

CHARTER TOWNSHIP OF BROWNSTOWN
WAYNE COUNTY, MICHIGAN

ORDINANCE NO. 314

AN ORDINANCE REGULATING SOLICITATION OR STANDING IN THE TRAVELED PORTION OF THE ROADWAY, PROVIDING FOR REPEALER, SEVERABILITY, PENALTIES AND EFFECTIVE DATE.

THE CHARTER TOWNSHIP OF BROWNSTOWN ORDAINS:

Section 1. Preamble.

WHEREAS, in order to protect public health, safety, and welfare and to advance legitimate and rational regulation of conduct within the traveled portion of streets and roads within the Township, to avoid and limit injuries to pedestrians, automobile collisions, injuries to occupants of motor vehicles, in order to avoid traffic congestion and interruption and otherwise to promote and protect public health, safety and welfare, the Township is desirous of regulating solicitation or standing in the traveled portion of the roadway by persons.

Section 2. Definitions.

As used in this Article, unless the context requires a different meaning, the following words and phrases shall have a meaning ascribed by this Section.

- A. Charitable Organization. Shall mean a non-profit person or entity which establishes proof of identification as a charitable organization through furnishing Articles of Incorporation, Articles of Organization, United States or State Tax Returns and filings, registration as a charitable organization with the State of Michigan, or other information as determined acceptable by the Township Clerk demonstrating bona fide charitable purpose as required by MCL 257.676b (6).
- B. Civic Organization. Shall mean an organization organized and established as a non-profit entity for civic related purposes which shall be established through presentation of Articles of Incorporation, Articles of Organization, By-laws, Federal or State Tax Returns and Filings or other information as determined acceptable by the Township Clerk, as required by MCL 257.676b (6).
- C. Insurance. Insurance shall mean general liability insurance of a minimum of \$500,000.00 per person per occurrence issued with the Charter Township of Brownstown, its agents and employees as additional named insureds primary and non-contributory with a Notice of Cancellation or Non-Renewal directed to the Charter Township of Brownstown, attention Township Clerk, such notice to be furnished at least 30 days prior to any cancellation or non-renewal.
- D. Roadway. Shall mean the area of a paved or unpaved private, or public street, highway, or road, designed for vehicular travel generally, including the area from curb to curb, or if no curb is present, from outer edge of shoulder to outer edge of shoulder.

- E. Solicitation. Shall mean to, by words or other conduct, request or invite the receipt of money or other personal property.
- F. Standing. Shall mean to remain within the roadway other than is reasonably necessary to traverse across the roadway, or to complete activity within an area of the roadway necessitated by an emergency such as a traffic accident, mechanical breakdown, or other similar event.

Section 3. Location Restrictions.

Solicitation or standing in the roadway within the Charter Township of Brownstown is only permitted within the intersection of Allen Road and Sibley Road, any of the four quadrants, or the intersection of _Allen Road and Gibraltar Road, any of the four quadrants

Section 4. Permitted Charitable and Civic Solicitation, Frequency of Solicitation or Standing.

Only charitable and civic organizations are permitted to solicit or complete solicitation transactions within the roadway. Any charitable or civic group may only solicit or stand at a permitted intersection on two occasions not more than three consecutive days in each calendar year (365 days January 1st through December 31st).

Section 5. Required Attire.

All persons engaged in permitted solicitation shall wear high visibility safety apparel meeting the current American Standards promulgated by the International Safety Equipment Association or as otherwise approved by the Township Supervisor or his/her designee. In the event that such persons are acting for or on behalf of any entity or agency, lettering identifying such entity or agency upon clothing, a hat, or any small container utilized by such individuals shall be provided legible from twenty feet.

Section 6. Reflective Cones.

Such persons shall attempt to move off the roadway portion of the road when traffic is moving and shall locate two highly reflective orange cones in the center of the roadway and attempt to operate within that area when engaged in activity and return off the traveled portion of the roadway when not engaged in solicitation activity.

Section 7. Minors Restricted.

No person under the age of eighteen (18) shall be permitted to solicit on behalf of any charitable or civic organization.

Section 8. Restrictions Objects Carried.

Persons shall only carry or hold a container of a small size, shape and weight so as to not impede safe pedestrian and vehicular movement. Signs and other objects are prohibited unless approved, in advance, by the Township Supervisor or his/her designee.

Section 9. Approval Required.

Persons and entities shall obtain the approval of the Township Clerk who shall require a name, address and phone number and who shall grant approval unless such applicant has previously violated this Ordinance within the last two (2) years, or such approval would allow for violation of sections of this Ordinance.

Section 10. No Solicitation During Adverse Weather Conditions.

Solicitation shall not occur at any time which rain or snow are falling, or when snow or ice are present upon the roadway or shoulders areas.

Section 11. Solicitation During Daylight Hours Only.

Solicitation shall occur only during daylight hours which is defined to mean one half hour after the sunrise and one-half hour before sunset based on published sunrise and sunset days on the applicable day where solicitation occurs.

Section 12. Work Zone Solicitation Prohibited.

Solicitation is not permitted within any work zone.,

Section 13. Working Traffic Signals Required.

Solicitation shall not occur at any permitted intersection where traffic-controlled devices are either not present or not functioning.

Section 14. Penalty.

Any entity, organization, employee, or person who violates the terms and provisions of this Article shall be guilty of a civil infraction punishable by up to a \$500.00 fine plus costs. Each instance of solicitation or standing, is considered a separate offense, subject to penalties under the provisions of this section.

Section 15. Repealer.

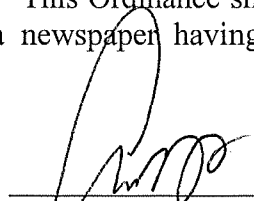
All ordinances or parts of ordinances in conflict herewith are repealed only to the extent necessary to give this ordinance full force and effect.

Section 16. Severability.

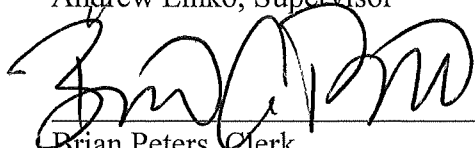
If any article, section, subsection, sentence, clause, phrase, or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate distinct, and independent provision and such holding shall not affect the validity of remaining portions of the Ordinance, it being the intent of the Township that this Ordinance shall be fully severable.

Section 17. Effective Date; Publication.

This Ordinance was approved and adopted by the Township Board of Brownstown Charter Township, Wayne County, Michigan, on September 3, 2019, after introduction and a first reading on August 5, 2019, and publication after first reading as required by Act 359 of the Michigan Public Acts of 1947, as amended. This Ordinance shall be effective immediately upon publication, in The News Herald, a newspaper having general circulation in the Township.




Andrew Linko, Supervisor



Brian Peters, Clerk

I further certify that the foregoing was published in The News Herald, a newspaper of general circulation in the Charter Township of Brownstown, on the 8th day of September, 2019.



Brian Peters, Clerk