GREEN OAK CHARTER TOWNSHIP
ORDINANCE NUMBER 10-2019

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR GREEN OAK CHARTER TOWNSHIP, CHAPTER 10, ENVIRONMENT, ARTICLE II, ANTIBLIGHT, TO ADD A NEW SECTION 10-23, UNSOLICITED WRITTEN MATERIALS, TO REGULATE THE DELIVERY OF UNSOLICITED WRITTEN MATERIALS TO ANY PREMISES WITHOUT EXPRESS INVITATION OR PERMISSION; AND TO PROVIDE PENALTIES FOR VIOLATION THEREOF.

GREEN OAK CHARTER TOWNSHIP ORDAINS:

Section 1 of Ordinance. Amendment of Chapter 10

Chapter 10, Environment, Article II, Antiblight, shall be amended to add a new Section 10-23, Unsolicited Written Materials, to read as follows:

Sec. 10-23. Unsolicited Written Materials.

(a) Purpose. The purpose of this ordinance, among other things, is to reduce the visual blight caused by haphazard delivery of unsolicited materials; to maintain the aesthetics of the community; to reduce litter; and to stop the migration of unsolicited materials on public or private property, which can result in such things as the unsolicited materials being washed into storm sewers.

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

(1) Township 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.

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

(3) Porch. An exterior appendix to a principal structure leading to a doorway, including any stairway attached thereto.

(4) Premises. A lot, plot, or parcel of land including any structures, driveways, or other impervious surfaces thereon.

(5) Principal structure. A structure, or combination of structures, of primary importance on the premises, and that contains the primary use associated with the premises. The primary use is characterized by identifying the main activity taking place on the premises.

(6) 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.
(c)  *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 or principal structure, if one exists, as permitted by the United States Postal Service Domestic Mail Manual, Section 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)  Personally with the owner, occupant, and/or lessee of the premises.

(d)  *Notwithstanding* subsection (c) above, an owner, lessee or occupant maintains the right to restrict entry to his or her premises.

(e)  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 business, conduct, good, service, message, or idea which is being advertised, promoted, endorsed, or conveyed in such materials;

(f)  Any placement of unsolicited written materials in areas on or adjacent to premises other than as set forth in subsection (c) of this section shall be a violation of this ordinance.

(g)  *Exemption.* The provisions of this section do not apply to the United States Postal Service.

(h)  *Violation.* A violation of this ordinance shall be a municipal civil infraction punishable as set forth in Chapter 20, Article II of the Green Oak Charter Township Code of Ordinances.

**Section 2 of Ordinance.  **  **Repealer.**

This ordinance repeals any ordinances in conflict thereof.

**Section 3 of Ordinance.  **  **Severability.**

If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decisions shall not affect the validity of the remaining portions of this ordinance. The Township Board of Trustees hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.
Section 4 of Ordinance. **Savings Clause.**

Nothing in this ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 5 of Ordinance. **Publication and Effective Date.**

The Township Clerk is hereby ordered and directed to cause this ordinance or a summary of this ordinance to be published in the manner required by law within thirty (30) days after it has been duly adopted by the Township Board. The effective date shall be the date of publication.

Section 6 of Ordinance. **Adoption.**

That this ordinance was duly adopted by the Green Oak Charter Township Board at its regular meeting called and held on October 2, 2019 and was ordered given publication in the manner required by law.

GREEN OAK CHARTER TOWNSHIP

[Signature]

Michael H. Sedlak, CMC Township Clerk

Adoption Date: October 2, 2019

Publication Date: October 6, 2019

Effective Date: October 6, 2019