

An Ordinance to Amend Sections 7:91, 7:97 and 7:99 of Chapter 82, Littering and Distribution of Handbills, Title VII of the Code of the City of Ann Arbor

The City of Ann Arbor ordains:

Section 1. That Section 7:91 of Chapter 82, of Title VII of the Code of the City of Ann Arbor be amended 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.
- (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.
- (5) *Private premises property.* Any structure designed or 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.

Section 2. That Section 7:97 of Chapter 82, of Title VII of the Code of the City of Ann Arbor be amended to read as follows:

7:97. Distributing handbills, commercial handbills, or newspapers on public places.

- (1) No person shall throw or deposit any handbill, commercial 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, commercial handbill, or newspaper to any person willing to accept it.
- (2) No corporation, limited liability company, or partnership and no corporate officer or director, managing member, partner, or other person shall cause to be thrown or deposited any handbill, commercial handbill, or newspaper upon any sidewalk, street, park or other public place. However, it shall not be unlawful to cause newspapers to be left at drop-off distribution points to be delivered the same day as distributed nor shall it be unlawful to cause a handbill, commercial handbill, or newspaper to be handed out or distributed to any person willing to accept it.
- (3) Actions in violation of this section are deemed to be a public nuisance.
- (4) In addition to enforcement of this section by prosecution subject to the penalties

provided for in this chapter, the City Attorney may file suit in the appropriate court or pursue any other legal remedies to abate a public nuisance.

Section 3. That Section 7:99 of Chapter 82, of Title VII of the Code of the City of Ann Arbor be amended to read as follows:

7:99. Placing Commercial handbills and newspapers on private property.

- (1) No person shall place any commercial handbill upon any private premises property except by handing or transmitting the commercial handbill directly to an occupant of the private premises property.

- (2) No person shall place a newspaper upon any private property where there is a notice posted on the front door of the structure on the property that the occupant forbids the delivery of that specific newspaper.

- (3) No corporation, limited liability company, or partnership and no corporate officer or director, managing member, partner, or other person shall cause to be placed any commercial handbill upon private property. However, it shall not be unlawful to cause a commercial handbill to be handed or transmitted directly to an occupant of the private property.

- (4) No corporation, limited liability company, or partnership and no corporate officer or director, managing member, partner, or other person shall cause to be placed any newspaper upon private property where there is a notice posted on the front door of the structure on the property that the occupant forbids the delivery of that specific newspaper.

- (5) Actions in violation of this section are deemed to be a public nuisance.

- (6) In addition to enforcement of this section by prosecution subject to the penalties provided for in this chapter, the City Attorney may file suit in an appropriate court or pursue any other legal remedies to abate a public nuisance.

Section 4. 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 5. This Ordinance shall take effect ten days after passage and publication.