

Neighborhood and Community Services Standing Committee

D

Thursday, March 12, 2018

1:00 AM - **DISCUSSION** *ePublic Hearing*

SHEFFIELD
AG

RE: Proposed Ordinance to amend Chapter 40 of the 1984 Detroit City Code, Parks and Recreation, Article I, In General, by amending Section 40-1-1, Definitions, by adding the definition of pneumatic gun; and by amending Section 40-1-26, to regulate the discharge of pneumatic weapons.

Attending: (Police, Recreation and Law Departments)

ENTERED APR 12 2018

City of Detroit

CITY COUNCIL



Brenda Jones
President

George Cushingberry, Jr.
President Pro Tem

Janee Ayers
Scott Benson
Raquel Castaneda-Lopez
Gabe Leland
Mary Sheffield
Andre L. Spivey
James Tate

Janice M. Winfrey
City Clerk

April 10, 2018

Mr. James Craig, Chief of Police, Detroit Police Department
Mr. Keith Flournoy, Interim Director, Recreation Department
Mr. Lawrence Garcia, Corporation Counsel, Law Department

RE: Proposed Ordinance to amend Chapter 40 of the 1984 Detroit City Code, Parks and Recreation, Article I, In General, by amending Section 40-1-1, Definitions, by adding the definition of pneumatic gun; and by amending Section 40-1-26, to regulate the discharge of pneumatic weapons.

The Neighborhood and Community Services Standing Committee has scheduled a **PUBLIC HEARING** relative to the above-captioned matter for **THURSDAY, APRIL 12, 2018 AT 1:00 P.M.** in the City Council Committee Room, 13th Floor of the Coleman A. Young Municipal Center. Please plan to attend.

Please note, increased security measures for entrance into this building may cause delays, therefore allow sufficient time for prompt arrival.

Very truly yours,

Janice M. Winfrey
City Clerk

JMW/ag

cc: Ms. Stephanie Washington, Mayor's Office



CITY OF DETROIT
LAW DEPARTMENT

COLEMAN A. YOUNG MUNICIPAL CENTER
2 WOODWARD AVENUE, SUITE 500
DETROIT, MICHIGAN 48226-3437
PHONE 313-224-4550
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WWW.DETROITMI.GOV

[Handwritten initials and scribbles]

February 20, 2018

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Detroit City Council
1340 Coleman A. Young Municipal Center
Detroit, Michigan 48226

Re: Amendment to Chapter 40, Parks and Recreation, Section 40-1-1 and 40-1-26.

Honorable City Council:

In order to mirror state legislation, the Law Department has prepared a proposed ordinance amending Chapter 40 of the 1984 Detroit City Code, *Parks and Recreation*, Article I, *In General*, by amending Section 40-1-1, *Definitions*, by adding the definition of pneumatic gun; and by amending Section 40-1-26, to regulate the discharge of pneumatic weapons. A copy of the ordinance, which has been approved as to form, is attached for your consideration.

I look forward to discussing this important legislation with this Honorable Body.

Respectfully Submitted,

Mary Parisien

Mary Parisien Esq.
City of Detroit Law Department
Municipal Law Section

ENTERED MAR 01 2018 - BB 2wks AS(3, U)

ENTERED MAR 15 2018 - Move to Formal Session for introduction and setting Public Hearing (AS 2,0)

CITY CLERK 2018 FEB 22 AM 10:30

2/27/18 (Formal) - Refer to NCS

SUMMARY

AN ORDINANCE to amend Chapter 40 of the 1984 Detroit City Code, *Parks and Recreation*, Article I, *In General*, by amending Section 40-1-1, *Definitions*, by adding the definition of pneumatic gun; and by amending Section 40-1-26, to regulate the discharge of pneumatic weapons.

BY COUNCIL MEMBER _____:

1 AN ORDINANCE to amend Chapter 40 of the 1984 Detroit City Code, *Parks and*
2 *Recreation*, Article I, *In General*, by amending Section 40-1-1, *Definitions*, by adding the
3 definition of pneumatic gun; and by amending Section 40-1-26, to regulate the discharge of
4 pneumatic weapons.

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

6 Section 1. That Chapter 40 of the 1984 Detroit City Code, *Parks and Recreation*, Article
7 *I, In General*, be amended by amending Sections 40-1-1, and 40-1-26, to read as follows:

8 Chapter 40. - PARKS AND RECREATION

9 ARTICLE I. - IN GENERAL

10 DIVISION 1. GENERALLY

11 Sec. 40-1-1. Definitions.

12 For the purposes of this article, the following words and phrases shall have the meanings
13 respectively ascribed to them by this section:

14 *Parks, public places or boulevards* means all parks, parkways, playfields, park lots, grass
15 plots, golf courses, playgrounds, recreation centers, athletic fields, open places, squares, lands
16 under water and other areas which are now owned by the city or under city control or may
17 hereafter be acquired by purchase, gift, devise, bequest, loan or lease.

18 Pneumatic gun means any implement, designed as a gun, that will expel a BB or pellet by
19 spring, gas or air. Pneumatic guns includes a paintball gun that expels by pneumatic pressure
20 plastic balls filled with paint for the purpose of marking the point of impact.

21 *Roller skates* or *roller blades* mean a pair of shoes mounted upon one (1) or more sets of
22 wheels that are most often propelled by the user in an upright, standing position.

1 *Scooter* means a footboard that is mounted upon two (2) or more wheels, controlled by an
2 upright steering handle, and often propelled by the user in an upright, standing position.

3 *Skateboard* means a footboard that is mounted upon wheels and usually propelled by the
4 user who sometimes stands, sits, kneels or lays upon the device while in motion.

5 **Sec. 40-1-2. Boulevards.**

6 (a) The following roadways, from lot line to lot line, are hereby declared to be boulevards
7 for the purpose of this article:

8 Arden Park—From Woodward to Oakland

9 Boston Boulevard—East and West from Oakland to Linwood

10 Chicago Boulevard—From Jefferson to Mack

11 Chicago Boulevard—From Woodward to Dexter

12 Dexter Boulevard—From West Grand Boulevard to Joy Road

13 Douglas MacArthur Bridge

14 Grand Boulevard, East and West—From the mainland terminus of the Belle Isle Bridge to the
15 terminus of the West Grand Boulevard and West Jefferson

16 Lafayette Boulevard—From West Grand Boulevard to Green

17 LaSalle Boulevard—From West Grand Boulevard to Boston Boulevard

18 Oakman Boulevard—From Kendall Avenue to Ewald Avenue and from Chicago Boulevard to
19 the boundary line of the City of Dearborn

20 Oakman Court—From Oakman Boulevard to Linwood

21 Pontchartrian Boulevard—From McNichols Road to Palmer Park

22 Second Boulevard—From Clairmount to the southerly line of the City of Highland Park

23 Washington Boulevard—From Convention Hall Building to Park Avenue.

1 (b) No roadway or highway hereafter acquired by the city, otherwise than by
2 condemnation, shall be deemed to be boulevards without legislative action by ordinance by the
3 city council, even though such roadway or highway be designated a boulevard in the plat, deed
4 or other instrument by which the city may acquire the same.

5 **Sec. 40-1-3. Jurisdiction over roadways in parks.**

6 The recreation department shall have jurisdiction over the roadways and drives within the
7 boundaries of all city parks, playfields, playgrounds and public places. All parks, playfields,
8 playgrounds or public places hereafter acquired by the city, within or without its boundaries,
9 shall be deemed to be parks within the meaning of this article.

10 **Sec. 40-1-4. Duties of recreation department generally; establishment of rules and**
11 **regulations relative to parks; police powers of employees of departments; investigation of**
12 **claims by police department.**

13 It shall be the duty of the recreation department to improve and beautify in appropriate
14 manner the parks, parkways, boulevards and public places, placed in the jurisdiction of the
15 department by virtue of this article and Charter of the city. The recreation department shall
16 establish reasonable rules and regulations for the protection of rights and property vested in the
17 city and under control of the department, for the uses, care, maintenance and management of all
18 parks and their dockage, bridges on Belle Isle, public grounds and boulevards and concerning
19 waters surrounding Belle Isle, subject to control of the United States Department of Defense. It
20 shall be the duty of the recreation department to enforce, through the employees of the
21 department, the provisions of this article. The powers and duties of police officers are hereby
22 conferred upon such employees of the department as are selected by the recreation department,
23 upon taking appropriate oath as peace officers; provide, that it shall be the duty of the chief of

1 police to assign a sufficient number of police officers to properly police the parks, public
2 recreation areas and boulevards of the city and to cooperate with the employees of the
3 department in the enforcement of this article. The police department shall investigate the
4 complaints made by the recreation department relative to violation of this article and shall take
5 such action therein as the facts may warrant.

6 **Sec. 40-1-5. Encroachments, obstructions, etc., prohibited; exceptions.**

7 (a) No person shall erect, maintain or permit to be erected or maintained any building,
8 obstruction or encroachment of any kind upon any park, parkway, park lot, playground,
9 playfield, public place or boulevard. The word "encroachment" as used in this section shall be
10 deemed to include any sign, cornice, bay-window, awning, marquee, porch drive, walk or other
11 projection of any character which rests upon or projects over any park property or public place
12 defined in this article. The provisions of this section shall not apply to encroachments upon
13 Washington Boulevard, East Grand Boulevard between Milwaukee Avenue and Sargeant Street,
14 Oakman Boulevard from the westerly line of the City of Highland Park to Linwood Avenue and
15 from Turner Avenue to West Chicago Avenue, which are authorized by the official building
16 code of the city.

17 (b) Where, in unusual circumstances, undue hardship would be suffered or no good
18 purpose would be served, the city council may modify any of the requirements of this section on
19 a declared boulevard, as designated in section 40-1-2, upon the recommendation of the recreation
20 department; provided, that the recreation department shall obtain a report from the community
21 and economic development department before filing their recommendation with the city council.

22 **Sec. 40-1-6. Permit required for digging, tunneling, etc.**

1 No person shall open, take up or tunnel under or otherwise interfere with any part or
2 portion of any park, park lot, parkway, public place or boulevard without a written permit from
3 the recreation department. Before granting of such permit, the applicant shall be required to
4 deposit with the department a sum of money, to be determined by the recreation department,
5 which will fully cover the expense that may be incurred by the department in connection
6 therewith. In case the department is put to any actual expense in connection with such work, it
7 shall retain the amount therefor from such deposit and shall refund the balance, if any, to the
8 person who deposited the same.

9 **Sec. 40-1-7. Storage of building materials, etc.; lights required on materials; protection of**
10 **trees and shrubs.**

11 (a) No person shall place, deposit or allow to be placed, kept or deposited upon any park,
12 park lot, parkway, public place or boulevard any building material or other material without a
13 written permit having first been obtained from the recreation department, which permit shall
14 state the space to be occupied and the limit of time it shall be in force.

15 (b) Any person acting under such permit and causing or permitting an obstruction to be
16 placed upon any park, public place or boulevard shall cause at least two (2) red lights to be
17 placed in conspicuous places upon the same from sunset to sunrise of each day during which
18 such obstruction remains, and shall also construct and maintain proper safeguards and a safe and
19 proper plank sidewalk at least two (2) feet wide around each obstruction. Any trees, shrubs or
20 plants in or around any building operation shall be protected by a good substantial box, not less
21 than four (4) feet square and six (6) feet high.

22 **Sec. 40-1-8. Moving of buildings.**

1 No person shall remove or cause to be moved any house, building or other structure on or
2 across any park, public place or boulevard, except between the hours of 1:00 a.m. and 6:00 a.m.,
3 and the occupancy of such park, public place or boulevard shall continue only between such
4 hours. No such house, building or structure shall be moved without a written permit from the
5 recreation department, who may in their discretion refuse to grant the same. A deposit of not less
6 than fifty dollars (\$50.00) shall accompany the application for the permit and the amount of such
7 deposit may be fixed above such sum in the discretion of the recreation department. The person
8 to whom the permit is issued shall, after moving has been completed, replace the roadways, grass
9 plots and other property which may have been injured to their former condition, under the
10 supervision of the recreation department. If such work is not done immediately, it shall be done
11 by the department, which shall deduct the expense thereof from the amount deposited with the
12 application for the permit.

13 **Sec. 40-1-9. Permittees to assume liability for damages.**

14 No permit shall be granted under this article to any person for any purpose, unless, in the
15 application therefor, the party applying for the same shall agree to indemnify and save the city
16 harmless from all liability because of injury to person or property arising out of the activity or
17 privilege for which the permit was granted.

18 **Sec. 40-1-10. Hours for private parks.**

19 No person shall loiter, picnic, party, congregate or remain upon or within any private
20 park, private playfield, or private playground between the hours of 10:00 p.m. and 6:00 a.m. In
21 order for this section to be enforceable, such time shall be clearly and legibly posted upon
22 permanent signs prominently displayed on the site of such park, playground or playfield.

23 **Sec. 40-1-11. Advertising, placing of signs, etc.**

1 No person shall distribute any advertising matter, political or otherwise, from any
2 vehicle, nor post or place any notices, signs or other encumbrances of any description upon any
3 erection, structure or tree, shrub or vine which may be growing or erected in, upon or
4 surrounding any park or public property under the control of the recreation department.

5 **Sec. 40-1-12. Sale of any article, goods, merchandise, or food prohibited; exceptions;**
6 **distribution of commercial handbills prohibited within any park, public place or**
7 **boulevard.**

8 (a) The sale or offer of sale, or barter of any article, goods, merchandise, or food of any
9 kind within any park, public place or boulevard is prohibited, except:

- 10 (1) Sales of articles by recreation department employees as authorized by the director
11 of the recreation department, or his or her designee;
- 12 (2) Concessions sold by persons pursuant to a contract with the city;
- 13 (3) Sales by licensed stationary food preparation vendors pursuant to section 40-1-24
14 of this Code; and
- 15 (4) Sales by approved vendors made in conjunction with an authorized activity,
16 event, or use within the boundaries of a city park in accordance with recreation
17 department rules governing vendors in parks and public spaces.

18 Provided, articles, goods, merchandise, or food of any kind shall not be sold, or offered
19 for sale, on any boulevard, drive, roadway, or street within or adjacent to any park, public place
20 or boulevard.

21 (b) No hawking, peddling, soliciting or distribution on handbills for commercial purposes
22 shall be allowed within any park, public place or boulevard.

23 **Sec. 40-1-13. Depositing of rubbish, filth, etc., prohibited.**

1 No person shall place or deposit any dead carcass, ordure, filth, dirt, rubble, papers or
2 other matter or substance upon any park or public place.

3 **Sec. 40-1-14. Throwing stones, etc., into and wading in pools, etc., prohibited.**

4 No basin, pool, fountain, lake or canal shall be fouled by stone, wood or any other
5 substance, nor bathed in nor waded into, except in wading pools designated for that purpose by
6 the recreation department.

7 **Sec. 40-1-15. Fishing and swimming.**

8 No fishing or swimming shall be allowed from or upon any portion of the parks,
9 boulevards, and public places, except those places or sections specifically designated by the
10 recreation department. Fishing or swimming is prohibited in any of the canals of Belle Isle Park.

11 **Sec. 40-1-16. Molesting, etc., animals and fowl.**

12 No person shall molest or in any manner disturb or annoy any animal, fish or fowl which
13 may be placed in any fountain, pool, basin or enclosure or allowed to run at large.

14 **Sec. 40-1-17. Abandonment of animals in parks prohibited.**

15 No person shall abandon, leave or desert, within the confines of any park, any
16 carnivorous animals, such as cats, dogs or any other species of animal which is or may be a
17 menace to the wild life which is or may hereafter be harbored within the confines of any such
18 park.

19 **Sec. 40-1-18. Riding of horses; dogs to be on leashes.**

20 No person shall ride upon any horse unless the animal is equipped with a saddle. Riding
21 horses shall not be driven on or ridden upon any roadway set aside for motor vehicle traffic, nor
22 upon any footpath or trail set aside for pedestrians or bicyclists. Riding across lawns, fields or
23 gardens in any park or playground is strictly forbidden; provided, that this regulation shall not

1 apply to any mounted police officer engaged in performing his regular duty. No dogs shall be
2 permitted within the confines of any park, playground or public place, unless such dogs shall be
3 attached to a leash not to exceed six (6) feet in length; such leash to be of sufficient strength to
4 hold such animal in constant check. Tying animals by a leash which exceeds six (6) feet in length
5 to any tree, shrub, structure or other fixture or thing is strictly forbidden.

6 **Sec. 40-1-19. Loitering, etc., in parks or playgrounds after closing.**

7 No person shall loiter or remain upon any park, playfield, playground or other public
8 place after the hour the recreation department has ordered such park, playfield, playground or
9 other public place to be closed.

10 **Sec. 40-1-20. Permit for ride concessions required; designation of docks for pleasure boats.**

11 No owner or operator of any boat, automobile, aeroplane or hydroplane shall solicit or be
12 permitted to operate for hire upon or from any portion of a park, public place or boulevard,
13 without first obtaining a permit from the recreation department, which permit may be issued
14 under such reasonable conditions as may be established and may be revoked or suspended for
15 violation of such conditions or for other cause. The recreation department may designate
16 wharves and docks at which pleasure boats may be moored.

17 **Sec. 40-1-21. Playing of games prohibited except in designated areas and where required**
18 **with permit; gambling prohibited; roller skating, scooter use, and skateboarding**
19 **prohibited except on roadways and drives.**

20 (a) No persons shall play any games in or upon parks, public places or boulevards,
21 provided, that baseball, football, tennis and other games of recreation may be played upon such
22 portion of the parks, public places or boulevards as may be designated by the recreation
23 department under such rules and regulations as may have been promulgated, or may be

1 promulgated by the Department in accordance with section 2-111 of the 2012 Detroit City
2 Charter and, where required, upon first obtaining a permit therefor.

3 (b) No person shall gamble upon any park, public place, or boulevard of the city.

4 (c) No person shall operate or ride upon any roller skates, roller blades, scooter,
5 skateboard upon parks, public places, or boulevards in such a manner as to harm, or be likely to
6 harm, any person or property.

7 **Sec. 40-1-22. Golfing activities.**

8 No person shall engage in any golfing activity, such as practice driving or putting upon
9 any park, playfield, playground or other public place. This restriction shall not apply to any
10 designated golf course, driving range, putting green or putting course.

11 **Sec. 40-1-23. Combustion powered model planes, boats and cars.**

12 No combustion powered model aircraft, model automobile or model boat shall be
13 operated or the engines thereof tested in any park, public place or boulevard, except at such
14 locations as may be designated by the recreation department.

15 **Sec. 40-1-24. Designated areas for picnics; sale of food or beverages prohibited except as**
16 **permitted.**

17 (a) No picnics may be held upon or in any city park, bathing beach, or public place
18 except in those areas designated by the city for that purpose.

19 (b) No food or beverages of any kind shall be permitted to be sold or offered for sale in
20 any city park, bathing beach, public place, or on any roadway or drive within any park, except as
21 permitted under this section of the Code.

22 (c) All food or beverages offered for sale in any city park, bathing beach, public place, or
23 on any roadway or drive within any city park, shall be permitted pursuant to agreement with the

1 city, as approved by the Detroit City Council, except for food preparation vendors, as defined in
2 section 41-2-1 of this Code, permitted under this subsection (d) of this section.

3 (d) The director of the recreation department may approve and designate certain locations
4 in city parks for the sale of food by food preparation vendors. All food preparation vendors shall
5 be licensed by the state and the city and comply with all applicable laws, provisions of this Code,
6 regulations, and rules, including the Michigan Food Law of 2000, being MCL 289.1101 et seq.
7 and Chapter 21, Article X, and Chapter 41, Article II, of this Code.

8 (e) In accordance with section 2-111 of the 1997 Detroit City Charter, the director of the
9 recreation department is authorized to promulgate rules for the use of any city park, bathing
10 beach, or public place for picnics and for the sale food or beverages in any city park, public
11 place, or on any roadway or drive within any city park.

12 **Sec. 40-1-25. Permit required for parades, etc.**

13 (a) No parade, procession, exercises, or other activities which result in the congregating
14 together of a large number of people shall be permitted within any parks, public places, and
15 boulevards without a permit having been obtained from the recreation department.

16 (b) No permit shall be issued by the recreation department for major events or special
17 uses or activities such as the Grand Prix within parks, public places, or boulevards which could
18 alter in any way the appearance, noise level, or accessibility, without prior approval of the
19 Detroit City Council.

20 (c) No construction or alteration other than routine maintenance or replacement within
21 parks, public places or boulevards shall begin without prior approval of the Detroit City Council.

22 **Sec. 40-1-26. Use of firearms or fireworks; kindling of fires.**

1 (a) Within or upon any parks, public places and boulevards, no person shall fire or discharge
2 any revolver, pneumatic gun, or other firearm, nor kindle nor build a fire, except in places
3 designated by the recreation department, nor throw stones or other missiles, nor fire,
4 discharge or set off any rocket, cracker, torpedo, squib or other fireworks containing any
5 substance of an explosive nature. The last inhibition shall not prevent special fireworks
6 exhibitions to be given under the auspices or direction of the department, upon special
7 permit issued by the department.

8 (b) No person shall engage in the discharge of a pneumatic gun in a park, or a public place,
9 except in an area designated by the City.

10 **Sec. 40-1-27. Regulation of traffic.**

11 The department of transportation, with the approval of the recreation department, shall
12 have authority to regulate and control traffic vehicles upon or within the parks, public places and
13 boulevards. It may designate certain roadways to be used by vehicles going in a certain direction
14 and shall make evident such designation by appropriate signs.

15 **Sec. 40-1-28. Vehicles on footwalks, bridle paths, etc.**

16 No wheelbarrow, handcart, automobile, motorcycle, bicycle, motor-driven cycle, go-cart
17 or unlicensed vehicle shall be permitted on the footwalks, sidewalks, bridle paths, pedestrian
18 trails, grass plots or planted places of any park, public place or boulevard, except in such sections
19 as may be designated by the recreation department.

20 **Sec. 40-1-29. Driving or parking prohibited on grass or shrubbery; stopping, standing or**
21 **parking generally.**

22 No person shall drive or park any vehicle of any description upon any part of a park,
23 public place or boulevard laid out and appropriated for grass or shrubbery. Nor shall any person

1 stop, stand or park a vehicle upon that portion of the highway located between the property lot
2 lines and the nearest curblines, unless permitted by action of the recreation department and the
3 department of transportation and appropriate signs are erected.

4 **Sec. 40-1-30. Obstruction of traffic.**

5 No vehicle shall be permitted to stand upon any boulevard or roadway of any park in
6 such a manner as to obstruct or blockade traffic. Every vehicle shall come to a complete stop
7 before crossing any boulevard; provided, that this regulation shall not apply to any intersection
8 where traffic is being directed by a traffic officer or traffic signal.

9 **Sec. 40-1-31. Speed limits.**

10 No vehicle shall be operated or driven in any park or public place at a rate of speed in
11 excess of twenty-five (25) miles per hour. Where signs are erected for the control of traffic
12 which is less than twenty-five (25) miles per hour, it shall be unlawful to exceed the rate of speed
13 so designated upon the sign.

14 **Sec. 40-1-32. Trailers prohibited.**

15 No automobile or other vehicle hauling a second vehicle or trailer of any description shall
16 be permitted within any parks or public places. "Trailer," as used in this section shall mean any
17 vehicle which is either wholly or partially dependent upon another unit to provide motive power.

18 **Sec. 40-1-33. Testing of vehicles prohibited.**

19 No motor car, truck or motorcycle shall be driven in any park for testing same. "Testing"
20 is hereby defined to be the operating or driving of a motor vehicle for ascertaining its fitness for
21 service and use.

22 **Sec. 40-1-34. Trucks prohibited; exceptions.**

1 No person shall operate upon or within any park, public place or boulevard any truck, as
2 the term is defined by the Michigan Vehicle Code, or any other vehicle used for hauling or
3 distribution of merchandise, freight or material; provided, that such truck or vehicle may be
4 operated upon or within such parks, public places or boulevards, for the shortest possible
5 distance, when necessary to serve any property upon such park, public place or boulevard or
6 contiguous thereto, or when it is necessary to cross any boulevard. The provisions of this section
7 shall not apply to vehicles operated by the recreation department.

8 **Sec. 40-1-35. Lights to be furnished by public lighting department.**

9 The public lighting department shall furnish proper and sufficient lights for the parks,
10 public places and boulevards of the city.

11 **Sec. 40-1-36. Repairing, cleaning of automobiles.**

12 No person shall clean, wash, polish, repair or in any manner service any motor vehicle or
13 trailer within the confines of any public park, or cause the same to be done. For the purpose of
14 this section, the term "repair" shall be deemed to mean the replacement of old, worn out parts of
15 the vehicle with new parts, and the term "service" shall be deemed to mean the draining of oil,
16 sludge, gasoline and water for the purpose of replacing same with a new supply. This prohibition
17 shall not apply to the changing of deflated tires or the performing of necessary emergency work
18 on a disabled car for the purpose of immediate movement or to places specifically set aside by
19 the recreation department for motor vehicle repair and service.

20 **Sec. 40-1-37. Civil and criminal penalties.**

21 (a) A person who violates sections 40-1-28, 40-1-29, 40-1-30, 40-1-31, 40-1-32, 40-1-33,
22 40-1-34 and 40-1-36 of this Code or any traffic regulation issued pursuant to section 40-1-27 of

1 this Code shall be responsible for a civil infraction and shall be subject to a civil fine of not more
2 than one hundred dollars (\$100.00) plus costs as provided for in section 55-2-31 of this Code.

3 (b) Except for sections 40-1-28, 40-1-29, 40-1-30, 40-1-31, 40-1-32, 40-1-33, 40-1-34
4 and 40-1-36 or any traffic regulation issued pursuant to section 40-1-27, the violation of which is
5 a civil infraction, any person who violates any other section in this article is subject to issuance
6 of a misdemeanor violation and, when convicted, is subject to receiving a fine of up to five
7 hundred dollars (\$500.00), to being sentenced of up to ninety (90) days in jail, or both in the
8 discretion of the court.

9 **Section 2.** All ordinances, or parts of ordinances, that conflict with this ordinance are
10 repealed.

11 **Section 3.** 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 4.** In the event that this ordinance is passed by a two-thirds (2/3) majority of the
14 City Council Members serving, it shall be given immediate effect and become effective upon
15 publication in accordance with Section 4-118 of the Charter. Where this ordinance is passed by
16 less than two-thirds (2/3) majority of the City Council Members serving, it shall become
17 effective no later than thirty (30) days after enactment in accordance with Section 4-118 of the
18 Charter.

Approved as to form:



Lawrence T. García
Corporation Counsel

RESOLUTION SETTING HEARING

By Council President Pro-Tem Sheffield:

Resolved, That a public hearing will be held by this body in the Committee Room, 13th Floor of the Coleman A. Young Municipal Center for the purpose of considering the advisability of adopting the foregoing proposed Ordinance to amend Chapter 40 of the 1984 Detroit City Code, Parks and Recreation, Article I, In General, by amending Section 40-1-1, Definitions, by adding the definition of pneumatic gun; and by amending Section 40-1-26, to regulate the discharge of pneumatic weapons.

Transmission Report

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(313) 224-3266 phone no./ (313) 224-2075 fax no.
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Abbreviations:

HS: Host send
HR: Host receive
WS: Waiting send

PL: Polled local
PR: Polled remote
MS: Mailbox save

MP: Mailbox print
RP: Report
FF: Fax Forward

CP: Completed
FA: Fall
TU: Terminated by user

TS: Terminated by system
G3: Group 3
EC: Error Correct

FOR PUBLICATION IN THE LEGAL NEWS ON TUESDAY, APRIL 3, 2018

**NOTICE
OF
PUBLIC HEARING
ON**

Proposed ordinance to amend Chapter 40 of the 1984 Detroit City Code, Parks and Recreation, Article I, In General, by amending Section 40-1-1, Definitions, by adding the definition of pneumatic gun; and by amending Section 40-1-26, etc.

Notice is hereby given that the Detroit City Council Neighborhood and Community Services Standing Committee has scheduled a **PUBLIC HEARING** that will be held in the Committee Room, 13th Floor of the Coleman A Young Municipal Center, on **THURSDAY, APRIL 12, 2018 AT 1:00 P.M.**, at which time all interested persons are invited to be present and be heard as to their views on the above proposed ordinance amendment described as follows:

Summary

Proposed ordinance to amend Proposed Ordinance to amend Chapter 40 of the 1984 Detroit City Code, Parks and Recreation, Article I, In General, by amending Section 40-1-1, Definitions, by adding the definition of pneumatic gun; and by amending Section 40-1-26, to regulate the discharge of pneumatic weapons.

Copies of the ordinance are available in the Office of the City Clerk, 200 Coleman A. Young Municipal Center during regular business hours.

Persons who wish to give oral presentations are encouraged to submit written copies to the City Clerk's Office for the record.

Please note, increased security measures for entrance into this building may cause delays. Therefore, allow sufficient time for prompt arrival.

Janice M. Winfrey
City Clerk

NOTICE TO THE HEARING IMPAIRED:

If interpretation or translation services are needed please call The Department of Civil Rights, Inclusion & Opportunity at least 48 business hours prior to session. Ryan Crigle, office: 313-224-9516

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TUESDAY, MARCH 27, 2018 FORMAL SESSION (Neighborhood and Community Services Standing Committee)

LAW DEPARTMENT

Sheffield, an Proposed Ordinance to amend Chapter 40 of the 1984 Detroit City Code, Parks and Recreation, Article I, In General, by amending Section 40-1-1, Definitions, by adding the definition of pneumatic gun; and by amending Section 40-1-26, to regulate the discharge of pneumatic weapons. **INTRODUCE**

Sheffield, reso. setting a Public Hearing on the foregoing ordinance amendment.

~~March 27th~~
March 27th
Formal