

ORDINANCE NO. 04 - 20

**CITY OF HAZEL PARK
OAKLAND COUNTY, MICHIGAN**

AN ORDINANCE TO AMEND TITLE 15 – BUILDINGS AND CONSTRUCTION, TO ADD CHAPTER 15.45, UNSOLICITED WRITTEN MATERIALS, SECTIONS 15.45.010 THROUGH 15.45.016 TO THE HAZEL PARK CODE OF ORDINANCES.

THE CITY OF HAZEL PARK ORDAINS:

PART I.

The City of Hazel Park Code of Ordinances, Title 15, Buildings and Construction is amended to add Chapter 15.45, Unsolicited Written Materials, as follows:

Chapter 15.45 - Unsolicited Written Materials

Sections:

15.45.010 - Purpose and Intent.

The purpose and intent of this section is to reduce visual blight, litter, and the migration to public streets or other public or private property of unsolicited written materials and to maintain the aesthetics of the community by establishing reasonable, predictable locations for the placement of such materials on the private property to which they are delivered. Placement of such materials in consistent, secure and predictable locations will reduce the visual impact of such materials, reduce the likelihood that such materials will rendered unreadable or unusable, reduce the likelihood that such materials will become a nuisance or blight on private property and public streets or other public property, and increase the probability that the intended recipients will find and collect such materials.

15.45.011 - Definitions.

For purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Code Enforcement Officer. The person, or his/her designee, authorized by state law or local ordinance to issue a citation for a violation of this section.

Front door. The street-facing entrance(s) to a principal building or structure. In the event no door faces the street, then any other door of a principal building or structure nearest the street shall be considered a front door for purposes of this section.

Person. An individual, partnership, corporation, limited liability company, association, or other legal entity. *Person* includes the partners or members of a firm, a partnership, or an association and the officers of a corporation.

Porch. An exterior appendage to a principal structure leading to a doorway, including any stairway attached thereto.

Premises. A lot, plot, or parcel of land including any buildings, structures, driveways, or other impervious surfaces.

Principal building or structure. The main building or structure where the primary use is conducted.

Unsolicited written materials. Any written materials delivered to any premises without the express invitation or permission, in writing or otherwise, by the owner, occupant, or lessee of such premises.

15.45.012 - Placement of unsolicited written materials.

Unsolicited written materials delivered to premises shall be placed:

- (1) On a porch, if one exists, nearest the front door; or
- (2) So that such materials are securely attached to the front door; or
- (3) Through a mail slot on the front door of the principal building or structure as permitted by the United States Postal Service, domestic mail manual, Sec. 508 Recipient Services, subsection 3.1.2; or
- (4) Between the exterior front door, if one exists and is unlocked, and the interior front door; or
- (5) Where permitted, in a distribution box located on or adjacent to the premises; or
- (6) Adjacent to postal box near the front door; or
- (7) Personally with the owner, occupant, and/or lessee of the premises.

15.45.013 - Preservation of rights.

Notwithstanding section 15.45.012 above, an owner, lessee, or occupant maintains the right to restrict entry to his or her premises.

15.45.014 - Rebuttable presumption.

Unsolicited written materials placed at a premises create a rebuttable presumption that the materials were placed at the premises by the owner, agent, manager, and/or authorized distributor of the unsolicited written materials.

15.45.015 - Violations and Limitations.

- (1) Any person who places or who causes to be placed unsolicited written materials in areas on or adjacent to a premises other than as set forth in section 15.45.012 of this section shall be responsible for a civil infraction punishable by a civil fine of \$100.00 for each violation. A separate violation of this section occurs each time that unsolicited written materials are placed on, at, or about a separate premises in violation of this section. For example, three violations of this section will occur if a person distributes unsolicited written materials in violation of this section to three, different lots, one after the other, on the same day.
- (2) A person shall be liable for a violation of this section via the person's officer, agent, or employee if the person engaged the person's officer, agent, or employee to place or to distribute the unsolicited written materials. That a person acted as an officer, agent, or employee of another in distributing or placing unsolicited written materials in violation of this section shall not negate the liability of the person acting as an officer, agent, or employee for his or her violation of this section.
- (3) This section shall not be deemed to have been violated merely because unsolicited written materials that were placed on, at, or about a premises in violation of this section have remained on, at, or about a premises in violation of this section. Only the initial placement of the unsolicited written materials in violation of this section shall constitute a violation of this section.
- (4) The provisions of this section do not apply to the United States Postal Service.

15.45.016: - Other remedies.

Nothing contained in this section shall be construed to limit the city's other remedies at law or in equity related to unsolicited written materials that have been distributed or placed in violation of this section. Without limiting the scope of the preceding sentence, the city may pursue equitable remedies to enforce this section pursuant to Section 8302 of the Revised Judicature Act of 1961 or as may otherwise permitted by law.

PART II. - SAVINGS CLAUSE.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law enforced when they commenced.

PART III. - SEVERABILITY.

The various parts, sections and clauses of this ordinance are declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

PART IV. - REPEAL.

All regulatory provisions contained in other city ordinances which are inconsistent with the provisions of this ordinance, are repealed.

PART V. - EFFECTIVE DATE; PUBLICATION.

The provisions of this ordinance shall become effective ten days after its publication and shall be published within ten days of its adoption by publication of a brief notice in the newspaper circulated in the city stating the date of the enactment and the effective date of the ordinance, a brief statement as to the subject matter of this ordinance and such other facts as the Clerk deems pertinent, and that a copy of the ordinance is available for purchase and/or inspection at the office of the City Clerk.

MADE, PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF HAZEL PARK, OAKLAND COUNTY, MICHIGAN ON THE 11th DAY OF August, 2020.


MICHAEL WEBB, MAYOR


JAMES FINKLEY, CITY CLERK

Date of Adoption: 8/11/2020

Date of Publication: 8/26/2020

Effective Date: 9/4/2020

CERTIFICATE OF ADOPTION

It is hereby certified that the foregoing is a true and complete copy of an Ordinance passed at a regular meeting of the City Council of the City of Hazel Park, held on the 11th day of August, 2020.



JAMES FINKLEY, CITY CLERK