

The Review

The official magazine of the  michigan municipal league

Summer 2026

America250 Across Michigan

Celebrating America's 250th Anniversary



- 07 First Amendment & Lawful Assembly
- 10 ROAD to Housing
- 12 America's 250th
- 18 Recycling Benchmarks

The Review

Summer 2026

Volume 99, Number 3

The official magazine of the
 michigan municipal league

Visit mml.org for the electronic version
of the magazine and past issues.



Features

- 07 First Amendment: The Right to Peaceably Assemble
By Jonathan Tromp
- 10 Comprehensive Federal Housing Package Could Boost Local Governments
By Michael Wallace
- 12 COVER STORY:** America250 Across Michigan
By Emily Pinsuwan
- 18 How Communities Can Meet (and Surpass!) Recycling Benchmarks
By Matt Flechter

Follow Us:



Columns

- 05 Executive Director's Message
- 24 Legal Spotlight
- 26 Northern Field Report
- 30 Municipal Q&A
- 31 Municipal Finance
- 32 Membership Column

On the Cover

Ypsilanti Historical Society Board of Trustees and Eastern Michigan University partners gather in front of the Ypsilanti Historical Museum.

Back row, left to right:

Catherine Sanford (EMU Archives Intern), McKinley Striggow (Museum Intern), Kirk Profit, Rick Katon, Nancy Bryk (EMU Professor), and Morgan Schuster.

Front row, left to right:

Barry LaRue, Amy Singer, Bill Nickels, Maria Davis, and Al Rudisill.

Board of Trustee members not pictured include:

Nancy Balogh, Pattie Harrington, Jerry Jennings, Marcia McCrary, Tom Warner.





First Amendment: The Right to Peaceably Assemble

By Jonathan Tromp

The news is riddled with stories of gatherings and protests throughout the nation. Whether prompted by national events or local concerns, these assemblies can raise issues for municipal officials trying to navigate regulating them.

So important is assembly and the free expression of opinion that the Founding Fathers enshrined it as the First Amendment to the nation's Constitution: "Congress shall make no law . . . abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

Though it is well enshrined by the United States Supreme Court ("Court") that "peaceful picketing and leafletting are expressive activities involving 'speech' protected by the First Amendment" and that the First Amendment "affords protection to symbolic or expressive conduct as well as to actual speech," those protections "are not absolute, and [the Court has] long recognized that the government may regulate certain categories of expression consistent with the Constitution."

The question for municipal officials, then, is what do these regulations look like?

Municipal Regulation: Public Forums

The Court has emphasized that the right to free speech and assembly does not mean that everyone with opinions or beliefs to express may address a group at any place or time.

The level of First Amendment protection regarding the right to speak and assemble varies based on the speaker's forum, or the location in which they are speaking or assembled—the so called "Public Forum Doctrine." The Court has divided public forums into three types:

1. traditional public forums,
2. designated public forums, and
3. nonpublic forums.

Traditional Public Forums

Traditional public forums—such as streets and parks—are places that have traditionally been available for public expression to which the public has a guaranteed right of access. Though a government cannot completely cut off this access

"The Court has emphasized that the right to free speech and assembly does not mean that everyone with opinions or beliefs to express may address a group at any place or time."



business
alliance
program

Mika Meyers PLC

For more than 50 years, Mika Meyers attorneys have helped public-sector entities meet the ever-increasing demands of their constituents and communities. We provide expertise in areas as diverse as zoning and land use planning, bond issues, special assessments, tax increment financing, labor contracts and arbitration, employee benefits, elections, environmental regulation and many other matters.

mikameyers.com

or prohibit speech there, a government can regulate access and speech through time, place, and manner restrictions. These restrictions must be content-neutral (i.e., not favoring or disfavoring particular viewpoints), narrowly tailored to accomplish a significant governmental interest, and provide alternative means of expression.

Designated Public Forums

Designated public forums consist of government property that has been intentionally opened for First Amendment activities; e.g., a library. Such availability may only be temporary, or for a specific limited purpose such as accessing information, books, and programs. In regulating designated public forums, a government may impose reasonable restrictions considering the purpose of the forum but is still bound by the same prohibitions on viewpoint discrimination as a traditional public forum.

Nonpublic Forums

Nonpublic forums include such places as portions of government administrative offices, police departments, and polling locations, in which a government may restrict speech content so long as the restrictions are reasonable and do not discriminate based on viewpoint.

Ordinance & Permit Considerations

Cities and villages may impose reasonable regulations on assemblies, including through ordinances, but in so doing must consider the nature of the place and its pattern of normal activities at a given time. The “crucial question” is whether the manner of expression is incompatible with the normal activity of a particular place at a particular time.

While peaceful and orderly assembly falls within First Amendment protections, a clear and present danger of riots, disorder, interference with traffic, or other threats to public health, safety, peace, and order would be within the power of the city or village to “prevent or punish.” For example, a demonstrator would not be justified in blocking traffic during rush hour or blocking the entrance to a public or private building as a form of free speech or assembly.

Likewise, the Court has recognized that noise control is particularly important around medical facilities, e.g., where demonstrators were protesting abortions and there were “high noise levels outside the clinic.” Accordingly, local noise, trespassing, disorderly conduct, and other such ordinances must be applied carefully and require consideration of location, time, and circumstances.

Cities and villages may adopt permitting systems for assemblies, particularly where events may be large or disruptive to normal public use. However, like ordinances, permitting requirements must be carefully considered to survive challenges of imposing prior restraints on free speech.

In addition to having content-neutral time, place, and manner regulations, permits must not “delegate overly broad licensing discretion to a government official.” Permitting requirements should contain narrow, objective, and definitive standards to guide the licensing authorities and be tailored to serve a significant government interest while leaving room for alternative channels of communication.

Ordinances that allow for the denial of a permit based on vague concepts such as “public interest” or “community standards” may be vulnerable to challenge.

Further, municipalities cannot treat similar events differently based on the viewpoint being expressed. A peaceful protest advocating a controversial position must be treated the same as a community-run festival.

Like the permits themselves, any fees imposed must also be content-neutral, based on objective factors, and nominal. The Court struck down a fee structure that varied the fee to reflect the estimated cost to maintain public order based on anticipated reaction to the speaker, as impermissible content-based restrictions.

Managing public assemblies is about balance. Municipal officials are tasked with protecting both the safety and functionality of the community as well as the constitutional rights of individuals. When ordinances and other regulatory mechanisms such as permits and fees are clearly written, narrowly tailored, consistently applied, and structured to promote specific governmental interests, they can accomplish the proper balance.

Cities and villages can benefit from reviewing existing ordinances to confirm they include clear definitions, objective standards, and appropriate procedural safeguards; ensuring that any permitting thresholds—such as crowd size or use of public streets—are clearly articulated; and that permitting procedures provide an objective and unambiguous basis for denial and appeal processes for denied applications.

First Amendment questions are fact-specific and come with risk for municipalities. If your city or village has questions about its regulatory mechanisms related to assemblies, it should contact the municipal attorney. 

Jonathan Tromp is an attorney with Mika Meyers. You may reach Jonathan at 616-632-8000 or jtromp@mikameyers.com.