

**DETROIT RIVERFRONT CONSERVANCY**  
**POLICY AND RULES REGARDING LEAFLETING, PETITIONING, SOLICITATION AND**  
**DEMONSTRATING**  
**June 28, 2017**

**Background**

City of Detroit Ordinance No. 28-15 effected certain amendments to Chapter 40 of the 1984 Detroit City Code (“*Ordinance*”) establishing requirements and rules regarding leafleting, petitioning, solicitation and demonstrating for City parks including those that are operated by private, non-governmental entities such as Detroit 300 Conservancy, which operates Campus Martius Park, and the Detroit Riverfront Conservancy which operates Mt. Elliott Park, Gabriel Richard Park and the RiverWalk portion of Hart Plaza.

This statement of policy and rules will implement the Ordinance with respect to the portions of the RiverWalk constituting City parks. As is the case with Campus Martius Park, the RiverWalk possesses unique characteristics justifying special rules in order to balance the interests of those desiring to engage in expressive activities against the interest of the Conservancy in protecting the RiverWalk and others who desire to use the RiverWalk. These include the following:

1. Many areas of the RiverWalk are located on private property over which the Conservancy has been granted limited purpose conservation easements. These areas are not subject to this statement of policy and rules and are governed by the Conservancy’s general Event Application and approval procedure.
2. The RiverWalk itself is narrow in many areas and is heavily trafficked with pedestrians and bicyclists which raises logistical and safety concerns.
3. Private businesses have leased space or otherwise operate businesses within the RiverWalk for private purposes consistent with recreation.
4. The RiverWalk is heavily programmed with many large scale events which increases the likelihood that unscheduled events will impede scheduled activities.
5. Many areas of the RiverWalk include expensive and fragile plantings, easily damaged by foot traffic.
6. The RiverWalk includes extensive installations in many areas not appropriate for large gatherings.

**Policy and Rules**

A. Subject to the provisions in Section B below, Leafleting, Petitioning, Solicitation and Demonstration activities, as defined below, by 25 or less people will be allowed without requirement for completing an Event Application, unless:

1. The activity unduly interferes or conflicts with a previously approved event for the same area;
2. The location sought is not suitable because of landscaping, planting or other environmental conditions reasonably likely to be negatively impacted by the proposed activity;
3. The activity unduly impedes vehicular or pedestrian traffic, or endangers the person(s) engaging in such activities or the public;
4. The activity unduly impedes scheduled activities;

5. The activity unduly impedes the operation and functioning of authorized commercial activities on park grounds;
6. The activity violates any federal, state or local law, ordinance or regulation; or
7. The activity requires sound amplification (except that a hand-held, battery operated megaphone is allowed without a permit, so long as its use will comply with relevant noise ordinances).

While an Event Application is not required in such circumstances, prior notification to the Conservancy is required to ensure that none of the foregoing limitations are applicable to the proposed activity.

B. The following limitations apply to all proposed activities:

1. No Leafleting, Petitioning, Solicitation or Demonstration activities shall be permitted within 10 feet of the outdoor dining area set aside for the café's during outdoor dining hours of operation.
2. No Leafleting, Petitioning, Solicitation or Demonstration activities shall be permitted on stages or in tents which may be erected in connection with other scheduled events.
3. No Leafleting, Petitioning, Solicitation or Demonstration activities shall utilize any monuments, installations, public art or trees.
4. No sound amplification shall be allowed to accompany Leafleting, Petitioning, Solicitation or Demonstration activities without complying with the Conservancy's Event Application and approval procedures.
5. The person in charge of the activity shall exercise reasonable care under the circumstances to prevent damage to Conservancy property by those participating in the activity.

C. Groups of more than 25 people who desire to engage in Leafleting, Petitioning, Solicitation or Demonstration activities must comply with the Conservancy's general Event Application and approval procedure.

1. Event fees will be waived for any person or group that attests that they cannot afford them or that payment of the fee will inhibit his/her/its ability to engage in the permitted activity.
2. If the Conservancy determines that the proposed activity will require the commitment of Conservancy resources or personnel, security, cleanup expenses or other significant costs beyond those which are normally available or normally provided by the Conservancy, the Conservancy may require the applicant to meet reasonable insurance, bonding or indemnification requirements, subject to First Amendment limitations.
3. Applicants for Leafleting, Petitioning, Solicitation and Demonstration activities must submit an Event Application at least 2 business days prior to the event. However, in order to respond to imminent events or concerns, the Conservancy will waive the 2 business day advance notice requirement if the size and nature of the activity will not reasonably require the commitment of Conservancy resources or personnel beyond those which are normally available or which can reasonably be made available within the necessary time period.

4. The Conservancy will issue a decision on an Event Application with 2 business days of submission, and will send the decision and the grounds for the decision to the applicant in writing.
5. The Conservancy need not approve an activity if the Conservancy finds that:
  - a. The Event Application is incomplete or contains a material falsehood;
  - b. The individual applying for approval has intentionally damaged RiverWalk property within six months from the date of the Event Application. Such applicant, if approved, will be required to post a bond consistent with First Amendment protections;
  - c. The activity will unduly interfere or conflict with a previously-issued permit for the same area;
  - d. The location sought is not suitable because of landscaping, planting or other environmental conditions reasonably likely to be negatively impacted by the proposed activity;
  - e. The activity will unduly impede vehicular or pedestrian traffic, or will endanger the applicant or the public;
  - f. The activity will unduly impede scheduled activities;
  - g. The activity will unduly impede the operation and functioning of adjacent commercial activities;
  - h. The activity is of such a nature or duration that it cannot reasonably be accommodated in the particular area requested in the permit application;
  - i. The activity will violate any federal, state or local law, ordinance or regulation; or
  - j. The activity is of such a nature or duration that it cannot reasonably be accommodated in the particular area requested in the Event Application;

The term "unduly impede" shall not be construed to include minor inconveniences or disruptions, such as can reasonably be expected whenever a large group of people are gathered together.

6. The Conservancy may revoke an approval for any of the following reasons:
  - a. Violation of the terms or conditions of the approval;
  - b. The activities or conduct of the applicant constitute a clear and present danger to the public health, welfare and safety;
  - c. The number of persons engaged in the approved activity exceeds the number stated in the Event Application; or
  - d. The activities of the applicant constitute a violation of any applicable law or regulation.
7. In approving an event, the Conservancy will exercise no discretion over the approval except as provided for herein. Nothing in these rules will be construed to interfere with the right of public assembly except as constitutionally permitted.

- D.
1. If a person or group otherwise qualified for approval for expressive activity (that is, the proposed event or activity will not violate grounds 5.b. through 5.j justifying a denial of approval specified above), including Leafleting, Petitioning, Solicitation or Demonstration, appears at a location where this expressive activity is allowed, with the purpose of engaging in this expressive activity, but does not have prior approval to do so, Conservancy personnel responding to the location should contact the Conservancy Director of Security, or his/her designee, by telephone or email or other similar means to report the situation and to determine whether there are any approved events

scheduled for that location, and, if there are no conflicting events, the expressive activity will be allowed to proceed, unless precluded by one of the following:

- a. The issuance of instant permission to engage in expressive activity would result in any actual diminution, caused by the lack of advance notice, in the ability of Conservancy security, or the ability of other governmental agencies, appropriately to organize and allocate their personnel and resources so as to fulfill their general missions and to protect the rights of both persons exercising free speech and other persons wishing to use the RiverWalk;
  - b. The proposed event will create a substantial possibility of violent, disorderly conduct likely to endanger public safety or to result in significant property damage; or
  - c. The proposed event will create a substantial possibility of unreasonable interference with pedestrian or vehicular traffic or for danger to the public notwithstanding the deployment of available Conservancy personnel.
2. In assessing whether the applicant shall be allowed to proceed with the activity requested without prior approval, the fact that activity protected by the First Amendment is involved shall create a strong presumption that the activity should be allowed to proceed, assuming that no conflicting event has been approved for others. However, if, after having been notified that a person or group desires to engage in expressive activities without prior approval, the Conservancy Director of Security determines that the proposed event or activity will violate grounds 5.b. through 5.j justifying a denial of approval specified above, the Conservancy Director of Security may ask the person or group to disperse or relocate their activities.
  3. The responding Conservancy personnel should ask the person or group leader for a contact name, address, telephone number and email, and for the reason why the person or group did not or could not seek prior approval under the Conservancy's Event Application procedure and convey that information to the Conservancy Director of Security. The response to the responding Conservancy personnel's inquiries or the failure to provide a response shall in no way be considered in deciding whether to grant or deny permission to engage in the expressive activity at issue.
  4. If the Conservancy Director of Security or his/her designee cannot be reached, and it cannot be determined whether there are any previously scheduled activities or events for the location at the time of the proposed expressive activity, the responding Conservancy personnel shall allow the non-approved expressive activity to take place, subject to the provisions above. In the event that a person or group with approval to conduct an activity at the same time and place arrives at the location, persons engaged in non-approved activities shall vacate the area for use by the approved person or group and may be directed to disperse or relocate their activity. The fact that a person or group otherwise qualified for approval for expressive activity did not obtain prior approval shall not, by itself, be a basis to order the group to disperse, even if the Conservancy Director of Security cannot be reached.
  5. If, at any time after permitting expressive activity without prior approval, there is a material change in any of the criteria listed above which would have warranted denial of permission to engage in expressive activity without prior approval, that permission may be withdrawn.

E. As used herein, the following terms have the following meanings:

1. "Leafleting" is the distribution of non-commercial printed material or items while walking or standing and addressing the person to whom the material is offered in a manner consistent with laws applicable to such conduct in a public place.
2. "Petitioning" is the seeking and gathering of signatures on petitions in a manner consistent with laws applicable to such conduct in a public place.
3. "Demonstration" is any demonstration, picketing, speechmaking, marching, holding of vigils, and all other like forms of conduct which involve the communication or expression of views or grievances, engaged in by one or more persons in a manner consistent with laws applicable to such conduct in a public place.
4. "Solicitation" is any act by which one person requests an immediate donation of money or other thing of value from another or others in person, regardless of the solicitor's purpose or intended use of the money or other thing of value, in a manner consistent with laws applicable to such conduct in a public place. The solicitation may be oral, written, or by other means of communication. Solicitation is not intended to mean sales or vending.