



# CITY of NOVI CITY COUNCIL

**Agenda Item 2**  
**March 21, 2011**

**SUBJECT:** Consideration of adoption of Ordinance 11-40.07 to amend the Code of Ordinances of the City of Novi, Chapter 26, "Peddlers, Solicitors and Transient Merchants," in order to change the title of the Chapter to include commercial handbills, and to include standards for the distribution of commercial handbills. **FIRST READING.**

**SUBMITTING DEPARTMENT:** Police Department *DM*

**CITY MANAGER APPROVAL:** *[Signature]*

**BACKGROUND INFORMATION:** Attached is a proposed ordinance amending the City's peddling and soliciting ordinance, Chapter 26 of the City Code, to address commercial handbill distribution.

The ORC was asked to look at proposed regulations on the distribution of commercial handbills in residential areas and also the idea of limiting peddling/soliciting—which require licenses from the City Clerk's office to conduct—by allowing no solicitation/no peddling signs to be posted at the entrances to subdivisions and condominium complexes in order to prohibit that activity anywhere in the development. The ordinance already prohibits soliciting/peddling where an individual property owner has posted a "no soliciting"-type sign in a prominent location. The proposal would have expanded that on a broader basis.

The ORC did not recommend extending the prohibition on peddling/soliciting development-wide. The Committee members discussed the potential proliferation of such signs and questioned the necessity of a development-wide ban if individual property owners had the same authority.

The Committee did recommend some additional regulations being placed on distribution of commercial handbills. A definition of those has been added—it does not include non-commercial (political) speech. A general prohibition on commercial handbilling in public areas has been added, along with a prohibition on commercial handbills where a sign objecting to it has been placed. The amendment requires any handbill to be securely placed or deposited so it will not be blown away. Times are limited to 9:00 p.m. (7:00 p.m. for children under 14).

**RECOMMENDED ACTION:** Approve **FIRST READING** of an Ordinance 11-40.07 to amend the Code of Ordinances of the City of Novi, Chapter 26, "Peddlers, Solicitors and Transient Merchants," in order to change the title of the Chapter to include commercial handbills, and to include standards for the distribution of commercial handbills.

	1	2	Y	N
Mayor Landry				
Mayor Pro Tem Gatt				
Council Member Fischer				
Council Member Margolis				

	1	2	Y	N
Council Member Mutch				
Council Member Staudt				
Council Member Wrobel				

STATE OF MICHIGAN  
COUNTY OF OAKLAND  
CITY OF NOVI  
ORDINANCE 11-40.07

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF NOVI, CHAPTER 26, "PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS," IN ORDER TO CHANGE THE TITLE OF THE CHAPTER TO INCLUDE COMMERCIAL HANDBILLS AND TO INCLUDE STANDARDS FOR THE DISTRIBUTION OF COMMERCIAL HANDBILLS.

THE CITY OF NOVI HEREBY ORDAINS

**Part I.** That the title of City of Novi Code of Ordinances, Chapter 26, "Peddlers, Solicitors, and Transient Merchants," is hereby amended to "**Peddlers, Solicitors, Commercial Handbills.**"

**Part II.** That the City of Novi Code of Ordinances, Chapter 26, "Peddlers, Solicitors, and Transient Merchants," Section 26-1, "Definitions," is hereby amended to add a definition of "Commercial Handbill" to read as follows:

**Sec. 26-1. Definitions.**

Commercial Handbill means any printed or written matter, and any sample or device, dodger, circular, leaflet, booklet, pamphlet, sheet, or other kind of printed matter or literature of any kind that (1) advertises for sale any merchandise, product, commodity or thing; (2) directs attention to any business or mercantile or commercial establishment or other activity for the purpose of promoting the interests thereof by sales; or (3) is predominantly and essentially an advertisement. A newspaper or a sign is not a commercial handbill.

**Part III.** That the City of Novi Code of Ordinances, Chapter 26, "Peddlers, Solicitors, and Transient Merchants," Section 26-2, "Permit/license required," is hereby amended to change the Section title to "Permit/license required for peddling and soliciting":

**Sec. 26-2. Permit/license required **for peddling and soliciting.****

(a) through (e) [Unchanged]



**Part IV.** That the City of Novi Code of Ordinances, Chapter 26, "Peddlers, Solicitors, and Transient Merchants," Section 26-10, "Hours of peddling/solicitation; additional requirements," is hereby amended as follows:

**Sec. 26-10. Hours of peddling/solicitation; additional requirements.**

(1) and (2) [Unchanged]

(3) No peddler or solicitor shall enter into property which has posted a "No Solicitation," "No Trespassing," "No Peddlers or Agents," "No Advertisements," sign, or its equivalent, of at least sixteen (16) square inches in a conspicuous and prominent location.

(4) through (8) [Unchanged]

**Part V.** That the City of Novi Code of Ordinances, Chapter 26, "Peddlers, Solicitors, and Transient Merchants," be amended to add a new Section, Section 26-11, "Distribution of commercial handbills," to read as follows:

**Sec. 26-11. Distribution of commercial handbills.**

(1) It shall be unlawful for any person to deposit, place, throw, scatter, or cast any commercial handbill in or upon any public place within the City.

(2) It shall be unlawful for any person to distribute, deposit, place, throw, scatter, or cast any commercial handbill upon any premises if requested by anyone thereon not to do so or if there is placed on the premises in a conspicuous position (near the entrance and, where feasible, visible from the public right-of-way), a legible and conspicuous notice of at least sixteen (16) square inches in area bearing the words: "No Trespassing," "No Peddlers or Agents," "No Advertisements," "No Handbills," or any similar notice, indicating in any manner that the occupants of the premises do not desire to have their privacy disturbed or to have any such handbills left upon such premises.

(3) It shall be unlawful for any person to distribute any handbill in or upon any property unless the handbill is properly placed, secured, or deposited such that it will not be blown or drifted about the property or elsewhere, eliminating the hazards of randomly scattered litter. No handbill shall be secured in such a manner that will prevent a door or gate from properly closing, latching, or locking.

(4) No commercial handbills may be distributed after 9:00 p.m. or dusk (whichever is earlier) or before 9:00 a.m., prevailing time. No person under the age of fourteen (14) shall distribute commercial handbills after 7:00 p.m., prevailing time, unless accompanied by an adult.

(5) The provisions of this chapter shall not apply to:

- (a) Distribution of a handbill to any person who is willing to accept the same;
- (b) Distribution of a handbill for which consideration has been paid by the person receiving such handbill; or

(c) Distribution of a handbill made by a duly-authorized public official or employee of or contractor acting with the authority of a governmental agency.

(6) There shall be a rebuttable presumption that any person whose message is displayed on the handbill, or who benefits from the message displayed on the handbill is the party responsible for the distribution.

**Part VI. Severability.** Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

**Part VII. Savings Clause.** The amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

**Part VIII. Repealer.** All other Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

**Part V. Effective Date: Publication.** The provisions of this Ordinance shall become effective fifteen (15) days after its adoption and shall be published within 15 days of its adoption by publication of a brief notice in a newspaper circulated in the City, stating the date of 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 shall deem pertinent, and that a copy of the Ordinance is available for public use and inspection at the office of the City Clerk.

Made, Passed and Adopted by the Novi City Council this \_\_\_ day of April, 2011.

\_\_\_\_\_  
David B. Landry, Mayor

\_\_\_\_\_  
Maryanne Cornelius, City Clerk

**Certificate of Adoption**

I hereby certify that the foregoing is a true and complete copy of the ordinance adopted at the regular meeting of the Novi City Council held on the \_\_\_\_ day of April, 2011

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Maryanne Cornelius, City Clerk

Adopted:  
Published:  
Effective:

CITY OF NOVI  
STATE OF MICHIGAN  
COUNTY OF OAKLAND

ORDINANCE 11-40.07

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David B. Landry, Mayor

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Maryanne Cornelius, City Clerk

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