



LAW DEPARTMENT

Coleman A. Young Municipal Center
2 Woodward Avenue, Suite 500
Detroit, Michigan 48226-3437

Phone 313•224•4550
Fax 313•224•5505
www.detroitmi.gov

July 11, 2024

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

Re: Chapter 31 of the 2019 Detroit City Code, *Offenses*, Article V, *Offenses Against Public Peace*, by adding Section 31-5-19, *Nuisance parties and unlawful gatherings*.

Honorable City Council:

Council Member Coleman A. Young II has requested that the Law Department prepare an ordinance to amend Chapter 31 of the 2019 Detroit City Code, *Offenses*, Article V, *Offenses Against Public Peace*, by adding Section 31-5-19, *Nuisance parties and unlawful gatherings*, to prohibit nuisance parties and unlawful gatherings from creating a public nuisance in the City of Detroit. 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 concerning this proposed ordinance.

Respectfully submitted,

Tonja R. Long

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Chief Administrative Corporation Counsel

Enclosure

cc: Malik Washington, City Council Liaison

S U M M A R Y

This proposed ordinance amends Chapter 31 *Offenses*, Article V, *Offenses Against Public Peace*, by adding Section 31-5-19, *Nuisance parties and unlawful gatherings*, to prohibit nuisance parties and unlawful gatherings from creating a public nuisance in the City of Detroit.

1 **BY COUNCIL MEMBER _____ :**

2 **AN ORDINANCE** to amend Chapter 31, *Offenses*, Article V, Offenses Against Public
3 Peace, by adding Section 31-5-19, *Nuisance parties and unlawful gatherings*, to prohibit nuisance
4 parties and unlawful gatherings from creating a public nuisance in the City of Detroit.

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

7 **Section 1.** Chapter 31, *Offenses*, Article V, *Offenses Against Public Peace*, of the 2019
8 Detroit City Code is amended by adding Section 31-5-19, to read as follows:

9 **CHAPTER 31. OFFENSES**

10 **ARTICLE V. OFFENSES AGAINST PUBLIC PEACE**

11 **Sec. 31-5-19. Nuisance parties and unlawful gatherings.**

12 (a) Purpose. The Detroit City Council finds that there are parties or unlawful
13 gatherings of five or more people on premises in the City that are unsafe and/or are a public
14 nuisance. These nuisance parties and unlawful gatherings can involve alcoholic beverages that are
15 illegally sold and/or provided to individuals in attendance, including underage individuals. These
16 nuisance parties and unlawful gatherings can result in excessive noise and traffic, excessive
17 consumption of alcohol, overcrowding of the premises, and other ordinance and state law
18 violations. The Detroit City Council desires to protect the public from such public nuisances.

19 (b) Prohibited. It shall be unlawful for any person to be a promoter, sponsor, or host
20 of a party or gathering on a public or private premises which is, or becomes, a nuisance party or
21 unlawful gathering, as defined in Subsection (d) of this section, and which nuisance is either the
22 intentional result of, or within the reasonable expectations of, the promoter, sponsor, or host.

23 (c) Order to cease and disperse. A party or unlawful gathering that is or becomes a

1 nuisance party, as defined in Subsection (d) of this section shall cease upon the order of the police
2 chief, or the police chief's designee; and all persons at the site of such party or unlawful gathering
3 shall leave the premises immediately, provided that the reconvening of a party or gathering that
4 was dispersed at the order of the police chief or designee, is considered a continuation of the same
5 party. Any person who fails or refuses to obey and abide by the order of the police chief or police
6 chief's designee shall be guilty of a violation of this section.

7 (d) *Definitions.* For purposes of this section, the following words and phrases shall
8 have the meanings respectively ascribed to them by this subsection:

9 *Nuisance party or unlawful gathering* means a party or gathering of five or more persons
10 which is conducted on a public or private premises located within the City and which, by reason
11 of the conduct of the persons hosting or attending, results in any one or more of the following
12 conditions or occurrences:

- 13 (1) Disorderly conduct, as set forth in Section 31-5-1 of this Code;
- 14 (2) Consumption of alcoholic liquor on streets, sidewalks, alleys, or other publicly-
15 owned areas, as set forth in Section 31-5-2 of this Code;
- 16 (3) Unlawful sale, furnishing, or dispensing of beer or intoxicating liquor, as set forth
17 under the Michigan Liquor Control Code of 1998, being MCL 463.1101, et seq.;
- 18 (4) Sale or furnishing of beer or intoxicating liquor to persons under the age of 21 years,
19 as set forth in Section 29-4-2 of this Code;
- 20 (5) Purchase or consumption of beer or intoxicating liquor by persons under the age of
21 21 years, as set forth in Section 29-4-3 of this Code;
- 22 (6) Illegal possession, sale, offering for sale, distributing, administering, dispensing, or
23 giving away of a controlled substance, as set forth in Sections 31-9-2 of this Code;

- 1 (7) Outdoor urination or defecation in a public place, as set forth in Section 31-5-5 of
2 this Code;
- 3 (8) Indecent or obscene conduct, as set forth in Section 31-11-2 of this Code;
- 4 (9) Unlawful deposit of litter or refuse, as set forth in Section 8902 of the Natural
5 Resources and Environmental Protection Act of 1994, being MCL 324.8902;
- 6 (10) Damage or destruction of property without the consent of the property owner, as
7 set forth in Section 31-4-8 of this Code;
- 8 (11) Standing, parking, or operation of vehicles in violation Chapter 46, *Traffic and*
9 *Vehicles*, of this Code;
- 10 (12) A violation of the noise ordinance, as set forth in Chapter 16, *Environment*, Article
11 I, *Noise*, of this Code;
- 12 (13) Brandishing of a firearm as set forth in Section 31-13-24 of this Code;
- 13 (14) Discharge of a firearm, as set forth in Section 31-13-25 of this Code; and
- 14 (15) Any other conduct or condition that violates state law or City ordinance and which
15 is hereby declared to be an unlawful public nuisance.

16 *Host* means to provide or arrange the location or venue to receive guests whether or not a
17 fee is required for entrance.

18 *Premises* means the property, public or private, that is the site of a nuisance party or
19 unlawful gathering. The term “premises” does not include an establishment operating with a liquor
20 license issued by the Michigan Liquor Control Commission, or a successor agency.

21 *Promoter* means a person who contracts for or arranges with an owner or other responsible
22 person, to provide any activity or event with or without compensation, and who is responsible for
23 or directly organizes the presentation of the activities or events. Promoter does not include a

1 person who contracts or arranges with an owner or other responsible person to provide or organize
2 a political event on behalf of or against any candidate for public office or in support of or
3 opposition to any ballot measure or charitable event on behalf of a 501(c)(3) non-profit registered
4 with the United States Internal Revenue Service. For purposes of this section a promoter also
5 includes an employee or agent of a promoter.

6 Sponsor means a person, firm, organization, etc., that finances or provides money toward
7 the conduct of a nuisance party or unlawful gathering.

8 (e) Any violation of Subsections (b) and (c) of this section are misdemeanor violations,
9 as provided in Section 31-1-1 of this Code.

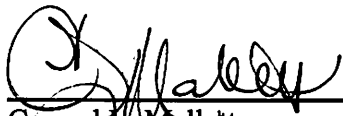
10 **Secs. 31-5-20 – 31-5-40. Reserved.**

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

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

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

Approved as to Form:



Conrad J. Wallett
Corporation Counsel