

## **S U M M A R Y**

This proposed emergency ordinance amends Chapter 33, *Minors*, Article III, *Regulation of Minors in Public Places and Adult Responsibility for Violations*, of the 1984 Detroit City Code by adding Sections 33-3-14, 33-3-15, and 33-3-16 to provide for a superseding curfew for all minors (A) beginning at 6:00 p.m. on each of the following days and continuing until 6:00 a.m. on the morning after each of the following days, being the Detroit River Days: Friday, June 19, 2015, Saturday, June 20, 2015, and Sunday, June 21, 2015; and (B) beginning at 6:00 p.m. on Monday, June 22, 2015 (being the scheduled date for the Detroit Annual Fireworks Display, or any rescheduled date) and continuing until 6:00 a.m. the following morning, (C) with limited exceptions during the specified curfew periods for any minor: 1) accompanied by his or her parent or legal guardian, 2) at or traveling to or from his or her place of employment, 3) at or traveling to or from an education or training program, 4) at or traveling to or from an organized sponsored recreational or civic activity supervised by adults, 5) involved in an emergency, such as a fire or motor vehicle accident, 6) on the sidewalk in front of the minor's home, 7) on an errand at the minor's parents direction, with detailed permission slip containing the parent's telephone contact number for verification, 8) engaged in interstate travel from, to or through Detroit, and 9) participating in activities protected by the United States and Michigan Constitutions, such as freedom of speech, assembly, and exercise of religion.

1 **BY COUNCIL MEMBER:** \_\_\_\_\_:

2 **AN EMERGENCY ORDINANCE** to amend Chapter 33, *Minors*, Article III, *Regulation of*  
3 *Minors in Public Places and Adult Responsibility for Violations*, of the 1984 Detroit City Code by adding  
4 Sections 33-3-14, 33-3-15, and 33-3-16 to provide for a superseding curfew for all minors (A)  
5 beginning at 6:00 p.m. on each of the following days and continuing until 6:00 a.m. on the morning  
6 after each of the following days, being the Detroit River Days: Friday, June 19, 2015, Saturday, June  
7 20, 2015, and Sunday, June 21, 2015; and (B) beginning at 6:00 p.m. on Monday, June 22, 2015 (being  
8 the scheduled date for the Detroit Annual Fireworks Display, or any rescheduled date) and continuing  
9 until 6:00 a.m. the following morning, (C) with limited exceptions during the specified curfew periods  
10 for any minor: 1) accompanied by his or her parent or legal guardian, 2) at or traveling to or from his  
11 or her place of employment, 3) at or traveling to or from an education or training program, 4) at or  
12 traveling to or from an organized sponsored recreational or civic activity supervised by adults, 5)  
13 involved in an emergency, such as a fire or motor vehicle accident, 6) on the sidewalk in front of the  
14 minor's home, 7) on an errand at the minor's parents direction, with detailed permission slip  
15 containing the parent's telephone contact number for verification, 8) engaged in interstate travel from,  
16 to or through Detroit, and 9) participating in activities protected by the United States and Michigan  
17 Constitutions, such as freedom of speech, assembly, and exercise of religion.

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

19 **Section 1. DECLARATION OF EMERGENCY**

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

23 **(A)** On the day of and especially the evening of the Detroit Annual Fireworks Display that takes  
24 place on the Detroit River there have been numerous incidents of harassment, nuisance, vandalism,

1 and violence committed by persons at the viewing, parking, and public places of the City before,  
2 during, and after the fireworks display;

3 **(B)** On the days and especially the evenings of the Detroit River Days that take place along the  
4 Detroit River there have been numerous incidents of harassment, nuisance, vandalism, and violence  
5 committed by persons at or near the venue of the Detroit River Days, which is generally along the  
6 Detroit River from Hart Plaza to William G. Milliken State park;

7 **(C)** These acts of harassment, nuisance, vandalism, and violence have been committed, in part, by  
8 unsupervised minors before and during the City’s regular curfew hours for minors and have  
9 endangered the peace, health, safety, and welfare of the People of the City of Detroit, and the many  
10 persons traveling from outside the City limits to attend these annual events, in particular unsupervised  
11 minors;

12 **(D)** There exist public peace, health, safety, and welfare needs for effectively governing the  
13 conduct of such minors as it pertains to harassment, nuisance, vandalism, and violence for the purpose  
14 of alleviating and eliminating these problems;

15 **(E)** Due to law enforcement considerations and logistics concerns, a City-wide curfew is necessary  
16 to enhance the public peace, health, safety, and welfare for the thousands of persons who attend these  
17 annual events;

18 **(F)** Due to the fact that spectators begin to gather in the viewing areas in advance of the  
19 commencement of the Detroit Annual Fireworks Display on the day of the event, the regular curfew  
20 hours for minors provided for in the City’s Curfew Ordinance, codified in Chapter 33, Article III of  
21 the Detroit City Code, are not sufficient to alleviate and curtail criminal activity by unsupervised  
22 minors in the fireworks display viewing areas;

23 **(G)** Experience has shown that during the Detroit River Days the regular curfew hours for minors  
24 provided for in the City’s Curfew Ordinance, codified in Chapter 33, Article III of the Detroit City

1 Code, are not sufficient to alleviate and curtail criminal activity by unsupervised minors, and to  
2 adequately safeguard unsupervised minors not engaged in criminal activity;

3 (H) The peace, health, safety, and welfare of minors and the community-at-large will benefit from  
4 additional curfew controls for minors in the City during the Detroit Annual Fireworks Display and  
5 during the Detroit River Days;

6 (I) The curfew for minors in the City provides for reasonable exceptions during the specified  
7 curfew period to allow for minors accompanied by their parent or legal guardian, for minors at or  
8 traveling to and from places of employment, education and training facilities, and sponsored activities  
9 under adult supervision, for minors involved in emergencies or constitutionally protected activities  
10 such as interstate travel or freedom of speech, assembly or exercise of religion, for minors on the  
11 sidewalks in front of their homes, and for minors sent on errands by their parents if the minors have  
12 proper written permission.

13 **Section 2.** Chapter 33, *Minors*, Article III, *Regulation of Minors in Public Places and Adult Responsibility*  
14 *for Violations*, of the 1984 Detroit City Code is amended by adding Sections 33-3-14, 33-3-15, and  
15 33-3-16, to read as follows:

16 **CHAPTER 33. MINORS**

17 **ARTICLE III. REGULATION OF MINORS IN PUBLIC PLACES**  
18 **AND ADULT RESPONSIBILITY FOR VIOLATIONS**

19 **DIVISION 2. CURFEW**

20 **Sec. 33-3-14. Additional Definitions.**

21 The definitions provided in this section supplement the definitions provided for in Section 33-  
22 3-1. The following words and phrases shall have the meanings respectively ascribed to them by  
23 this section:

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

1 Detroit Annual Fireworks Display Curfew means the period of time commencing at 6:00 p.m.  
2 on the Detroit Annual Fireworks Display Day and continuing until 6:00 a.m. the next morning.

3 Detroit Annual Fireworks Display Day means Monday, June 22, 2015, or any rescheduled date  
4 for the Detroit Annual Fireworks Display.

5 Detroit River Days shall mean the three day festival hosted by the Detroit Riverfront  
6 Conservancy along the Detroit River, generally between Hart Plaza and the William Milliken State  
7 Park, on June 19, 20 and 21, 2015.

8 Detroit River Days Curfew means the period of time commencing at 6:00 p.m. on each of the  
9 following days and continuing until 6:00 a.m. on the morning after each of the following days:  
10 Friday, June 19, 2015, Saturday, June 20, 2015, and Sunday, June 21, 2015.

11 Emergency Curfew means the Detroit Annual Fireworks Display Curfew and the Detroit River  
12 Days Curfew.

13 **Sec. 33-3-15. Emergency.**

14 (a) The provisions of this section shall supersede the curfew hours for minors provided for in  
15 Section 33-3-11.

16 (b) During the Emergency Curfew it shall be unlawful for a minor, as defined in Section 33-3-1,  
17 to be on any public street, sidewalk, alley, park, playground, vacant lot, or at any other  
18 unsupervised public place in the City.

19 **Sec. 33-3-16. Exceptions to Emergency Curfew.**

20 (a) The provisions of this section shall supersede the curfew exceptions provided for in Section  
21 33-3-48 to the extent that Section 33-3-48 conflicts with Sections 33-3-14, 33-3-15, or 33-3-16.

22 (b) The curfew restrictions of Section 33-3-15 shall not apply to a minor (defined in Section  
23 33-3-1) who is:

24 (1) Accompanied by his or her parent or legal guardian; or

1 (2) Working at, going to, or returning from a place of employment, provided that:

2 (a) The minor's hours of employment do not violate state law; and

3 (b) The minor possesses a signed statement issued by his or her employer within the  
4 previous thirty (30) days setting forth the minor's hours of employment and the location  
5 of the employment; and

6 (c) The minor's travel to and from the employment location is without detour or stop; or

7 (3) Attending, going to, or returning from an educational or training program, provided that:

8 (a) The minor possesses proof of enrollment in a public or private school, college, or other  
9 educational institution licensed or recognized as an educational institution by the  
10 Michigan Department of Education or by another federal, state, or City agency; and

11 (b) The minor's travel to and from the program is without detour or stop; or

12 (4) Attending, going to, or returning from an organized sponsored recreational activity or an  
13 activity sponsored by a school, religious, or civic organization, by a public organization or agency,  
14 or by another similar organization or entity, which activity is supervised by adults, provided that:

15 (a) The minor possesses proof of attendance, enrollment, or participation in the sponsored  
16 activity; and

17 (b) The minor's travel to and from the activity is without detour or stop; or

18 (5) Involved in an emergency, meaning unforeseen circumstances, or the resulting status or  
19 condition, requiring immediate action to safeguard life, limb, or property. The term includes, but  
20 is not limited to, fires, natural disasters, automobile accidents, or other similar circumstances.

21 (6) On the sidewalk directly abutting a place where he or she resides with a parent; or

22 (7) On an errand at the direction of a parent, provided that:

23 (a) The minor has in his or her possession a writing signed by the parent containing the  
24 following information: the name, signature, address and telephone number of the parent

1 authorizing the errand, the telephone number where the parent may be reached during  
2 the errand, the name of the minor, and a brief description of the errand, the minor's  
3 destination(s) and the hours the minor is authorized to be engaged in the errand, and

4 (b) The parent confirms the authorized errand if contacted; or

5 (8) Involved in interstate travel through, or beginning or terminating in, the City of Detroit; or

6 (9) Exercising First Amendment rights protected by the United States Constitution or by  
7 Article I of the Michigan Constitution, such as the free exercise of religion, freedom of speech and  
8 the right of assembly.

9 **Secs. ~~33-3-14~~ 33-3-17—33-3-20. Reserved.**

10 **Section 3.** All ordinances, or parts of ordinances, that conflict with this ordinance are  
11 suspended during the Emergency Curfew (as defined in Section 2 of this ordinance, Sec. 33-3-14),  
12 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 ordinance  
16 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 ordinance  
18 shall expire on the sixty-first (61st) day after enactment unless re-enacted as an emergency ordinance.  
19 The expiration of this ordinance shall not affect any enforcement actions or penalties for violations  
20 of this ordinance.

21 Approved as to form:

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Melvin Butch Hollowell  
Corporation Counsel