

NOTICE OF PUBLIC HEARING

A PROPOSED ORDINANCE TO AMEND CHAPTER 31 OF THE 2019 DETROIT CITY CODE, ZONING, BY AMENDING ARTICLE III, OFFENSES AGAINST PERSONS, BY ADDING, SECTION 31-3-5, ETC.

SUMMARY

A Proposed Ordinance To amend Chapter 31 of the 2019 Detroit City Code, Offenses, Article III, Offenses against persons, by adding, Section 31-3-5, Prohibiting the unlawful restraint of a patron against their will; exceptions; vicarious liability; and definitions, in order to provide for the public health, safety and welfare of the patrons of City of Detroit businesses.

Pursuant to the Michigan Open Meetings Act as amended, which authorizes the continued use of hybrid electronic meetings to provide virtual public participation in accordance with the requirements of MCL 15.263a(2), and in consideration of the ongoing and continuing pandemic, the Detroit City Council will be meeting **in person** at the **City Council Committee of the Whole Room, 13th Floor, Coleman A. Young Municipal Center on MONDAY, JUNE 24, 2024 at 11:00 a.m.**

The Public Hearing may be viewed in the following manner.

1. Watch via television
 - Comcast: Channel 10
 - ATT: From Channel 99, click Detroit, then Channel 10
2. Watch online by using <https://detroitmi.gov/government/city-council> and clicking on Channel 10.
3. To attend by phone only, call one of these numbers:
**+1-929-436-2866, +1-312-626-6799, +1-669-900-6833, +1-253-215-8782,
+1-301-715-8592, or +1-346-248-7799 Enter Meeting ID: 85846903626#**
4. To attend online: <https://Detroitmi.gov/Online-CC-Meeting>

Public Comment:

To participate at the time of Public Comment, please raise your hand within the zoom application.

1. Telephone participants: Raise your hand by pressing *9
2. Web participants: Raise your hand by clicking **raise hand** in the application or pressing
 - a. Windows computer = [ALT] + [Y]
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To be consistent with how Public Comment has been handled for in-person meetings:

- You will be called on in the order in which your hand is raised
- All time limits set by the meeting Chair will still be enforced
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All interested persons are invited to be present and be heard as to their views. Persons making oral presentations are encouraged to submit written copies to the City Clerk's Office CityClerkHelpDesk@detroitmi.gov via e-mail, for the record.

JANICE M. WINFREY
City Clerk

City of Detroit
OFFICE OF THE CITY CLERK

Janice M. Winfrey
City Clerk

Andre P. Gilbert II
Deputy City Clerk

June 18, 2024

Mr. Conrad Mallet, Corporation Counsel, Law Department
Mr. James E. White, Chief of Police, Detroit Police Department

RE: To amend Chapter 31 of the 2019 Detroit City Code, Offenses, Article III, Offenses against persons, by adding, Section 31-3-5, Prohibiting the unlawful restraint of a patron against their will; exceptions; vicarious liability; and definitions, in order to provide for the public health, safety and welfare of the patrons of City of Detroit businesses...

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OFFICE OF THE CITY CLERK

Caven West
Deputy City Clerk/Chief of Staff

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If interpretation or translation services are needed call The Department of Civil Rights, Inclusion & Opportunity at [313-224-4950](tel:313-224-4950). (Please call at least 3 business days prior to the session.)

Very truly yours,

Janice M. Winfrey
City Clerk

JMW/uc

Attachment

cc: Malik Washington, Legislative Liaison, Mayor's Office
Sharon Blackmon, Senior Assistant Corporation Counsel
James E. White, Chief of Police, Detroit Police Department

SUMMARY

This ordinance amends Chapter 31 of the 2019 Detroit City Code, *Offenses*, Article III, *Offenses against persons*, by adding, Section 31-3-5, *Prohibiting the unlawful restraint of a patron against their will; exceptions; vicarious liability; and definitions*, in order to provide for the public health, safety and welfare of the patrons of City of Detroit businesses.

Introduced
05/21/24

1 BY COUNCIL MEMBER Mary Sheffield and James E. Tate:

2 AN ORDINANCE to amend Chapter 31 of the 2019 Detroit City Code, Offenses, Article
3 III, Offenses against persons, by adding, Section 31-3-5, Prohibiting the unlawful restraint of a
4 patron against their will; exceptions; vicarious liability; and definitions, in order to provide for the
5 public health, safety and welfare of the patrons of City of Detroit businesses.

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

8 Section 1. Chapter 31 of the 2019 Detroit City Code, Article III, be amended by adding
9 Section 31-3-5, to read as follows:

10 CHAPTER 31. OFFENSES.

11 ARTICLE III. OFFENSES AGAINST PERSONS

12 Sec. 31-3-5. Prohibiting the unlawful restraint of a patron against their will; exceptions;
13 vicarious liability; and definitions.

14 (a) It shall be unlawful for a business operator of an establishment with any bulletproof
15 protective barrier separating a business operator from patrons to knowingly restrain a patron from
16 leaving the establishment, using any remote door locking technology, against such persons will.

17 (b) Notwithstanding Subsection (a) of this section, a business operator may restrain a person
18 against their will provided that the person is suspected of removing or of attempting to remove, without
19 right or permission, goods held for sale in a business establishment from the business establishment,
20 pursuant to MCL 600.2917.

21 (c) A business operator of an establishment who violates Subsection (a) of this section,
22 shall be guilty of a separate misdemeanor if that business operator knows that one of the restrained
23 individuals is in possession of a weapon or dangerous instrumentality, or the operator should have

1 reasonably known the person to be in possession of a weapon or dangerous instrumentality, with
2 the intent of causing harm to the business, the business operator, or patrons.

3 (d) The business owner shall be separately responsible for a violation of this section by
4 its business operator, provided that the business operator acted in furtherance or in the interest of
5 the business and that action was within the scope of the business operator's employment.

6 (e) For the purpose of this section, the following words and phrases shall have the
7 meanings respectively ascribed to them by this section:

8 *Bulletproof protective barrier* means a barrier made from polycarbonate, acrylic, or glass-
9 clad polycarbonate that is designed to provide a high level of protection within the interior of
10 various facilities.

11 *Business owner* means the persons legally responsible for a commercial entity, such as a
12 corporation, company, or partnership.

13 *Business operator* means an agent of, or person contracted or employed by the business,
14 including but not limited to an employee of the business, a person contracted through a third party
15 to perform services for the business, a manager of the business or a person otherwise tasked with
16 performing a function on behalf of the business; such as a merchant, agent, or independent
17 contractor.

18 *Patron* means a person who is considered to be a licensee or invitee of the business, or is
19 otherwise doing business with commercial entity.

20 *Remote door locking technology* means any technology that can be used to lock a door
21 from a distance, including through Bluetooth or Wifi.

22 *Restrain* means to restrict a person's movements or to confine the person so as to interfere
23 with that person's liberty without legal authority.

1 **Secs. ~~31-3-5~~ 31-3-6—31-3-20. Reserved**

2 **Section 2.** This ordinance may also be known as the "Karlos Kelly Ordinance" in
3 tribute to Gregory Karlos Samuel Fortner-Kelly, *a Detroit resident* who was shot and killed on
4 May 6, 2023, after being locked inside a gas station with an active shooter, to bring attention to
5 the dangers of businesses restraining patrons against their will.

6 **Section 3.** All ordinances or parts of ordinances in conflict with this ordinance are
7 repealed.

8 **Section 4.** This ordinance is hereby declared necessary for the preservation of the
9 public peace, health, safety, and welfare of the people of the City of Detroit.

10 **Section 5.** Where this ordinance is passed by a two-thirds majority of City Council
11 Members serving, it shall be given effect 30 days after publication in accordance with Section 4-
12 118(3) of the 2012 Detroit City Charter. Where this ordinance is passed by less than two-thirds
13 majority of City Council Members serving, it shall become effective 30 days after publication in
14 accordance with Section 4-118(2) of the 2012 Detroit City Charter.

Approved as to form:



Conrad J. Mallett
Corporation Counsel

NOTICE OF PUBLIC HEARING

A Proposed Ordinance To amend Chapter 31 of the 2019 Detroit City Code, Zoning, by amending Article III, Offenses against persons, by adding, Section 31-3-5, etc.,

Summary:

A Proposed Ordinance To amend Chapter 31 of the 2019 Detroit City Code, Offenses, Article III, Offenses against persons, by adding, Section 31-3-5, Prohibiting the unlawful restraint of a patron against their will; exceptions; vicarious liability; and definitions, in order to provide for the public health, safety and welfare of the patrons of City of Detroit businesses.

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PLEASE PRINT IN DETROIT LEGAL NEWS ON MONDAY, JUNE 17, 2024

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With advance notice of seven calendar days, the City of Detroit will provide interpreter services at public meetings, including American Sign Language, language translation and reasonable ADA accommodations. Please contact Civil Rights, Inclusion and Opportunity Department at (313) 224-4950, through the TTY number 711, or email crio@detroitmi.gov to schedule these services.

JANICE M. WINFREY
City Clerk

JMW/cg