



July 31, 2009

SENT VIA E-MAIL to [Chiefofpolice@dphq.ci.detroit.mi.us](mailto:Chiefofpolice@dphq.ci.detroit.mi.us)

**Warren C. Evans**  
**CHIEF OF POLICE**  
DETROIT POLICE DEPARTMENT  
1300 Beaubien  
Detroit, MI 48226

Dear Chief Evans:

As evidenced by the attached photographs, please accept this letter as a formal complaint to make you aware of a flagrant violation of our city's ordinance against the posting of election signs on public property.

The Bing for Mayor campaign has posted hundreds of signs in the public areas up and down Outer Drive from Seven Mile to I-75 and on the West side also along Outer Drive. As you know, that is public property. City ordinance Sec. 3-1-1(a) through Sec. 3-1-1(c) expressly prohibits such postings. As you know, the violations carry a \$500 fine and 90-day jail term for each sign.

A copy of the ordinance is attached for your information. I demand that you take action against this flagrant ordinance violation immediately.

Cordially,

**Geoffrey L. Garfield**  
Campaign Manager  
Tom Barrow for Mayor  
313-9-BARROW (313-922-7769)

CC: Eddie McDonald, Campaign Manager, Bing for Mayor

## ORDINANCE

Sec. 3-1-1. Posting of notices, etc., on public or private property.

(a) Except a public officer or employee in the performance of a public duty or a private person in giving a legal notice, it shall be unlawful for any person to paste, post, paint, print, nail, glue, attach or otherwise fasten any sign, poster, advertisement or notice of any kind upon any public or private property, or cause or authorize the same to be done, without the consent, authorization or ratification in writing of the owner, holder, occupant, lessee, agent or trustee thereof, provided that this section shall not apply to the distribution of handbills, advertisements or other printed matter that is not affixed to the premises.

(b) It shall be unlawful for any political candidate running for any elected office within the City of Detroit who has pasted, posted, painted, marked, glued, attached or otherwise fastened any political sign, poster, advertisement or notice upon any public property, or who has caused or authorized any agent so to do, to display such signs, posters, advertisements or notices for more than fifteen (15) days after written notice is given by the Department of Public Works to such candidate of the location of such displays. For purposes of this section, written notice shall be by first class mail that is sent through the United States Postal Service to the address listed by the candidate as the home address on his or her registration for candidacy.

(c) For purposes of this section, a candidate running for any elected office whose name appears on such signs, posters, advertisements or notices is presumed to have caused or given authority for the erection or placement of such displays. However, such presumption is rebuttable upon evidence brought forth by such candidate.

(Code 1964, § 3-1-2; Ord. No. 28-99, § 1, 8-9-99)

**State law references:** Affixing advertisements to trees in public places prohibited, MCL 247.235, 247.241, MSA 9.355, 9.361.

Sec. 3-1-2. Signs and billboards prohibited near freeways; exceptions.

(a) No display sign or display structure requiring a permit under The Official Building Code of the City of Detroit, being Chapter 9, Article II, of this Code, shall be erected:

(1) Within one hundred twenty-five (125) feet of the edge of the traveled roadway of any freeway, or interchange ramps between freeways used by traffic facing the display side of such sign or structure, or within twenty-five (25) feet of the right-of-way line of any freeway which, for the purpose of this section, shall be the property line separating abutting privately owned property from the freeway or service drive, street or alley immediately adjacent thereto, whichever distance is greater, when the display matter can be seen by traffic traveling on the freeway or interchange ramp; except that these distances shall not apply to signs which pertain to the business of the occupants of the building upon which the sign is mounted, where in the opinion of the Department of Public Works Traffic Engineering Division, such sign would not be in conflict with the intent and purposes of this section; or

(2) In an area bordering a freeway which is zoned residential; or

(3) With a changeable message of more than two (2) lines with more than eighteen (18) characters per line, exclusive of a combined time and temperature indication.

(b) The message change cycle of a changeable message sign shall not be less than one (1) minute per message, except in a combined time and temperature sign, where the change cycle shall be not less than thirty (30) seconds.

(c) No sign containing an animated or moving feature, either mechanical, electrical or by changing illumination, shall be erected or operated and no existing sign shall be altered or changed so as to contain such animation where visible to freeway traffic, except with specific approval by the Department of Public Works Traffic Engineering Division as to the form and plan of operation so as not to create a hazard to vehicular traffic.

(d) (i) Where a permit application is not approved by the Department of Public Works Traffic Engineering Division, and upon request of the permittee, a public hearing shall be granted before the Board of Zoning Appeals as provided for in Chapter 61 of this Code, the Official Zoning Ordinance of the City of Detroit, being Section 130.0228 of Ordinance No. 390-G, as amended. At such hearing, consideration shall be given to the potential hazard which would be created to vehicular traffic by virtue of the location, method of animation, degree of distraction to drivers, or from other features which might create such hazard as are peculiar to the specific display sign or display structure covered by the requested permit; and

(ii) Where, in accordance with subsection (d)(i) of this section, a public hearing is held and a finding of "no hazard to vehicular traffic" is made, the Department of Public Works shall approve the permit application for the proposed sign.

(Code 1964, § 38-1-39; Ord. No. 14-93, § 1, 7-21-93; Ord. No. 28-99, § 1, 8-4-99; Ord. No. 11-00, § 1, 5-24-00)

**Cross references:** Streets, sidewalks and other public places, Ch. 50; traffic and motor vehicles, Ch. 55.

Sec. 3-1-3. Carrying or placing signs, etc., on overpass where visible from freeway prohibited.

It shall be unlawful for any person to carry or place any sign, placard, banner or poster on any overpass that would be visible to the occupants of vehicles on any freeway.

(Code 1964, § 38-1-40)

**Cross references:** Streets, sidewalks and other public places, Ch. 15; traffic and motor vehicles, Ch. 55.

Sec. 3-1-4. Presumptions concerning identity of violator.

With respect to any advertisement, sign, handbill, circular, or advertising card that violates any provision of this article, a rebuttable presumption exists that the advertisement, sign, circular, or advertising card was erected or displayed or distributed by, or with the consent of, the promoter of the event, offer, or service that is the subject of the advertisement, sign, circular, or advertising card.

(Ord. No. 11-07, § 1, 5-9-07)

#### Sec. 3-1-5. Violations and penalties.

(a) It shall be unlawful for any person to violate any provision of this article, or to aid and abet another to violate such provisions.

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

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

(Ord. No. 11-07, § 1, 5-9-07)

#### Sec. 3-1-6. Enforcement.

This article shall be enforced by the police department.