

ORDINANCE NO. ORD-16-25

First Reading: November 10, 2016  
Public Hearing: November 21, 2016

Approved:  
Published:  
Effective:

LITTERING AND DISTRIBUTION OF HANDBILLS

An Ordinance to Amend Sections 7:91, 7:92, 7:93, 7:94, 7:95, 7:96, 7:97, 7:98, 7:100, 7:101, 7:102, 7:103, and 7:104, Repeal Section 7:99 and Revise the Title of Chapter 82, Littering and Distribution of Handbills, of Title VII of the Code of the City of Ann Arbor.

The City of Ann Arbor Ordains:

Section 1. That the title of Chapter 82 of Title VII of the Code of the City of Ann Arbor be revised to read as follows:

Chapter 82 - LITTERING AND DISTRIBUTION OF HANDBILLSPRINTED  
MATTER

Section 2. That Section 7:91 of Chapter 82 of Title VII of the Code of the City of Ann Arbor be revised to read as follows:

7:91. - Definitions.

The following words and phrases, when used in this chapter, shall have the following meanings:

- ~~(1) *Handbill.* Any printed or written matter, any sample, dodger, circular, leaflet, pamphlet, paper, booklet or other type of written or printed matter, except a newspaper, a utility company notice, a legal notice, a traffic citation or a business card having an area smaller than 3 square inches.~~
- ~~(1) *Front Door.* A door to any residential structure on Residential Private Property that faces a Street or private street or, if no door faces a Street or private street, then the door to the structure that is nearest to a Street or private street.~~
- (2) *Litter.* Any garbage, refuse, rubbish or other waste material.
- ~~(3) *Newspaper.* Any periodical of general circulation published at least quarterly.~~
- ~~(4) *Commercial handbill.* Any sample, and any handbill, that primarily solicits or provides information regarding a commercial transaction or enterprise involving the exchange of service or goods for compensation.~~
- ~~(35) *Residential Private Property premises.* Any structure designed or privately owned parcel of land used wholly or in part for residential purposes whether inhabited or vacant, including any yard, grounds, walk, driveway, porch steps, vestibule or mailbox appurtenant to such structure.~~

(4) Solicited Printed Matter. Any printed matter that is delivered to any Person or Residential Private Property with the express invitation or permission in writing or otherwise, of the Person or an owner, occupant, or lessee of the Residential Private Property.

(5) Unsolicited Print Matter. Any printed matter that is delivered to any Person or Residential Private Property without the express invitation or permission, in writing or otherwise, of the Person or an owner, occupant, or lessee of the Residential Private Property.

Section 3. That Section 7:92 of Chapter 82 of Title VII of the Code of the City of Ann Arbor be revised to read as follows:

7:92. - Litter in ~~p~~Public ~~p~~Places or upon ~~p~~Private ~~Property~~premises.

No ~~p~~Person shall throw or deposit ~~l~~Litter in or upon any ~~s~~Street, the portion of the Street commonly referred to as the "lawn extension," ~~s~~Sidewalk, public park, or other ~~p~~Public ~~p~~Place, or upon any private propertypremises, except in waste receptacles or in officially designated refuse disposal sites.

Section 4. That Section 7:93 of Chapter 82 of Title VII of the Code of the City of Ann Arbor be revised to read as follows:

7:93. - Merchants to ~~k~~Keep ~~s~~Sidewalks and ~~a~~Alleys ~~f~~Free of ~~l~~Litter.

Persons owning or occupying places of business within the ~~e~~City shall keep the ~~s~~Sidewalks and ~~a~~Alleys adjacent to the business free of ~~l~~Litter.

Section 5. That Section 7:94 of Chapter 82 of Title VII of the Code of the City of Ann Arbor be revised to read as follows:

7:94. - Litter ~~t~~Thrown ~~by persons infrom~~ ~~v~~Vehicles.

No ~~p~~Person shall ~~causet~~throw ~~l~~Litter to be thrown or dropped from a vehicle except into waste receptacles or officially designated refuse disposal sites.

Section 6. That Section 7:95 of Chapter 82 of Title VII of the Code of the City of Ann Arbor be revised to read as follows:

7:95. - Truck ~~l~~Loads ~~e~~Causing ~~l~~Litter.

No ~~p~~Person shall drive or move any truck or other vehicle within the ~~e~~City unless such vehicle is so constructed or loaded as to prevent any load, contents or ~~l~~Litter from being blown or deposited upon any ~~s~~Street, ~~a~~Alley or ~~p~~Public ~~p~~Place.

Section 7. That Section 7:96 of Chapter 82 of Title VII of the Code of the City of Ann Arbor be revised to read as follows:

7:96. - Litter in ~~L~~Lakes, ~~s~~sStreams and ~~f~~fountains.

No ~~p~~Person shall cause Litter to be thrown or deposited ~~litter~~ in any fountain, pond, lake, river, stream or any other body of water in a park or elsewhere within the ~~e~~City.

Section 8. That Section 7:97 of Chapter 82 of Title VII of the Code of the City of Ann Arbor be revised to read as follows:

7:97. - Distributing Solicited Printed Matter and Unsolicited Printed Matter~~handbills or newspapers.~~

~~No person shall throw or deposit any handbill or newspaper upon any sidewalk, street, park or other public place except for drop-off distribution points for newspapers to be delivered the same day as distributed. However, it shall not be unlawful for a person to hand out or distribute a handbill or newspaper to any person willing to accept it.~~

(1) Solicited Printed Matter.

- a. Except as otherwise provided in this section, no Person shall cause Solicited Printed Matter to be thrown or deposited upon any Sidewalk, Street, portion of the Street commonly referred to as the "lawn extension," public park or other Public Place.
- b. It shall not be unlawful for a person to:
  - i. Deposit Solicited Printed Matter into a receptacle that is attached to a mailbox post or support but separate from the mailbox and that is located in that portion of the Street commonly referred to as the "lawn extension."
  - ii. Deposit Solicited Printed Matter into a receptacle on the Sidewalk into which the person is authorized to deposit it to make copies available to the public and which is lawfully located on the Sidewalk.
  - iii. Hand out or distribute Solicited Printed Matter to any person willing to accept it.
  - iv. Cause Solicited Printed Matter to be thrown or deposited upon that portion of Residential Private Property that is not a Sidewalk, Street, or "lawn extension" if the delivery of the printed matter is made pursuant to an express invitation or permission for delivery.

(2) Unsolicited Printed Matter.

- a. No Person shall cause Unsolicited Printed Matter to be ~~thrown or deposited~~ upon any Residential Private Property ~~except for~~ by (i) placing and securing

it on the porch nearest the Front Door, or ~~securely attached~~ (ii) attaching it securely to the Front Door, or (iii) putting it through a mail slot on the Front Door, or (iv) putting it between the exterior Front Door and the interior Front Door, or ~~by~~ (v) handing it personally to the owner, occupant or lessee of the Residential Private Property.

b. No Person shall cause Unsolicited Printed Matter to be thrown or deposited upon any Sidewalk, Street, the portion of the Street commonly referred to as the "lawn extension," public park or other Public Place.

c. No person shall cause Unsolicited Printed Matter to be placed upon, attached to, or hung from a mailbox or any apparatus that supports the mailbox.

d. It shall not be unlawful for a person to:

i. Deposit Unsolicited Printed Matter into a receptacle on the Sidewalk into which the person is authorized to deposit it and which is lawfully located on the Sidewalk.

ii. Hand out or distribute Unsolicited Printed Matter to any person willing to accept it.

(3) Rebuttable Presumption. When Solicited or Unsolicited Printed Matter is in a location where it is prohibited, a rebuttable presumption arises that the Person who published or distributed it or on whose behalf it is published or distributed caused it to be thrown or deposited there.

Section 9. That Section 7:98 of Chapter 82 of Title VII of the Code of the City of Ann Arbor be revised to read as follows:

7:98. - Placing Unsolicited Printed Matter~~handbills~~ on ~~v~~Vehicles.

No ~~p~~Person shall cause Unsolicited Printed Matter to be thrown or deposited any handbill in or upon any vehicle. ~~However, it shall not be unlawful for a person to distribute a handbill to an occupant of a vehicle who is willing to accept it.~~

Section 10. That Section 7:99 of Chapter 82 of Title VII of the Code of the City of Ann Arbor be deleted in its entirety and the Section number reserved.

7:99. - ~~Commercial handbills on private property.~~ RESERVED.

~~No person shall place any commercial handbill upon any private premises except by handing or transmitting the commercial handbill directly to an occupant of the private premises.~~

Section 11. That Section 7:100 of Chapter 82 of Title VII of the Code of the City of Ann Arbor be revised to read as follows:

7:100. - Exemption for ~~m~~Mail.

The provisions of this chapter do not apply to the distribution of mail by the United States.

Section 12. That Section 7:101 of Chapter 82 of Title VII of the Code of the City of Ann Arbor be revised to read as follows:

7:101. - Dropping ~~l~~Litter and Other Objects from ~~a~~Aircraft.

No ~~p~~Person shall cause Solicited Printed Matter, Unsolicited Printed Matter, Litter, or any other object to be thrown or dropped in an aircraft shall throw out, drop or deposit within the ~~e~~City from an aircraft., any litter, handbill or any other object.

Section 13. That Section 7:102 of Chapter 82 of Title VII of the Code of the City of Ann Arbor be revised to read as follows:

7:102. - Posting ~~n~~Notices ~~p~~Prohibited.

No ~~p~~Person shall paint, post, or in any way affix any notice, banner, poster or other paper or device on:

- (1) Any lamp post, public utility post or shade tree within the limits of any public way or on any public structure, building, improvement or appurtenance thereof, including, but not limited to, refuse containers, fences, parking meters, traffic signs and poles, and hydrants, nor cause the same to be done, except as may be authorized or required by law; or
- (2) Any tree, post, fence, building, improvement, appurtenance or property not his own, nor cause the same to be done, without the express permission of the owner unless authorized or required by law.
- (3) Notwithstanding the foregoing provisions of this section, it shall not be a violation of this section for a ~~p~~Person to place a poster on a utility pole or lamp post within a public right-of-way if the following conditions are met:
  - (a) The poster contains a date not more than 14 days following the placement of the poster. The date of an event advertised in a poster may be used to comply with this subsection.
  - (b) The ~~p~~Person affixing the poster shall remove at least 5 outdated or undated posters from the same post or remove all of the outdated or undated posters if there are fewer than 5.

Section 14. That Section 7:103 of Chapter 82 of Title VII of the Code of the City of Ann Arbor be revised to read as follows:

7:103. - Owner to ~~m~~Maintain Property premises ~~f~~Free of Litter, Unsolicited Printed Matter and Solicited Printed Matter, ~~handbills and newspapers.~~

The owner or ~~p~~Person in control of private property shall at all times maintain the property premises free of Litter, handbills ~~or and~~ more than 3 days accumulation of Unsolicited Printed Matter and Solicited Printed Matter ~~newspapers~~. Provided, however, that this section shall not prohibit the storage of Litter, Unsolicited Printed Matter, or Solicited Printed Matter in authorized private receptacles for collection.

Section 15. That Section 7:104 of Chapter 82 of Title VII of the Code of the City of Ann Arbor be revised to read as follows:

7:104. - Clearing of Litter, Unsolicited Printed Matter and Solicited Printed Matter ~~handbills and newspapers~~ from ~~open~~ ~~p~~Private ~~p~~Property by the eCity.

Whenever private property is in a condition in violation of section 7:103, the Administrator is authorized to remove the Litter, Unsolicited Printed Matter, or Solicited Printed Matter ~~handbills or newspapers~~. Before removing materials pursuant to this section, the eCity shall give notice of violation. The eCity shall give notice of violation by posting the notice at a conspicuous place on the property at least 24 hours prior to removing materials. The eCity may also deliver the notice to the property owner as shown on assessment records or by sending the notice by first-class mail to the property owner as shown on assessment records at least 72 hours prior to removing materials. No notice shall be required if a public health hazard necessitates immediate removal of materials. All costs (including labor, equipment, materials, disposal and overhead) of work performed by the eCity under this section shall be charged to the owner of the involved property. If the charges are not paid, they may be assessed against the property pursuant to section 1:292 of Chapter 13 of this Code.

Section 16. Severability. In the event any court of competent jurisdiction shall hold any provision of this Ordinance invalid or unenforceable, such holding shall not invalidate or render unenforceable any other provision thereof.

Section 17: Effective Date. This Ordinance shall take effect on the tenth day following legal publication.

**As Amended by Ann Arbor City Council on November 21, 2016**