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TO: Detroit City Council

FROM: David Whitaker, Director 
Legislative Policy Division

DATE: October 16, 2024

RE: Proposed Amendment to Detroit City Code, Advertising and Signs

The Legislative Policy Division has been requested by Council Member Angela Whitfield Calloway to recommend a way to regulate marijuana advertisement that may have an impact upon children. LPD submits this draft amendment to the Detroit City Code regarding advertising signs referencing marijuana or marijuana infused products.

LPD has drafted the proposed ordinance amendment for your consideration which replicates the prohibitions of advertisement for alcoholic liquor and tobacco products under Chapter 4 Advertising and Signs, Article III, Protection of Minors Against advertisement and Promotion of Alcoholic Liquor and Tobacco Products. LPD believes the draft ordinance complies with the time place and manner restrictions under the First Amendment of the U.S Constitution and can be reviewed and approved as to form by the Law Department.

If we can be of further assistance, please call upon us.

S U M M A R Y

AN ORDINANCE to amend Chapter 4 of the 2019 Detroit City Code, Advertising and Signs; by amending Article I, Generally, Section 4-1-1, Definitions; Article III, Protection of Minors Against advertisement and Promotion of Alcoholic Liquor and Tobacco Products, Section 4-3-1, Purpose; Section 4-3-4, Advertisement of alcoholic liquor or any tobacco product prohibited within a 1,000-foot radius of certain locations; Section 4-3-6, Method of measurement; Section 4-3-7, Phase-out period; to provide for the health, safety and general welfare of the public.

1 **BY COUNCIL MEMBER ANGELA WHITFIELD CALLOWAY:**

2

3 **AN ORDINANCE** to amend Chapter 4 of the 2019 Detroit City Code, Advertising and Signs; by
4 amending Article I, Generally, Section 4-1-1, Definitions; Article III, Protection of Minors Against
5 advertisement and Promotion of Alcoholic Liquor and Tobacco Products, Section 4-3-1, Purpose; Section
6 4-3-4, Advertisement of alcoholic liquor or any tobacco product prohibited within a 1,000-foot radius of
7 certain locations; Section 4-3-6, Method of measurement; Section 4-3-7, Phase-out period; to provide for
8 the health, safety and general welfare of the public.

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

11 **Section 1.** Chapter 4 of the 2019 Detroit City Code, Advertising and Signs; by
12 amending Article I, Generally, Section 4-1-1, Definitions; Article III, Protection of Minors Against
13 advertisement and Promotion of Alcoholic Liquor and Tobacco Products, Section 4-3-1, Purpose; Section
14 4-3-4, Advertisement of alcoholic liquor or any tobacco product prohibited within a 1,000-foot radius of
15 certain locations; Section 4-3-6, Method of measurement; Section 4-3-7, Phase-out period; be amended to
16 read as follows:

17

18 **CHAPTER 4, ADVERTISING AND SIGNS**

19

20 **ARTICLE I**

21 **GENERALLY**

22 **Sec. 4-1-1 Definitions,**

1 For purposes of this chapter, the following words and phrases shall have the meanings
2 respectively ascribed to them by this section:

3 *Advertising sign* means a sign containing a commercial message that is intended to direct
4 attention to a business, profession, commodity, service, or entertainment, that is conducted, sold, or
5 offered elsewhere than on the premises where the sign is located, or that is only incidentally conducted,
6 sold, or offered on the premises where the sign is located.

7 *Advertising-sensitive property* means a premises that is occupied by or used as any of the
8 following:

- 9 (1) A child-care home and center, which has the meaning as likewise defined in [Section](#)
10 [50-16-152](#) of this Code;
- 11 (2) A child-caring institution, which has the meaning as likewise defined in [Section 50-](#)
12 [16-152](#) of this Code;
- 13 (3) A juvenile detention or correctional facility, which means a county facility or
14 institution operated as an agency of the county or the juvenile division of the probate
15 court, or a state institution or agency described in the Michigan Youth Rehabilitation
16 Services Act, being MCL 803.301 *et seq.*, to which a minor has been committed or in
17 which a minor is detained;
- 18 (4) A library, which means any designated public depository of books, periodicals,
19 public and/or historical records, or other reference materials within the City that is
20 created pursuant to Article VIII, Section 9, of the 1963 Michigan Constitution, and is
21 operated pursuant to Section 12 of the Michigan District Library Establishment Act,
22 being MCL 397.182;
- 23 (5) A park, which means land that is improved or intended to be improved for active or
24 passive recreational uses, or is preserved as open space, and is under the jurisdiction
25 and control of the City, Wayne County, or the State of Michigan;
- 26 (6) A playfield, which means land that is designed for major field sports, such as
27 baseball, football, soccer, tennis, or softball, and which requires more area than is

1 available on a playground, is so designated, and is under the jurisdiction and control
2 of the City, Wayne County, or the State of Michigan;

3 (7) A playground, which means land that is designed and maintained primarily for the
4 recreational use of children aged up to 14 years, and is under the jurisdiction and
5 control of the City, Wayne County, or the State of Michigan;

6 (8) A playlot, which means land that is designed and maintained primarily for the
7 recreational use of small children aged up to eight years and is under the jurisdiction
8 and control of the City, Wayne County, or the State of Michigan;

9 (9) A recreation center, which means a facility that is created primarily to benefit minors
10 through the use of organized educational, social, or recreational activities and is
11 under the jurisdiction and control of the City, Wayne County, or the State of
12 Michigan;

13 (10) A school, which means the buildings, grounds, and other facilities of any public,
14 charter, parochial, or private educational institution that has as its primary purpose
15 the education and instruction of children at the elementary, middle, junior, and senior
16 high school levels; and

17 (11) A youth activity center, which has the meaning as likewise defined in [Section 50-](#)
18 [16- 462](#) of this Code.

19 *Alcoholic liquor* means any spirituous, vinous, malt, or fermented liquor, liquids, or
20 compounds, whether or not medicated, proprietary, patented, or any other designation, that contain
21 one-half of one percent or more of alcohol by volume, are fit for use as a beverage, and are defined and
22 classified by the Michigan Liquor Control Commission according to alcoholic content as being beer,
23 wine, spirits, alcohol, sacramental wine, brandy, mixed wine drink, or mixed spirit drink.

24 *Animated sign* means a type of dynamic sign in which the copy of the sign depicts motion or
25 automatically changes copy more frequently than once every eight seconds.

1 *Arcade sign* means a sign that is suspended underneath an awning, canopy, marquee, overhang,
2 or other element of a building or structure that forms a covered passageway for vehicles or pedestrians.

3 *Architectural feature* means a part, portion, or projection, other than a sign, of a building or
4 structure that contributes to its beauty, elegance, or architectural style, including, but not limited to,
5 arches, architectural grillwork, balconies, brackets, columns, corbels, cornices, dentils, doors, jambs,
6 lintels, masonry relief, medallions, moldings, pediments, pilasters, quoins, sills, window rails, and
7 windows, including glazings and surrounds, but does not include open spaces or other voids in any
8 façade of a multi-level parking structure.

9 *Art mural* means any image that is painted, projected, drawn, tiled, or similarly applied to a
10 building exterior, or to a material that will be mounted to the building exterior, for artistic purposes, and
11 does not contain any other type of commercial message, but does not constitute either
12 an advertising sign or a business sign.

13 *Awning sign* means a sign that is affixed to an awning or canopy, which, for purposes of this
14 definition, is a structure consisting of cloth, plastic, sheet metal or similar lightweight covering over a
15 structural framework that is affixed to a building and projects therefrom, whether cantilevered from
16 such building or supported by columns at additional points, but is not a marquee.

17 *Building frontage* means the portion of the building's façade that is visible as perpendicularly
18 projected along any public street or private street that is publicly accessible.

19 *Business sign* means a sign containing a commercial message that is intended to direct attention
20 to a principal business or principal commodity, service, or entertainment that is conducted, sold, or
21 offered on the premises on which the sign is located, or if the sign is located in the right-of-way then on
22 the premises adjacent to the location of the sign, at a scale and intensity that is reasonably proportional
23 to the degree of physical presence or economic activity of the business, commodity, service, or
24 entertainment at such premises. Identification signs and sponsorship signs are types of business signs.

25 *Central Business District* means the portion of the City within the area bounded by the Detroit
26 River, and the center lines of Brooklyn Avenue (extended), West Jefferson Avenue, Eighth Street, West
27 Fort Street, Brooklyn Avenue, Porter Street, John C. Lodge Freeway (M-10), Fisher Freeway (I-75),

1 Third Street, Grand River Avenue, Temple Avenue, Fourth Street, Charlotte Street, Woodward Avenue,
2 Fisher Freeway (I-75), Chrysler Freeway (I-375), East Jefferson Avenue, Rivard Street, Atwater Street,
3 and Riopelle Street extended to the Detroit River.

4 *Copy* means the graphic or textual content or message displayed by a sign.

5 *Commercial message* means speech that, wholly or in part, is intended to propose a commercial
6 transaction regarding a business, profession, commodity, service, or entertainment that is conducted,
7 sold, or offered in any location, whether on the same premises as where the message is offered or
8 elsewhere.

9 *Construction site* means any area where construction or renovation is set to take place, with the
10 exception of residential construction or renovation involving four or fewer dwelling units.

11 *Department* means the Buildings, Safety Engineering, and Environmental Department, unless
12 otherwise expressly stated in this chapter.

13 *Development notification sign* means a posted temporary notice that informs the public of the
14 type of development taking place on the premises, the expected completion date for construction, and
15 the contact information of the developer.

16 *Directional sign* means a sign that is intended to identify points of ingress or egress on the
17 premises, orient pedestrians and vehicles within the premises, direct the flow of pedestrian or vehicular
18 traffic throughout and around the premises, or identify particular neighborhoods, communities, or other
19 identifiable areas of the City, and that is not an advertising or a business sign.

20 *Double-face sign* means a sign with two sign faces, both of which are used as signs, for which
21 the least angle of intersection between the sign faces does not exceed 45 degrees.

22 *Dynamic sign* means any sign that features the ability, whether through digital or other
23 technological means, to automatically change the sign copy, at any frequency, without the need to
24 manually remove and replace the sign face or its copy. An animated sign is a type of dynamic sign.

1 *Established grade* of a sign means the elevation of the grade of the premises, measured
2 underneath, at the base of, or in the immediate vicinity of, the sign, as established by the City.

3 *Externally-illuminated sign* means a type of illuminated sign that is illuminated by reflection
4 from a source of artificial light, which is not contained within the sign itself.

5 *Freeway* means, as defined in Section 2 of the Michigan Highway Advertising Act of 1972,
6 being MCL 252.302, a divided highway of not less than two lanes in each direction to which owners or
7 occupants of abutting property or the public do not have a right of ingress or egress to, from, or across
8 the highway, except at points determined by or as otherwise provided by the authorities responsible for
9 the freeway.

10 *Freeway-adjacent area* means the area measured from the edge of the right-of-way of a freeway
11 and extending 3,000 feet perpendicularly and then along a line parallel to the right-of-way line.

12 *Freeway advertising sign* means an advertising sign located in a freeway-adjacent area, the sign
13 face of which is oriented toward and visible from the freeway.

14 *Graffiti* means unauthorized drawings, lettering, illustrations, or other graphic markings on the
15 exterior of a building, premises or structure that are intended to deface or mark the appearance of the
16 building, premises, or structure.

17 *Ground sign* means a sign that is freestanding and is supported by one or more structural
18 uprights, poles, braces, frames or solid foundations, which rest in or upon the ground. Monument signs
19 and pole signs are types of ground signs.

20 *Heritage sign* means an unilluminated painted sign that is either an advertising sign or business
21 sign, has been obsolete for a period of at least 50 years and that is registered with the Department as
22 such.

23 *High-density commercial/industrial sign district* means the portions of the City that are
24 designated in the Detroit Master Plan of Policies as major commercial (CM), special commercial (CS),
25 light industrial (IL), general industrial (IG), distribution/port industrial (IDP), or airport (AP) as well as

1 the entire portion of the City located within the Central Business District regardless of Detroit Master
2 Plan of Policies designation therein.

3 *High-density residential/mixed use sign* district means the portions of the City that are located
4 outside of the Central Business District, and are designated in the Detroit Master Plan of Policies as
5 medium-density residential (RM), high-density residential (RH), neighborhood commercial (CN), or
6 mixed residential-commercial (MRC).

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

10 *Identification sign* means a type of business sign that is intended solely to identify either a
11 principal business or profession, which is conducted on and physically occupies the premises where the
12 sign is located, or the name and street number of a building or structure on the premises.

13 *Illuminated sign* means a sign for which an artificial source of light is used in order to make
14 readable the sign's copy. Illuminated signs are either internally illuminated or externally illuminated.

15 *Internally-illuminated sign* means a type of illuminated sign that is illuminated by direct
16 emission from a source of artificial light that is contained within the sign itself, including signs that
17 emit light through a transparent or translucent material component of the sign or any sign for which the
18 sign face is substantially composed of luminescent material.

19 *Low-density commercial/institutional sign district* means the portions of the City that are located
20 outside the Central Business District and are designated in the Detroit Master Plan of Policies as mixed-
21 town centers (MTC), institutional (INST), thoroughfare commercial (CT), retail centers (CRC), or
22 mixed residential-industrial (MRI).

23 *Low-density residential sign district* means the portions of the City that are located outside of
24 the Central Business District and are designated in the Detroit Master Plan of Policies as low-density
25 residential (RL) or low/medium-density residential (RLM).

1 **Marijuana product means marijuana or marijuana infused product (as defined by MCL**
2 **333.27953 Definitions, Sec 3(h)).**

3 *Marquee sign* means a sign that is affixed to and supported by a marquee, which, for the
4 purposes of this definition, is a permanent roof-like shelter that is constructed of wood, steel, glass, or
5 other durable materials, is supported by and extends from a building façade, and is cantilevered without
6 support at additional points over a point of ingress and egress to the building. Marquee signs are distinct
7 from awning signs, projecting signs, and wall signs.

8 *Master Plan of Policies* means the current version of the Detroit Master Plan of Policies as
9 adopted under authority of the Michigan Planning Enabling Act, being MCL 125.3801 *et seq.*,
10 and [Section 8-101](#) of the Charter.

11 *Mechanical sign* means a sign that features automated mechanical rotation, revolution, waving,
12 flapping, or other physical movement of the sign or any of its components without causing a change to
13 the sign's copy.

14 *Minor* means an individual under 18 years of age.

15 *Monument sign* means a type of ground sign that is supported primarily by an internal structural
16 framework concealed in an opaque covering or solid structural foundation with no air space between the
17 ground and the sign face.

18 *Motion* means the depiction of movement or change of position of copy and includes, but is not
19 limited to, dissolving or fading text or images; travelling or running text or images; sequential text;
20 graphic bursts; lighting that resembles zooming, twinkling or sparkling; changes in light or color;
21 transitory bursts of light intensity; moving patterns or bands of light; expanding or contracting shapes;
22 or any similar visual effects.

23 *Multi-building campus* means a premises that contains multiple buildings, structures, or other
24 facilities that are interconnected by a series of private roads, pathways, open spaces, or other internal
25 networks, all of which are utilized for a single common purpose, such as multi-building universities,
26 hospitals, or cultural institutions.

1 *Multiple-face sign* means a sign with three or more sign faces.

2 *Obsolete sign* means a sign that is intended to direct attention to a business, profession,
3 commodity, service or entertainment, which is no longer conducted, sold, offered, or otherwise
4 available for purchase or patronage.

5 *Orientation means*, for any sign face, wall, façade, or other two-dimensional vertical surface, the
6 direction of a horizontal projection of the line that is perpendicular to such surface.

7 *Owner of the premises* means, with respect to a premises, building or structure, any individual
8 who, or entity which, has legal or equitable title or other interest, whether in whole or in part, to the
9 premises, building, or structure, respectively, but does not include such individual's or entities'
10 affiliates, subsidiaries, members, partners, or shareholders. Any premises, building, or structure can
11 have one or multiple owners.

12 *Painted sign* means a sign that is painted upon a wall or other exterior surface of a building or
13 structure and that is not an art mural.

14 *Permit* means a permit issued by the Department for the construction or erection of a new sign,
15 or the alteration of an existing sign, under the authority provided for in Chapter 8 of this Code, *Building*
16 *Construction and Property Maintenance*, unless otherwise expressly stated in this chapter.

17 *Pole sign* means a type of ground sign that is supported by one or more exposed uprights, poles
18 or braces, which rest in or upon the ground with air space between the ground and the sign face.

19 *Portable sign* means a sign that is designed to be moved easily and that rests upon, but is not
20 permanently affixed to, the ground.

21 *Premises* means a parcel, or collection of parcels, and adjoining property that are generally
22 under common ownership, whether publicly or privately owned, constituting a single building,
23 structure, or development, including private streets, pathways, and other open spaces, but excluding
24 public rights-of-way.

1 *Premises frontage* means the sum of the length of all lot lines of the premises abutting any
2 public street or private street that is publicly accessible.

3 *Projecting sign* means a sign that is affixed to and supported by any exterior wall or parapet of a
4 building or structure and projects outward from such wall or parapet with the orientation of the sign
5 face or faces being in a direction that is approximately perpendicular to the orientation of the façade of
6 the wall or parapet. Projecting signs are distinct from marquee signs.

7 *Public art* means an outdoor art mural, sculpture, or other permanent or semi-permanent
8 installation that is constructed and maintained for artistic purposes and intended to be visible to or
9 accessible by the general public and that does not contain any type of commercial message.

10 *Raceway sign* means a type of wall sign in which individual letters, graphics, and other copy
11 elements are separate structural components that are connected by a common component, referred to as
12 a raceway, which provides structural support for, and electrical or mechanical operation of, the sign.

13 *Recreation/open space sign district* means the portions of the City that are located outside of the
14 Central Business District and are designated in the Detroit Master Plan of Policies as regional parks
15 (PR), recreation (PRC), private marinas (PMR), or cemetery (CEM).

16 *Roof line* means the uppermost line of the roof of a building or, in the case of an extended façade
17 or parapet, the upper-most point of said façade or parapet.

18 *Roof sign* means a sign that is affixed to and supported by the roof of a building or structure, the
19 height of which extends above the highest point of the roofline of the building or structure.

20 *Sign* means any structure containing a visual display, or painted or projected image, that is
21 oriented toward and visible from any public or private right-of-way or public property and that is
22 intended to announce, identify, inform, or direct attention. A sign can be located on the exterior of a
23 building or other structure or in the interior of a building if within three feet of the building's perimeter
24 and visible from the building's exterior.

25 *Sign alteration* means a change of the size, shape, area, height, location, illumination, dynamic
26 operation, construction, fabrication, material, or any other operational, construction-related, or

1 dimensional parameter of an existing sign. Neither the maintenance of a sign within its existing
2 operational, construction-related and dimensional parameters, nor a change or replacement of the sign's
3 copy, without any other change to the sign, constitutes a sign alteration.

4 *Sign area* means the area of the sign face of a sign, expressed in terms of square feet.

5 *Sign clearance* means the elevation of the lowest point of the sign above the established grade of
6 the sign.

7 *Sign face* means the surface of a sign upon which the copy of the sign is displayed.

8 *Sign height* means the elevation of the highest point of the sign, including its frame and support
9 structure, above the established grade of the sign.

10 *Sponsor* means an individual or entity that has pledged its long-term support, whether financial
11 or in-kind, in a written agreement for a term of not less than 24 consecutive months:

- 12 (1) To the premises on which the sign is located;
- 13 (2) To a defined portion of the premises on which the sign is located; or
- 14 (3) To a principal commodity, service, activity, or entertainment sold or offered at the
15 premises on which the sign is located.

16 Whether or not such individual or entity conducts, sells, or offers its business, profession,
17 commodity, service, or entertainment on the premises where the sign is located.

18 *Sponsorship sign* means a type of business sign that is intended to identify a sponsor of the
19 premises, defined portion of the premises, or principal commodity, activity, or entertainment sold or
20 offered at the premises, where the sign is located.

21 *Temporary sign* means a type of business sign that is intended to be displayed for a limited
22 period of time.

23 *Tobacco product* means any cigarette, cigar, non-cigarette smoking tobacco, or smokeless
24 tobacco as defined in Section 2 of the Michigan Tobacco Products Tax Acts, being MCL 205.422.

1 (b) The findings to support this article have been delineated in a resolution adopted by the
2 City Council on July 7, 1999, and placed in the Journal of the City Council on Pages
3 1959 through 1963.

4 **Sec. 4-3-2. - Misdemeanor violation; continuing violation; penalties for conviction thereof.**

5 (a) It shall be unlawful for any person to violate any provision of this article.

6 (b) Any person who violates this article may be issued a misdemeanor violation for each day
7 that the violation continues.

8 (c) Any person who is found guilty of violating any provision of this article shall be
9 convicted of a misdemeanor for each violation that is issued and, in the discretion of the
10 court, may be fined up to \$500.00 and sentenced up to 90 days in jail, or both, for each
11 misdemeanor violation that is issued.

12 **Sec. 4-3-3. - Enforcement.**

13 This article shall be enforced by the Buildings, Safety Engineering, and Environmental
14 Department.

15 **Sec 4-3-4. Advertisement of alcoholic liquor, ~~or any~~ tobacco product or any**
16 **marijuana product prohibited within a 1,000-foot radius of certain locations**

17 (a) It shall be unlawful to advertise any alcoholic liquor on an advertising sign within a
18 1,000-foot radius of any advertisement-sensitive property.

19 (b) It shall be unlawful to advertise any tobacco product on an advertising sign within a
20 1,000-foot radius of any advertisement-sensitive property.

21 **(c) It shall be unlawful to advertise any marijuana product on an advertising sign**
22 **within a 1,000-foot radius of any advertisement-sensitive property.**

23 **Sec. 4-3-5. - Exceptions to prohibitions.**

1 The provisions of [Section 4-3-4](#) of this Code shall not apply:

- 2 (1) To any advertising sign that is adjacent to an interstate highway, freeway, or primary
3 highway system within the City, and is regulated by the Michigan
4 Highway Advertising Act of 1972, being MCL 252.301 *et seq.*; and
- 5 (2) To any advertising sign that advertises alcoholic liquor and is located on the
6 premises of a convention facility, sports arena, or stadium.

7 **Sec. 4-3-6. - Method for measurement.**

8 The spacing between an advertising sign that advertises alcoholic liquor, ~~or~~ a tobacco product
9 **or a marijuana product** and an advertisement-sensitive property shall be measured radially as the
10 length of the shortest straight line between the perimeter of the premises containing the advertising sign
11 and the perimeter of the premises containing the advertisement-sensitive property.

12 **Sec. 4-3-7. - Phase-out period.**

13 In the event a new advertisement-sensitive property is established subsequent to the effective
14 date of this article, which was August 13, 1999, and is located within a 1,000-foot radius of
15 an advertising sign lawfully advertising alcoholic liquor or a tobacco product, **or a marijuana product**
16 said advertising shall not be ordered removed until 60 days after the date of such establishment.

17

18 **Section 2.** All ordinances or parts of ordinances in conflict with this ordinance are
19 repealed.

20 **Section 3.** This ordinance is declared necessary for the preservation of the public
21 peace, health, safety, and welfare of the people of the City of Detroit.

22 **Section 4.** If this ordinance is passed by a two-thirds (2/3) majority of City Council
23 members serving, it shall be given immediate effect and shall become effective upon publication
24 in accordance with Section 4-118 of the 2012 Detroit City Charter; if passed by less than a two-
25 thirds (2/3) majority of City Council members serving, it shall become effective no later than thirty

1 (30) days after publication in accordance with Section 4-118 of the 2012 Detroit City Charter; if
2 this ordinance specifies a certain date to become effective, it shall become effective in accordance
3 with the date.

4

5 Approved as to form:

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Conrad L. Mallett, Jr.
Corporation Counsel

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