



LAW DEPARTMENT

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May 11, 2023

Detroit City Council
1340 Coleman A. Young Municipal Center
Detroit, Michigan

Re: Emergency Ordinance to amend Chapter 29 of the 2019 Detroit City Code,
Minors, by adding Section 29-3-14, *Additional Definitions*, and Section 29-3-15,
Curfew.

Honorable City Council:

The Law Department has prepared an emergency ordinance sponsored by Councilman Benson to amend Chapter 29 of the 2019 Detroit City Code, *Minors*, by adding Section 29-3-14, *Additional Definitions*, and Section 29-3-15, *Curfew*, to provide for a superseding curfew for all minors in a designated area for the Detroit Annual Fireworks Display. A copy of the ordinance, which has been approved as to form, is attached for your review and consideration.

We are available to answer any questions that you may have related to this proposed ordinance.

Respectfully submitted,

Dee Simmons-Howard
DeYana (Dee) Simmons-Howard
Assistant Corporation Counsel
Municipal Section

Enclosure
cc: Malik Washington, City Council Liaison

S U M M A R Y

This proposed emergency ordinance amends Chapter 29, *Minors*, Article III, *Regulation of Minors in Public Places and Adult Responsibility for Violations*, Division 2, *Curfew*, of the 2019 Detroit City Code by adding Sections 29-3-14 and 29-3-15 to provide for a superseding curfew for all minors beginning at 8:00 p.m. on Monday, June 26, 2023 (being the scheduled date for the Detroit Annual Fireworks Display, or any rescheduled date) and continuing until 6:00 a.m. the following morning, applicable only in the area within and bounded by the Detroit River, Third Street, the Lodge Freeway (M-10), the Fisher Freeway (I-75), the extension of the Fisher Freeway (I-75) easterly to Gratiot Avenue, Gratiot Avenue, Vernor Highway, Chene Street, Atwater Street, and the Aretha Franklin Amphitheater.

1 **BY COUNCIL MEMBER _____:**

2 **AN EMERGENCY ORDINANCE** to amend Chapter 29, *Minors*, Article III, *Regulation*
3 *of Minors in Public Places and Adult Responsibility for Violations*, Division 2, *Curfew*, of the 2019
4 Detroit City Code by adding Sections 29-3-14 and 29-3-15 to provide for a superseding curfew for
5 all minors beginning at 8:00 p.m. on Monday, June 26, 2023 (being the scheduled date for the
6 Detroit Annual Fireworks Display, or any rescheduled date) and continuing until 6:00 a.m. the
7 following morning, applicable only in the area within and bounded by the Detroit River, Third
8 Street, the Lodge Freeway (M-10), the Fisher Freeway (I-75), the extension of the Fisher Freeway
9 (I-75) easterly to Gratiot Avenue, Gratiot Avenue, Vernor Highway, Chene Street, Atwater Street,
10 and the Aretha Franklin Amphitheater.

11 **IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT**
12 **THAT:**

13 **Section 1. DECLARATION OF EMERGENCY:**

14 The Detroit City Council, upon receipt of testimony and evidence from the Detroit Police
15 Department and others, and after public hearing, upon due consideration makes the following
16 findings:

17 (A) On the day of and especially the evening of the Detroit Annual Fireworks Display
18 that takes place on the Detroit River there have been numerous incidents of harassment, nuisance,
19 vandalism, and violence committed by persons at the viewing, parking, and public places of the
20 City before, during, and after the fireworks display;

21 (B) These acts of harassment, nuisance, vandalism, and violence have endangered the
22 peace, health, safety, and welfare of the People of the City of Detroit, the many persons traveling
23 from outside the City limits to attend this annual event, and in particular unsupervised minors

1 before and during the City's regular curfew hours for minors and;

2 (C) There exist public peace, health, safety, and welfare needs for effectively governing
3 the conduct of such minors as it pertains to harassment, nuisance, vandalism, and violence for the
4 purpose of alleviating and eliminating these problems, whether committed against minors or
5 committed by minors;

6 (D) Due to law enforcement considerations and logistics concerns, a localized curfew
7 is necessary to enhance the public peace, health, safety, and welfare for the many thousands of
8 minors and adults who attend this annual event;

9 (E) Due to the fact that spectators begin to gather in the viewing areas in advance of
10 the commencement of the Detroit Annual Fireworks Display on the day of the event, the regular
11 curfew hours for minors provided for in the City's Curfew Ordinance, codified in Chapter 29,
12 Article III of the Detroit City Code, are not sufficient to alleviate and curtail criminal activity
13 involving unsupervised minors in the fireworks display viewing areas;

14 (F) The peace, health, safety, and welfare of the community-at-large and particularly
15 that of minors will benefit from additional curfew controls for minors in a localized area of the
16 City during the Detroit Annual Fireworks Display;

17 (G) The curfew for minors in the City provides for reasonable exceptions during the
18 specified curfew period to allow for minors accompanied by their parent, legal guardian, or
19 responsible adult, for minors at or traveling to and from places of employment, education and
20 training facilities, and sponsored activities under adult supervision, for minors involved in
21 emergencies or constitutionally protected activities such as interstate travel or freedom of speech,
22 assembly or exercise of religion, for minors on the sidewalks in front of their homes, and for minors
23 sent on errands by their parents if the minors have proper written permission.

1 **Section 2.** Chapter 29, *Minors*, Article III, *Regulation of Minors in Public Places and*
2 *Adult Responsibility for Violations*, Division 2, *Curfew*, of the 2019 Detroit City Code is amended
3 by adding Sections 29-3-14 and 29-3-15, to read as follows:

4 **CHAPTER 29. MINORS**

5 **ARTICLE III. REGULATION OF MINORS IN PUBLIC PLACES AND ADULT**
6 **RESPONSIBILITY FOR VIOLATIONS**

7 **DIVISION 2. CURFEW**

8 **Sec. 29-3-14. Additional Definitions.**

9 For the purposes of this emergency ordinance only, the definitions provided in this section
10 supplement the definitions provided in Section 29-3-1, *Definitions*. The following words and
11 phrases shall have the meanings respectively ascribed to them by this section:

12 *Detroit Annual Fireworks Display* means the annual fireworks at the Detroit River,
13 sponsored by the Parade Company, typically on or about the fourth Monday in June.

14 *Detroit Annual Fireworks Display Curfew* means the period of time commencing at 8:00
15 p.m. on the Detroit Annual Fireworks Display Day and continuing until 6:00 a.m. the next
16 morning.

17 *Detroit Annual Fireworks Display Curfew Zone* means the area within and bounded by the
18 Detroit River, Third Street, the Lodge Freeway (M-10), the Fisher Freeway (I-75), the extension
19 of the Fisher Freeway (I-75) easterly to Gratiot Avenue, Gratiot Avenue, Vernor Highway, Chene
20 Street, Atwater Street, and the Aretha Franklin Amphitheater.

21 *Detroit Annual Fireworks Display Day* means Monday, June 26, 2023, or any rescheduled
22 date for the Detroit Annual Fireworks Display.

1 **Sec. 29-3-15. Curfew.**

2 (a) The provisions of this section shall supersede the curfew hours for minors provided
3 for in Section 29-3-11, *Presence of minors on public streets, playgrounds, and other public places*
4 *prohibited during certain times.*

5 (b) During the Detroit Annual Fireworks Display Curfew it shall be unlawful for a
6 minor, as defined in Section 29-3-1, *Definitions*, to be on any public street, sidewalk, alley, park,
7 playground, vacant lot, or at any other unchaperoned common area in the Detroit Annual
8 Fireworks Display Curfew Zone.

9 **Secs. 29-3-16—29-3-30. Reserved.**

10 **Section 3.** All ordinances, or parts of ordinances, that conflict with this ordinance are
11 suspended during the Detroit Annual Fireworks Display Curfew (as defined in Section 2 of this
12 ordinance, Sec. 29-3-14, *Additional definitions*), only.

13 **Section 4.** This ordinance is declared necessary for the preservation of the public peace,
14 health, safety, and welfare of the People of the City of Detroit.

15 **Section 5.** In accordance with Section 4-116 of the 2012 Detroit City Charter, this
16 ordinance shall be given immediate effect and become effective upon publication.

17 **Section 6.** In accordance with Section 4-116 of the 2012 Detroit City Charter, this
18 ordinance shall expire on the sixty-first (61st) day after enactment unless re-enacted as an
19 emergency ordinance. The expiration of this ordinance shall not affect any enforcement actions or
20 penalties for violations of this ordinance.

APPROVED AS TO FORM:



Conrad L. Mallett
Corporation Counsel