

ORDINANCE NO. 2020 - 02

**CITY OF ST. CLAIR
COUNTY OF ST. CLAIR, MICHIGAN**

AN ORDINANCE OF THE CITY OF ST. CLAIR, ST. CLAIR COUNTY, MICHIGAN TO AMEND CHAPTER 18 “BUSINESSES” OF THE CITY CODE OF ORDINANCES BY ADOPTING ARTICLE VIII “REGULATION OF HANDBILLS.”

THE CITY OF ST. CLAIR ORDAINS:

SECTION 1. AMENDMENT.

Chapter 18 “Businesses” of the City Code of Ordinances is hereby amended by adding Article VIII “Regulation of Handbills” as fully set forth herein:

Section 18-501. SHORT TITLE.

This Article shall be known and may be cited as the “Handbill Ordinance.”

Section 18-502. STATEMENT OF PURPOSE.

This is an ordinance to protect City residents against the nuisance of the promiscuous distribution of handbills and circulars. The objective is to prohibit the resulting detriment and danger to public health and safety and to the public interest. The purposes of this ordinance are specifically declared to include the following.

(a) To protect City residents against trespassing by solicitors, canvassers, or handbill distributors upon the private property of such residents if they have given reasonable notice that they do not wish to be solicited by such persons or do not desire to receive handbills or advertising matter.

(b) To protect City residents against the health and safety menace and the expense incident to the visual blight created by the promiscuous and uncontrolled distribution of handbills.

Section 18-503. DEFINITIONS.

The following words, terms and phrases, when used in this ordinance, have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

(a) **Newspaper**. Any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States in accordance with Federal Statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law, and, in addition thereto, shall mean and include any

periodical or current magazine regularly published with not less than four (4) issues per year, and sold to the public.

(b) **Handbill.** Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, magazine, paper booklet, or any other printed or otherwise reproduced original or copies of any matter or literature not a newspaper.

(c) **Person.** Any person, firm, partnership, association, corporation, company, or organization of any kind.

(d) **Private premises.** Any dwelling house, building, or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule, or mailbox belonging or appurtenant to such dwelling, house, building, or other structure.

(e) **Public place.** Any and all streets, boulevards, avenues, lanes, alleys, or other public ways, and any and all public parks, squares, spaces, plazas, grounds, and building.

(f) **Language Construction.** Words singular in form may include the plural; and words plural in form may include the singular; and words in the masculine gender shall include the feminine.

Section 18-504. PLACING HANDBILLS IN OR ON VEHICLES PROHIBITED.

It shall be unlawful for any person to distribute, deposit, place, throw, scatter, or cast any handbill in or upon any automobile or other vehicle. The provisions of this section shall not be deemed to prohibit the handing, transmitting, or distributing of any handbill to the owner or other occupant of any automobile or other vehicle who is willing to accept same.

Section 18-505. PROHIBITING DISTRIBUTION OF HANDBILLS WHERE PROPERLY POSTED.

It shall be unlawful for any person to distribute, deposit, place, throw, scatter, or cast any handbill upon any premises if requested by anyone thereon not to do so, or if there is placed on said premises in a conspicuous position near the entrance thereof, a sign bearing the words: "No handbills;" "No peddlers;" "No agents;" "No advertisement;" "No solicitors;" or any similar notice indicating in any manner that the occupants of said premises do not desire to have their right of privacy disturbed, or to have any such handbills left upon such premises.

Section 18-506. DISTRIBUTION OF HANDBILLS ON PRIVATE PREMISES.

No person shall distribute, deposit, place, throw, scatter, or cast any handbill in or upon any private premises, except by handing or transmitting any such handbill directly to the owner, occupant, or any other person then present in or upon such private premises; PROVIDED, however, that in case of private premises, unless requested by anyone upon such premises not

to do so, may place or deposit any such handbill in or upon such inhabited private premises, if such handbill is so placed or deposited on a porch; near the front door; securely attached to a front door; through a mail slot; between an exterior and interior front door; or in a distribution box except that mailboxes may not be so used when so prohibited by applicable Federal postal laws or regulations.

Section 18-507. EXEMPTION.

The provisions of this ordinance shall not be deemed to apply to the distribution of mail by the United States or to newspapers as defined in this ordinance.

Section 18-508. CERTAIN EXISTING ORDINANCES NOT AFFECTED.

This ordinance shall not be deemed to repeal, amend or modify any ordinance ever ordained, either prohibiting, regulating or licensing canvassers, hawkers, peddlers, transient merchants, or any person, using the public streets or places for any private business or enterprise, or for commercial sales, not covered herein.

Section 18-509. VIOLATIONS AND PENALTIES.

A. Any person who disobeys, neglects, or refuses to comply with any provision of this ordinance; or who causes, allows, or consents to any of the same shall be deemed to be responsible for a violation of this ordinance.

B. A violation of this ordinance is a municipal civil infraction. The fines shall not be less than \$100 nor more than \$500, in the discretion of the Court. The foregoing sanctions shall be in addition to the rights of the City of St. Clair to proceed at law or equity with other appropriate and proper remedies. Additionally, the violator shall pay costs that may include all expenses, direct and indirect, which the City of St. Clair incurs in connection with the municipal civil infraction.

C. Each day during which any violation continues shall be deemed a separate offense.

D. The City of St. Clair may seek injunctive relief against persons alleged to be in violation of this ordinance, and such other relief as may be provided by law.

E. This ordinance shall be administered and enforced by the St. Clair Police Department, an Ordinance Enforcement Officer of the City of St. Clair or by such other person(s) as designated by the City of St. Clair City Superintendent or the City St. Clair Council from time to time.

SECTION 2. SAVINGS.

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 in force when they are commenced.

SECTION 3. SEVERABILITY.

This Ordinance and each of the various parts, sections, subsections, sentences, phrases, and clauses hereof are declared to be severable. If any part, section, subsection, sentence, phrase, or clause is determined to be invalid or unenforceable by a court of competent jurisdiction, it is hereby provided that the remainder of the Ordinance shall not be affected thereby and shall remain in full force and effect.

SECTION 4. REPEAL OF ORDINANCES IN CONFLICT HEREWITH.

Any and all Ordinances of the City of St. Clair or any parts or provisions thereof, to the extent that they are contrary to or inconsistent with the provisions of the within Ordinance, are hereby expressly repealed.

SECTION 5. RATIFICATION.

All other provisions of the code of Ordinances of the City of St. Clair, Michigan except as herein modified or amended are hereby expressly ratified and affirmed.

SECTION 6. PUBLICATION.

This Ordinance shall be published in accordance with the terms, provisions, and requirements of the City Charter of the city of St. Clair, Michigan, and in accordance with and to the extent required by the statutes of the State of Michigan.

SECITON 7. EFFECTIVE DATE.

This Ordinance shall take immediate effect upon publication in accordance with the provisions and requirements of the City Charter of the City of St. Clair.

ORDINANCE DECLARED ADOPTED.

William Cedar, Jr., Mayor
City of St. Clair, Michigan

CERTIFICATION

The foregoing is a true and complete copy of an Ordinance adopted by the City Council of the City of St. Clair, County of St. Clair, State of Michigan, at a regular meeting of the City Council held on the 17th day of February, 2020, and public notice of said meeting was given pursuant to and in accordance with the requirements of Act No. 267 of the Public Acts of 1976, as amended, being the Open Meetings Act, and the minutes of said meeting have been or will be made available as required by said Act.

Members Present: Mayor Cedar, Ellery, Kindsvater, LaPorte, McCartney, Watt
Members Absent: Member Kuffa

It was moved by Member Kindsvater and supported by Member Ellery to adopt the Ordinance.

Members voting yes: Kindsvater, LaPorte, McCartney, Watt, Ellery, Cedar
Members voting no: None

The Ordinance was declared adopted by the Mayor and has been recorded in the Ordinance Book of the City of St. Clair.

Annette Sturdy, City Clerk
City of St. Clair, Michigan

INTRODUCED: February 3, 2020
ADOPTED: February 17, 2020
PUBLISHED: February 21, 2020
EFFECTIVE: February 21, 2020