



LAW DEPARTMENT

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August 20, 2024

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

Re: Ordinance to amend Chapter 31 of the 2019 Detroit City Code, *Offenses*

Honorable City Council:

Council Member Santiago Romero has requested that the Law Department prepare an ordinance to amend Chapter 31 of the 2019 Detroit City Code, *Offenses*, by adding Article XIV, *Offenses at Healthcare Facilities*, which consists of Section 31-14-1, *Purpose*; Section 31-14-2, *Definitions*; Section 31-14-3, *Eight-foot personal bubble zone*; and Section 31-14-4, *Fifteen-foot buffer zone*; to advance the City's interests in both protecting the ability of individuals to exercise their rights to free speech and expression, and protecting the right of individuals to seek medical treatment and advice free from harassment. 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,

Adam Saxby
Senior Assistant Corporation Counsel

Enclosure

cc: Malik Washington, City Council Liaison

SUMMARY

This Ordinance amends Chapter 31 of the 2019 Detroit City Code, *Offenses*, by adding Article XIV, *Offenses at Healthcare Facilities*, which consists of Section 31-14-1, *Purpose*; Section 31-14-2, *Definitions*; Section 31-14-3, *Eight-foot personal bubble zone*; and Section 31-14-4, *Fifteen-foot buffer zone*; to advance the City's interests in both protecting the ability of individuals to exercise their rights to free speech and expression, and protecting the right of individuals to seek medical treatment and advice free from harassment.

SEP 17 2024

Santiago-Romero

Santiago-Romero

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1 BY COUNCIL MEMBER _____ :

2 AN ORDINANCE to amend Chapter 31 of the 2019 Detroit City Code, *Offenses*, by adding Article
3 XIV, *Offenses at Healthcare Facilities*, which consists of Section 31-14-1, *Purpose*; Section 31-14-2,
4 *Definitions*; Section 31-14-3, *Eight-foot personal bubble zone*; and Section 31-14-4, *Fifteen-foot buffer*
5 *zone*; to advance the City’s interests in both protecting the ability of individuals to exercise their rights to
6 free speech and expression, and protecting the right of individuals to seek medical treatment and advice
7 free from harassment.

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

10 Section 1. Chapter 31 of the 2019 Detroit City Code, *Offenses*, is amended by adding
11 Article XIV, *Offenses at Healthcare Facilities*, to consist of Section 31-14-1 through Section 31-14-4, to
12 read as follows:

13 CHAPTER 31. OFFENSES

14 ARTICLE XIV. OFFENSES AT HEALTHCARE FACILITIES

15 Sec. 31-14-1. Purpose.

16 The City recognizes that access to healthcare facilities for the purpose of obtaining medical
17 counseling and treatment is important for residents and visitors to the City. The City also
18 recognizes that the exercise of a person's right to protest or counsel for or against certain medical
19 procedures is a First Amendment activity that must be balanced against another person's right to
20 obtain medical counseling and treatment in an unobstructed manner. The City finds that the
21 limited, viewpoint neutral, buffer and bubble zones outside of healthcare facilities established by
22 this article will ensure that patients have unimpeded access to medical services while ensuring that
23 the First Amendment rights of demonstrators to communicate their message to their intended
24 audience is not impaired.

1 **Sec. 31-14-2. Definitions.**

2 For the purposes of this article, the following words and phrases shall have the meaning
3 respectively ascribed to them by this section:

4 Healthcare facility means a hospital or medical office/clinic or any combination of the two.

5 Hospital means a facility primarily engaged in providing by, or under, the supervision of
6 physicians, medical services that includes inpatient acute care services to injured, disabled, or sick
7 persons.

8 Medical office/clinic means an establishment providing therapeutic, preventative, corrective,
9 healing and health-building treatment services on an out-patient basis by physicians, dentists and
10 other practitioners.

11 **Sec. 31-14-3. Eight-foot Personal Bubble Zone.**

12 No person, within a 100 foot radius of any entrance door to a healthcare facility, shall
13 knowingly approach within 8 feet of another person for the purpose of passing a leaflet or handbill
14 to, displaying a sign to, or engaging in oral protest, education or counseling with such other person
15 in the public right of way, unless such other person consents.

16 **Sec. 31-14-4. Fifteen-foot Buffer Zone.**

17 (a) No person, or persons shall knowingly congregate, patrol, picket or demonstrate
18 within a 15-foot radius of any entrance to the healthcare facility.

19 (b) This section shall not apply to the following:

20 (1) Police and public safety officers, fire and rescue personnel, or other
21 emergency workers in the course of their official business; or

1 (2) Authorized security personnel employees or agents of the hospital, medical
2 office or clinic engaged in assisting patients and other persons to enter or
3 exit the hospital, medical office, or clinic.

4 **Secs. 31-14-5 -- 31-14-10. Reserved.**

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

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

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

Approved as to form:

Conrad L. Mallett
Corporation Counsel