

**CHARTER TOWNSHIP OF WATERFORD
ORDINANCE NO. 2015-001**

STREET SOLICITING AND HANDBILL ORDINANCE AMENDMENT

An Ordinance to amend the Charter Township of Waterford Code to provide for the Township Clerk to issue registration statements for street soliciting without Township Board approval, to limit street soliciting to specified streets, charitable purposes, and organizations, and to define and regulate the distribution of handbills.

THE CHARTER TOWNSHIP OF WATERFORD ORDAINS:

Section 1 of Ordinance

A definition of Handbill is added and the definition of Street soliciting is amended in Section 10-482, a new Section 10-496 is added, the title of Division 2 in Article VII of Chapter 10 is amended, and Sections 10-515(e), 10-516(k), and 10-519(a), (c) and (e), of the Charter Township of Waterford Code are amended to read as follows:

Sec. 10-482. Definitions.

Handbill means any flyer, leaflet, pamphlet, booklet, circular, literature, brochure, document, sample, device, or material that in writing and/or by symbols, drawings, figures, or other form of communication, advertises, promotes, identifies, directs attention to, requests support or opposition of, or provides information regarding or for, any goods, wares, merchandise, product, commodity, offer, business, service, establishment, organization, issue, cause, program, purpose, or other message.

Street soliciting, which is only allowed for a qualified charitable purpose by an eligible organization, means soliciting where solicitors are allowed to be within the travelled portion of a street having no more than two (2) travel lanes and areas of the street abutting the traveled portion.

Qualified charitable purpose means a charitable purpose to raise funds for a specific cause or program that has nationwide, statewide, regional, or Township Board recognition, where all or some of the funds raised will benefit residents of the Township and none of the funds raised are intended or will be used for the benefit of the organization conducting the street soliciting.

Eligible organization means a charitable, religious or political organization with a building primarily used for its charitable purposes or a registered office address and occupied building located in the Township.

Division 2. General Regulations for Canvassers, Solicitors, Peddlers, and Handbills

Sec. 10-496. Handbills.

Handbills shall not be distributed by a canvasser, solicitor, peddler, or other person in violation of a restriction in this section. In addition, persons or organizations whose name or message is included on a handbill distributed in violation of a restriction in this section are presumed to be

responsible for that violation. Such presumption may be rebutted by written proof from such person or organization of the name and address of the person who distributed the handbill and that such person was provided with written notice of, and instructions to comply with, the restrictions in this section.

- (a) Handbills that do not bear proper postage shall not be placed in or on, attached to, or hung from mailboxes and other mail receptacles used, designed, or intended for use by the United States Postal Service.
- (b) Handbills shall not be distributed, placed, or left on private property or in a residential subdivision, condominium, or other residential neighborhood or development that has posted a "no handbills", or similar notice in accordance with the posting requirements in Section 10-491(c).
- (c) Handbills shall not be left on public or private property if the intended/desired recipient refuses or declines to accept the handbill.
- (d) When not delivered to a person, distribution of handbills shall be by placement on a structure or object in a location and manner that does not damage, deface, or interfere with use of that structure or object and that is sufficiently secure so as to avoid being dislodged from that location by wind and becoming litter on public or private property contrary to Section 9-074.
- (e) Placement of handbills on private property that is not posted against such placement as provided in subsection (b) shall only be at the front entrance door to the main building on the property and shall not be allowed if access to that door is restricted by a fence, wall, or other physical barrier.
- (f) Handbills shall not be placed on utility poles in a public right-of-way and are subject to immediate removal without notice as provided in the Section 2-501 of the Township Zoning Ordinance.

Sec. 10-515. General Registration Requirements and Restrictions.

- (a) – (d) [Unchanged]
- (e) Certificates of registration for street soliciting or the use of fixed stands for soliciting in public places will only be issued to an eligible organization for a qualified charitable purpose.

Sec. 10-516. Registration statement.

In order to register and obtain a solicitor registration certificate as required by this Article, a solicitor or a solicitor's parent organization shall register with the Township upon application forms provided by the Township Clerk. For street solicitation or the use of fixed stands for soliciting in public places, the application shall be submitted at least 30 days before the first proposed solicitation date. To obtain a registration certificate, the registrant shall provide the following information:

- (a) – (j) [Unchanged]
- (k) For street soliciting or the use of fixed stands for soliciting in public places, proof of the ability to satisfy the insurance requirements in Section 10-519, and documentation demonstrating the purpose of the solicitation is a qualified charitable purpose and that the registrant is an eligible organization as defined for street soliciting in Section 10-482.

Documentation of a qualified charitable purpose shall include:

- (1) A description of the specific cause or program;
- (2) Written proof that the cause or program is recognized by a national, state, or regional organization, or the Township Board;
- (3) A description of how some or all of the funds raised will benefit residents of the Township; and
- (4) A signed commitment to use the funds raised for the benefit of Township residents in the manner described and that none of the funds raised are intended or will be used for the benefit of the registrant organization.

Documentation of an eligible organization shall include:

- (1) A deed, lease, or other agreement, and signed statement that identifies a building located in the Township that is used by the registrant for its charitable purposes; and
- (2) Written proof or signed statement that the identified building is the one primarily used by the registrant for its charitable purposes, or if it is not, written proof that the registrant's registered office address is in the Township.

(l) – (m) [Unchanged]

Sec. 10-519. Street soliciting and fixed stand soliciting and certificates of registration.

- (a) Applications for street soliciting or the use of fixed stands for soliciting in public places shall be reviewed, processed, and acted on by the Township Clerk as provided in Section 10-518, with notice of the dates, times, locations, qualified charitable purpose, and eligible organization for which a registration certificate is issued to be provided as an announcement at the next regular Township Board meeting.
- (b) [Unchanged]
- (c) A certificate of registration for street soliciting or the use of fixed stands for soliciting in public places shall designate no more than three (3) days (twelve-hour periods), by date and hours, within the calendar year during which that charitable, religious, or political organization may engage in such solicitation.
- (d) [Unchanged]
- (e) Such solicitors located within the traveled portion of the street shall wear the type of high visibility garment that emergency responders operating in or near a roadway are required to wear pursuant to the Federal Highway Administration regulations and National Fire Protection Association standards, and while soliciting, their position shall not extend more than 100 feet from the stop bar on the leg of the intersection at which they are street and curb soliciting. In addition, solicitors involved in street soliciting shall wear clothing or a readily visible and readable badge or similar attachment to the solicitor's clothing containing the name of the eligible organization for which they are soliciting.
- (f) – (i) [Unchanged]

Section 2 of Ordinance

Should any section, subdivision, sentence, clause or phrase of this ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part as invalidated.

Section 3 of Ordinance

This Ordinance shall take effect immediately upon publication.

CERTIFICATION

I certify that this Ordinance was adopted by the Board of Trustees of the Charter Township of Waterford at a regular meeting held on January 26, 2015.

CHARTER TOWNSHIP OF WATERFORD

By: _____

Sue Camilleri, Township Clerk

1-26-2015

Date