateboard means a footboard that is mounted upon wheels and usually propelled by the user who sometimes stands, sits, kneels or lays upon the device while in motion.~~

Sec. 40-4-2. Scheduling of events.

The recreation department shall be responsible for the scheduling of events and regulating use of Hart Plaza.

Sec. 40-4-3. Commercial hawking, sales prohibited.

No hawking, soliciting or distribution of handbills for commercial purposes shall be allowed, nor any article exposed or offered for sale or barter or given away within Hart Plaza except upon approval by the civic center department.

1 **Sec. 40-4-4. Possession, sale or consumption of alcoholic beverages prohibited; exception.**

2 The possession, sale, or consumption of any alcoholic beverage is not allowed in Hart
3 Plaza, except for any alcoholic beverage that is purchased from a licensed concession or beverage
4 booth on the plaza.

5 **Sec. 40-4-5. No climbing, etc., on Dodge Fountain.**

6 No climbing, wading, swimming or fishing in or upon Dodge Fountain is permitted.

7 **Sec. 40-4-6. Games prohibited.**

8 No person shall play any games or engage in any other entertainment in or upon Hart Plaza
9 that interferes with pedestrian use or safety.

10 **Sec. 40-4-7. Wheeled vehicles prohibited.**

11 No wheelbarrow, handcart, automobile, motorcycle, ~~bicycle~~, motordriven cycle, go-cart,
12 unicycle, moped, solex cycle or other wheeled vehicles are permitted in Hart Plaza except as
13 approved by the civic center department or recreation department for a scheduled event. This
14 section shall not apply to a handicapped or disabled person in a wheelchair, an infant stroller, nor
15 to emergency or service vehicles. Bicycles may be walked through or parked at bikes racks within
16 Hart Plaza and ridden only upon clearly designated bike paths designed by the recreation
17 department.

18 **Sec. 40-4-8. Roller skates, roller blades, scooters, and skateboards prohibited; exception.**

19 No person shall operate or ride upon any skateboard, roller skates, roller blades or scooters
20 upon Hart Plaza except when permitted during an event scheduled by the Recreation Department.

21 **Sec. 40-4-9. Animals prohibited.**

22 No pets of any kind shall be permitted in Hart Plaza except upon approval of the recreation
23 department. This section does not apply to a guide, hearing, or service dog accompanying a

1 handicapped person if the guide is wearing a harness or if the hearing or service dog is wearing a
2 blaze orange leash and collar, and the handicapper being led or accompanied has in his or her
3 possession a pictured identification card certifying that the dog was trained by a qualified
4 organization or trainer included on the list of such organizations or trainers maintained by the State
5 of Michigan, Department of Labor, pursuant to MCL 750.502C.

6 **Sec. 40-4-10. No open fires.**

7 No open fires or cooking is allowed except in areas designated by the civic center department.

8 **Sec. 40-4-11. Civil penalty.**

9 Any person who violates this article is subject to issuance of a misdemeanor violation and,
10 when convicted, is subject to receiving a fine of up to five hundred dollars (\$500.00), to being
11 sentenced of up to ninety (90) days in jail, or both in the discretion of the court.

12 **Secs. 40-4-12 – 40-4-20. Reserved.**

13 **ARTICLE V. CAMPUS MARTIUS PARK**

14 **Sec. 40-5-1. Description and boundaries of Campus Martius Park.**

15 Campus Martius Park is a multipurpose recreational facility owned by the city and operated
16 directly by the recreation department or through contractors, which is located in the boulevard area
17 of northbound and southbound realigned Woodward Avenue south of the intersections with
18 Monroe Street and Michigan Avenue and north of the intersections with Cadillac Square and Fort
19 Street, exclusive of any sidewalks, and for the purposes of this Chapter, includes Cadillac Square
20 Park, being the boulevard area of Cadillac Square between realigned Woodward Avenue and Bates
21 Street, exclusive of any sidewalks.

22 **Sec. 40-5-2. Scheduling of events.**

1 The recreation department shall be responsible for the scheduling of events and regulating use
2 of Campus Martius Park.

3 **Sec. 40-5-3. Commercial hawking, sales prohibited.**

4 No hawking, soliciting or distribution of handbills for commercial purposes shall be allowed.
5 nor any article exposed or offered for sale or barter or given away within Campus Martius except
6 upon approval by the recreation department.

7 **Sec. 40-5-4. Possession, sale, or consumption of alcoholic beverages prohibited; exception.**

8 The possession, sale, or consumption of any alcoholic beverage is not allowed in Campus
9 Martius Park, except for any alcoholic beverage that is purchased from a licensed concession or
10 beverage booth within the park. Any such alcoholic beverage may not be removed from Campus
11 Martius Park or the boundary of any lesser area prominently identified with signs stating "No
12 alcohol beyond this point".

13 **Sec. 40-5-5. No climbing, etc., on Woodward Fountain, the Michigan Soldiers and Sailors**
14 **Monument or granite waterwalls.**

15 No climbing, wading, swimming or fishing in or upon Woodward Fountain, the Michigan
16 Soldiers and Sailors Monument or granite waterwalls is permitted.

17 **Sec. 40-5-6. Games prohibited.**

18 No person shall play any games or engage in any other entertainment in or upon Campus
19 Martius Park that interferes with pedestrian use or safety.

20 **Sec. 40-5-7. Wheeled vehicles prohibited.**

21 No wheelbarrow, handcart, automobile, motorcycle, motordriven cycle, go-cart, unicycle,
22 moped, solex cycle or other wheeled vehicles are permitted in Campus Martius Park except as
23 approved by the recreation department for a scheduled event. This section shall not apply to a

1 handicapped or disabled person in a wheelchair, an infant stroller, nor to emergency or service
2 vehicles. Bicycles may be walked through or parked at bike racks within or adjacent to Campus
3 Martius Park.

4 **Sec. 40-5-8. Roller skates, roller blades, scooters, and skateboards prohibited; exception.**

5 No person shall operate or ride upon any skateboard, roller skates, roller blades or scooters
6 upon Campus Martius Park except when permitted during an event scheduled by the recreation
7 department.

8 **Sec. 40-5-9. No open fires.**

9 No open fires or cooking is allowed except in areas designated by the recreation department.

10 **Sec. 40-5-10. Prohibited activities.**

11 (a) Leafleting, petitioning, solicitation or demonstration activities are prohibited under the
12 following circumstances:

13 (1) On the ice rink or within 10 feet of the rink to ensure such activities interfere with ice rink
14 use and operations;

15 (2) On any permanent or temporary stages or tents which may be erected or utilized in
16 connection with any other scheduled events; on stages or in tents which may be erected
17 in connection with other scheduled events in the Park.

18 (b) No activities shall utilize any monuments, public art or trees in the Park for any purpose.

19 (c) No sound amplification shall be allowed to accompany leafleting, petitioning, solicitation
20 or demonstration activities without a permit.

21 **Sec. 40-5-11. Permit required; exceptions.**

1 (a) Groups of more than twenty-five (25) individuals who desire to engage in leafleting,
2 petitioning, solicitation or demonstration activities must request a permit from the recreation
3 department pursuant to Article I, Division 4 of this Chapter.

4 (b) During festivals or events open to the general public, leafleting, petitioning, solicitation or
5 demonstration activities shall be permitted in a manner consistent with Park Rules and laws
6 applicable to such activities.

7 (c) The City recognizes that the sidewalk surrounding Campus Martius Park, including that
8 portion abutting the Soldiers and Sailors Monument, shall remain available for First Amendment
9 activity unless such activity would endanger the public, unduly impede pedestrian or vehicular
10 traffic, or in the event that the sidewalk is closed to the general public.

11 **Sec. 40-5-12. Civil penalty.**

12 Any person who violates any provision of this Article other than Sections 40-5-10 and 40-5-
13 11 is subject to issuance of a misdemeanor violation and, upon conviction, is subject to the
14 penalties provided in section 1-1-9(a) of this Code. Any person who violates Section 40-5-10 or
15 Section 40-5-11 is subject to issuance of a civil infraction and subject to a civil fine.

16 **Secs. 40-5-13 – 40-5-20. Reserved.**

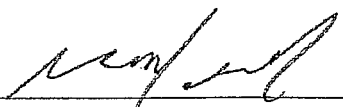
17 Section 2. This ordinance is hereby declared necessary to preserve the public peace, health, safety,
18 and welfare of the People of the City of Detroit.

19 Section 3. All ordinances, or parts of ordinances, that conflict with this ordinance are repealed.

20 Section 4. In the event this ordinance is passed by two-thirds (2/3) majority of City Council
21 Members serving, it shall be given immediate effect and become effective upon publication in
22 accordance with Section 4-118 of the 2012 Detroit City Charter. Where this ordinance is passed by
23 less than a two-thirds (2/3) majority of City Council Members serving, it shall become effective on
24 the thirtieth (30) day after enactment, or on the first business day thereafter, in accordance with Section

1 4-118 of the 2012 Detroit City Charter.

Approved as to form:



Melvin B. Hollowell
Corporation Counsel