

Memo

To: Village Board

Fr: Mark Roberts, Code and Safety Coordinator

Re: Report on Door Knob Distributors

Date: November 15, 2013

We have recently been receiving complaints from residents about the posting of handbills on their doors. I conducted some research into how other municipalities handle this problem and found that most do not have an ordinance or code prohibiting it. Checking with several websites about posting of handbills I found that they fall under the First Amendment.

The placement of handbills on public property cannot be denied.

I did find some municipalities that do enact non-distribution ordinances, many have been taken to court, some winning most losing, with big payout to the plaintiff in some cases.

The City of Miami has an ordinance that enforces "Throwing or discarding handbills prohibited". This ordinance is written so that the placement of handbills falls under "Litter". This ordinance is in effect, but is still seen as a First Amendment violation from lawyers.

One way for residents to stop distribution on their property is to place a "No Solicitor" or "No Handbills" on their home. If a solicitor places a flyer on the door, then it is considered trespassing and can be enforced.

An ordinance can be written that would limit when a "distributor or promoter" can distribute flyers or papers; that they must get a permit and can be held accountable for flyers that come off the doors; this becomes litter, an enforceable code. A permit would help with compliance so we can contact the distributor about any violations.

In one court case it was upheld that a distributor has no constitutionally guaranteed rights to deliver papers after being told by a property owner not to. By having the distributor get a permit the Village could give the contact information to residents who may want to ask them not to leave advertisements on their property. It would also make it easier for the Village to determine who is soliciting in the neighborhoods.

Attached is some information in regard to village board discussion on handbill concerns in the past. It seems we have received about five complaints over the course of 19 years. The past answers given were to post the no solicitation signs, call the company and ask them not to

deliver to their homes, have a neighbor collect the advertisements, or contact their own attorneys for advice.

The board is asked to provide some direction to staff on how you would like to handle the handbills issue in the village.



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For 5-3-94

6A

April 15, 1994

To the Allouez Village BOARD

We are disturbed by the frequent practice of advertisers and politicians to attach bright colored literature on our front door knob for all passers by to see.

Any of this literature when not removed immediately tells all those passing by that no one is home. What a great incentive for vandalism and robbery!

This practice of littering private property works against all home owners rights.

Please seriously consider an ordinance against this ~~practice~~ litter.

Dolores and Bud Lytlak
511 Roselawn Blvd.

Green Bay WI 54301

336-1274

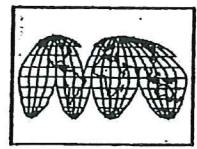
VILLAGE OF ALLOUEZ - MEMORANDUM

TO: Dave Condon, Village Attorney

FROM: Dave Waffle, Village Administrator

DATE: May 9, 1994

RE: "Littering" on Private Property



The enclosed letter was received by the Village Board at their meeting on May 3, 1994 and referred to a board/staff meeting. We are not sure that this is conduct that can really be regulated or should be. This is not a "public nuisance". Perhaps it amounts to trespass if the property is posted. How is it any different than failing to pickup your newspaper from the front porch?

Please advise us.

cc: Village Board
Dept Heads

For Board/Staff 5-17. Copies to Board, Sue, Ron, Jeff on 5-13.

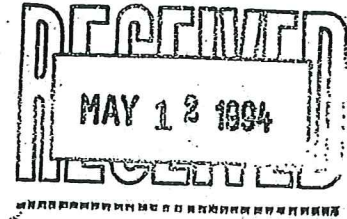
DAVID J. CONDON.
SUZANNE M. BREYER

DAVID J. CONDON, S.C.
Attorneys and Counselors at Law
801 E. WALNUT • P.O. BOX 1656
GREEN BAY, WISCONSIN 54305-1656
Fax: (414) 432-9188

TELEPHONE:
(414) 432-9201

May 12, 1994

Village of Allouez
Attn: Mr. David Waffle,
Village Administrator
1649 South Webster Avenue
Green Bay, Wisconsin 54301



Re: Littering
Our File No. 5-5

Dear Dave:

I have received your memo of May 9th and the copy of the letter of Mr. and Mrs. Pytlak to the Village Board suggesting an ordinance prohibiting distribution of advertisements and political literature. Their concern is that unwanted materials constitute littering of private property, and can alert passers-by that no one is at home and thereby provide a target for vandalism and robbery. Certainly, these residents do make a valid point. However, the problem is not as simple as it might appear at first blush. Homeowners, in general, grant permission, express or implied, for certain persons to come upon their property. Examples are the mailman, the newspaper delivery person, delivery and service persons, Village employees checking meters or providing police or fire protection, etc. In addition, there is no universal objection to distribution of advertising materials or political literature, and we also have to take into consideration constitutionally guaranteed free speech.

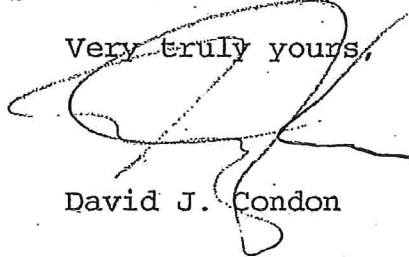
In my opinion, it is questionable that this is a matter of such public concern and requires the exercise of police powers, that would warrant an attempt to create a valid regulating ordinance. In addition, it would be extremely difficult to draft an ordinance with such clarity and which would be of such an all-encompassing nature that would protect the constitutional rights of not only the homeowners but all others who may have some type of interest. Any such ordinance by necessity would have to be a rather long and complex document and one that could be subjected to litigation at some time in the future if someone felt that their rights were being violated. While I do not feel that these considerations outweigh putting in place a valid ordinance, I do feel it questionable, because of the problems involved, that the Board should consider the possible passage of such an ordinance until there is a significant demand from our residents for the passage of such a law. Therefore, it is my recommendation to the Board that it not consider the passage of such an ordinance at this time.

Mr. David Waffle
May 12, 1994
Page Two

A possible solution for Mr. and Mrs. Pytlak, and others in the Village with similar feelings, would be to post their property with signs prohibiting persons from coming upon their property for specifically designated purposes, and from leaving certain types of material upon their properties. This would be an opportunity to protect private rights. Such persons should seek counsel and advice from their own attorneys if they feel it would be helpful to them.

If you would like to have clarification of any part of the above, or need additional explanation, please contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read 'David J. Condon', written over the typed name below.

David J. Condon

DJC:mek

May 17, 1994

made to the proposed policy. It will be revised and brought back to the Board.

E. and F. Removed.

G. Torch Run participation request The Board agreed to pay half the room cost (\$62.00) for participants in the Annual Torch Run. Money is budgeted.

H. Littering on private property/door hangers Delores Pytlak, 511 Roselawn Boulevard requested the Board to consider an ordinance which would prevent advertisers and politicians from placing literature on/in doors of homes. An opinion was sought from Attorney Condon.

Condon said one has to take into consideration constitutionally guaranteed free speech and it would be extremely difficult to draft an ordinance with such clarity and which would be of such an all-encompassing nature that would protect the constitutional rights of not only the homeowners but all others who may have some type of interest. He suggested a solution for Mrs. Pytlak, and others in the Village with similar feelings which would be to post their property with signs prohibiting persons from coming upon their property for specifically designated purposes, and from leaving certain types of material upon their properties. The Board concurred with Attorney Condon's opinion.

INFORMATIONAL
ITEMS

A. Financial report Waffle reviewed the quarterly budget report with the Board, revenues and expenditures. Explanations were given for areas of budget concern.

B. Public safety report Roemer reviewed the Incident Analysis report for January 1 through March 31, 1994 with the Board, and also the Police incident activity report. Roemer noted this is the first time they have had more paramedic calls than EMT calls - trend could be due to age of population. Collins was concerned that the number of citations written went down, but warnings were high. Kuehn would like more presence of officers out in the community. Waffle noted that the total activity was up for the quarter and that the County controls the officers, not Allouez. In the future trends and concerns will be reported.

C. Annual picnic August 25th was selected as a date for the annual Village picnic. Specific plans will be made at a later time.



VILLAGE OF ALLOUEZ

Allouez Village Hall • 1649 S. Webster Ave. • Green Bay, WI 54301-2499 • (414) 448-2800 • Fax (414) 448-2850

May 18, 1994.


Dolores and Bud Pytlak
511 Roselawn Blvd.
Green Bay, WI 54301

Dear Mr. & Mrs. Pytlak,

The Village of Allouez Board of Trustees, at their regular meeting on May 17, 1994, reviewed your letter about people leaving literature and other materials on doorknobs and porches. The Village Board is reluctant to create an ordinance to control this behavior for several reasons. It would be difficult to describe in an ordinance what is acceptable for people to leave at a residence and what is not acceptable. Secondly there is implied "permission" for people to enter onto your property to deliver mail, newspapers, etc.

You are correct that materials left at the door signal that no one is home. One way of controlling the accumulation of material is to arrange for it to be picked up by a neighbor or friend when someone is on vacation. That is one of the tips we offer for our "Neighborhood Watch" program. Finally we suggest that you might contact your own attorney for advise on how you can post your property to discourage people from leaving these materials at your home.

Sincerely,


David R. Waffle
Village Administrator

cc: Village Board

Richard R. Tonelli D.D.S., S.C.

Mastership Academy of General Dentistry
2805 Libal Street, Suite B
Green Bay, WI 54301
(920) 339-9013

June 22, 2000

ATT: Sue Foxworthy
Allouez Village Board Office
1649 South Webster Avenue
Green Bay, WI 54301

Dear Sirs,

I am writing in regards to a problem that I have endured for the last several years. I believe this to be of importance to all residents of the Village. The Green Bay News Chronicle has distributed their "Weekly Shopper" on Saturdays, on an indiscriminant basis. I have made numerous attempts to eliminate their practice of "tossing" their paper where they feel like throwing it. I have had their carriers trespassing along my lot, even after requesting to stay off of my property. I have personally spoken, more times than I can remember, with representatives of their circulation office. Usually, I have been given the lame excuse they can not control their carriers. I don't appreciate my property being littered weekly by their product. It ends up in all places, as a result of their carriers throwing it where they like, even though there is a plainly marked newspaper box.


Of even more concern to me is the fact that the newspaper lying on a porch, on the lawn or in the driveway is a sign to others that the residence is not occupied. This can be an invitation to vandalism and burglary.

Unfortunately, my residence was invaded and burglarized in 1978, a few years after moving to Allouez. It is to say the least a very traumatic experience.

I would appreciate it if you would explore any existing ordinance that the Village may have, protecting the residents from the inconsiderate littering by outside companies. If there is no existing ordinance, I feel it would be in the best interest of the Village residents to develop a means of protecting our property and rights. Your prospective approach will help to avoid future problems.

Thank you for your action on this matter and I look forward to your earliest response.

Yours very truly,


Richard R. Tonelli, D.D.S.

**ALLOUEZ VILLAGE BOARD STAFF MEETING
TUESDAY, JULY 18, 2000
4:30 p.m., Allouez Village Hall**

Present: McCain, Troup, Denis, O'Neill, Zeller, Hoslet, Collins

**MODIFY/ADOPT
AGENDA**

Denis moved, Troup seconded and the motion carried to adopt the modified agenda. Reverse items #3, Discussion/Approval of 2001 Seasonal Wages and #8, Discussion/Action Re: R. Tonelli request to create ordinance protecting residents from inconsiderate littering by outside companies. All ayes.

**SITE PLAN
APPROVAL FOR
PARKING LOT
EXPANSION AT
RENAL DIALYSIS
BUILDING**

Meier displayed and reviewed the site plan for the parking lot expansion at Renal Dialysis Building at Webster Avenue/Derby Lane and felt it met Village requirements.

Foxworthy questioned whether the issue of appropriate screening should be left up to the owner or if the Board wanted to specify whether it should be a berm and landscaping or a fence. The site plan review states the berms and landscaping between the parking lot and the surrounding houses would be an appropriate buffer. If the owner chose to install a fence the height shall be eight feet and impervious to view.

O'Neill moved, Denis seconded and the motion carried to require an 8 ft. privacy fence be part of the site plan. All ayes.

Denis moved, Hoslet seconded and the motion carried to approve the site plan with the 8 ft. privacy fence requirement. All ayes.

**R TONELLI REQUEST
TO CREATE
ORDINANCE
PROTECTING
RESIDENTS FROM
INCONSIDERATE
LITTERING**

R Tonelli asked that the Board adopt an ordinance, if there is not one existing, to protect the residents from the inconsiderate littering by outside companies. In the last several years he has made numerous attempts to eliminate the Green Bay News Chronicle practice of "tossing" their paper where they feel like throwing it. He doesn't appreciate his property being littered weekly by their product and feels the fact that the newspaper is lying on a porch, on the lawn or in the driveway is a sign to others that the residence is not occupied.

McCain explained that the Village Attorney does not recommend that they adopt an ordinance because it would be difficult to draft.

The Board discussed the situation and the possibility of meeting with the Chronicle to see how to correct the problem of the paper being delivered to those who don't want it.

Consensus of the Board was to first meet with the Village Attorney to find out the legal rights regarding the way the Chronicle is delivered and to also check with the League of Municipalities for guidance before the next meeting.

REQUEST TO PLACE
FORMAL REQUEST
TO BROWN COUNTY
TO REPLACE
ALLOUEZ AVE.
BRIDGE

Sandy Van Straten-Juno wrote to encourage the Village Board to put in a formal request to Brown County Highway Commissioner, Roger Kolb, requesting that the Allouez Bridge replacement project take place now and not wait until 2002.

Meier spoke to Roger Kolb and explained that the County signed a contract with Mead & Hunt to design the bridge and have to go through a series of impact and environmental assessments. If the bridge were to fail today, the County is in no position to even reconstruct it for a period of time because all this information has to go to the State DOT six months prior to bidding. The bridge on Allouez Avenue is scheduled for 2002 and is part of the County's Six Year Plan. Funds are split between the Feds and the County 80/20.

Consensus of the Board was to have Foxworthy write to Van Staten-Juno explaining it is a Federal & County project which can not be done any faster and the process is underway.

APPOINTMENT TO
TRAFFIC & SAFETY
COMMITTEE

Troup moved, Denis seconded and the motion carried to appoint Renee K. Verboncouer to the Traffic & Safety Committee to replace Cassandra Poquette who moved out of Allouez. All ayes.

STUDY OF
INCREASING
PARKING AT GIRLS'
SOFTBALL
DIAMONDS

The staff met on June 29th at the Allouez Girls' Softball complex to study and discuss the parking problem. They offered the following possibilities: 1) Angle parking on East River Drive, 2) Parallel parking on the shoulder of both sides of East River Drive, 3) Expanding the existing softball parking lot to the South, 4) Move one of the existing soccer fields on the northwest corner of Broadview and East River Drive across to the northeast corner of Broadview and East River Drive and create a parking lot where the soccer field existed on the northwest corner. The area is already bermed and planted with trees to hide lot from view of residents, or 5) Construct a 12 foot wide paved trail parallel with Broadview



VILLAGE OF ALLOUEZ

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August 1, 2000

Attorney David Condon
P.O. Box 1656
Green Bay, WI 54305-1656

Dear Dave:

The Village Board received a letter from Dr. Richard Tonelli asking them to adopt an ordinance to protect the residents from the inconsiderate littering by the Green Bay News Chronicle with their practice of having carriers "toss" their free Saturday newspaper wherever they feel like throwing it. He does not appreciate his property being littered weekly by their product and feels the fact that the newspaper is lying on porches, lawns, driveways and in the bushes is a sign to vandals that residences are not occupied. Dr. Tonelli's home has already been burglarized once. I have enclosed a copy of his letter for your information.

The Board agrees with Dr. Tonelli. They do not feel that the News Chronicle should be able to create litter by throwing their free Saturday paper all over the Village. The Board does not want to prevent them from distributing their paper to anyone who wants it, but strongly feels the Chronicle should not be able to toss the papers onto private property of people who do not want the paper and who do not want their private property littered.

Enclosed is an opinion you wrote on May 12, 1994 to address a similar complaint from the Pytlaks. The Board's decision at that time was to not create an ordinance. However, the Pytlak's letter was against all advertisers and politicians as well. Dr. Tonelli's complaint is only with the free Saturday newspaper published by the Chronicle. I have also enclosed a copy of the Pytlak letter.

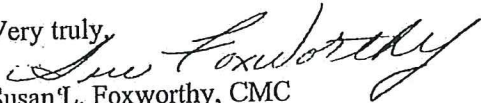
Can you assist the Board in creating a method by which this littering and unwanted solicitation can be ceased? Obviously it does not work to give the Chronicle the addresses of people who do not want the paper delivered. Dr. Tonelli has tried that route and it has not worked. There are different carriers weekly on the routes and a good share of them do not understand the English language. Also, posting "No Soliciting" signs on residences has not worked either.

Would it be possible to mandate that the Chronicle only distribute their free Saturday newspaper to those residents who have newspaper boxes into which to put the paper?

Any assistance you can give us in this matter is greatly appreciated.

Thank you, Dave.

Very truly,


Susan L. Foxworthy, CMC
Administrator and Clerk-Treasurer



VILLAGE OF ALLOUEZ

Allouez Village Hall • 1649 S. Webster Ave. • Green Bay, WI 54301-2499 • (920) 448-2800 • Fax (920) 448-2850

August 2, 2000

Curtis Witynski, Legal Counsel
League of Wisconsin Municipalities
202 State Street, Suite 300
Madison, WI 53703-2215

Dear Attorney Witynski:

The Allouez Village Board and I wish to thank you for your carefully thought out opinion regarding the legality of holding public hearings on applications by community living arrangements for exceptions to the spacing requirement and the 1% of population limit. We appreciate the time and effort you put in to this for us.

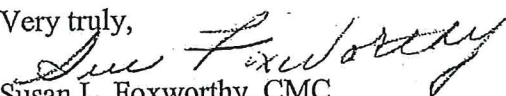
The Village Board has directed me to ask you, as well as our attorney David Condon, for another opinion. The Green Bay News Chronicle publishes a daily newspaper which people can purchase at newsstands or have delivered to their homes. They also publish a free weekly Saturday issue which is delivered by carriers to everyone's homes throughout the County whether the residents want the paper or not. The paper is also left at businesses throughout the County for residents who may want the free paper.

The carriers carelessly "throw" the papers onto residents' private property and the papers have become a litter problem. They are found on lawns, in bushes, under bushes, and sometimes they land on porches. If people are gone on vacation, or wintering in warmer climates, the papers collect and are a good indication to vandals that no one is home. If a resident requests that the News Chronicle not deliver the Saturday free paper this does not work. There are different carriers weekly and many of the carriers cannot read, speak or write English. Also, posting No Soliciting signs does not work.

Can the Village Board legally tell the News Chronicle that they cannot deliver the free Saturday paper to residents' homes because it is causing a litter problem? If not, can we somehow mandate that the Chronicle cannot toss the papers onto private property of people who do not want the paper?

Any assistance you can give the Village is greatly appreciated. Thank you again.

Very truly,


Susan L. Foxworthy, CMC
Administrator and Clerk-Treasurer



202 State Street
Suite 300
Madison, Wisconsin 53703-2215

608/267-2380
800/991-5502
Fax: 608/267-0645

E-mail: league@lwm-info.org
www.lwm-info.org

August 7, 2000

David J. Condon
Allouez Village Attorney
P.O. Box 1656
Green Bay, WI 54305

Dear Mr. Condon:

Susan Foxworthy has written me requesting an opinion on whether the village can ban the delivery of a free shopper type publication which is tossed on to residents' lawns and porches each Saturday. Short of a complete ban, the village board is also interested in knowing whether they can prohibit the shopper from being delivered to homes where the property owner has requested not to receive the shopper.

Sue's letter to me indicated that she is asking you the same questions. Rather than answer her questions directly, I thought it would make the most sense for me to send you what information I have in my files on this topic.

It seems to me that an ordinance banning the distribution of free printed material into yards, driveways and porches would violate the free speech clause of the First Amendment. See *Statesboro Publishing Co. v. City of Sylva*, NO. S99A0474 (Ga. Supreme Court 1999). I've enclosed a summary of this decision for your review. See also, *Ad World, Inc. v. Township of Doylestown*, 672 F.2d 1136 (1982). I've enclosed a copy of this decision.

The second question is a closer call, but I believe that an ordinance banning the distribution of shopper papers to homes that have requested not to receive the shopper would still risk violating the First Amendment rights of the publisher. However, see *City of Fredonia v. Chinute Tribune*, 638 P.2d ____, (Kan. App. 1981); where the court held that the publisher of a shopper paper had no constitutionally guaranteed right to continue to throw shopper papers on the lawn of an unwilling recipient after being notified not to do so. (I apologize for the incomplete citation, but my notes from a previous research project did not include the page number.)

This information is taken from my files and, except for the recent Georgia case, is somewhat dated. I have not shepardized any of the cases cited in this letter. I hope this information proves helpful. Let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink that reads "Curtis Witynski". The signature is written in a cursive style with a prominent loop at the end of the last name.

Curtis Witynski
Legal Counsel

cc: Susan L. Foxworthy, CMC

DAVID J. CONDON

Law Offices of
DAVID J. CONDON, S.C.
A Wisconsin Service Corporation
801 E. WALNUT STREET • P.O. BOX 1656
GREEN BAY, WISCONSIN 54305-1656
Phone: (920) 432-9201

Facsimile:
(920) 432-9188

August 25, 2000

VILLAGE OF ALLOUEZ
Attn: Mrs. Susan Foxworthy, CMC, Administrator
1649 S. Webster Avenue
Green Bay, WI 54301-2499

Re: Newspaper, etc., Littering
Our File No. 5-5

Dear Sue:

This is in response to your letter of August 1 regarding a possible ordinance to protect residents from being littered by unwanted newspapers and advertisements. You had requested my opinion, and you also requested an opinion from the League of Wisconsin Municipalities. I received a letter dated August 7 from Curt Witynski, who indicated that he copied you, and I am also assuming that he sent to you copies of his enclosures.

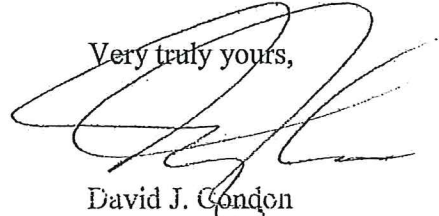
Curt's opinion was that the Village cannot completely ban delivery of free "shoppers" because of the Free Speech Clause of the First Amendment, and it may be questionable whether the Village can ban delivery of shoppers to residents who specifically request that they do not receive the shopper. This is my opinion also, and is similar to the written opinion that I gave to Dave Waffle on May 12, 1994 in response to the letter from Mr. and Mrs. Pytlak.

The case law provides that any prohibitory ordinance cannot be vague, but must inform the advertisers or distributors of shoppers, and other publications, of what specific conduct on their part renders them liable under the ordinance. There cannot be a blanket banning of free printed materials from distribution into yards, driveways, porches, etc. In addition, distribution cannot be limited to types of delivery which may be deemed by the court to be prohibitive in nature by reason of expense. Examples of this would be distribution by mail, or by hand-delivery only to newspaper slots, mailboxes, or by plastic bags hung on doorknobs, etc. The courts have not given any precise guidelines as to methods that might be acceptable, but have said municipalities may adopt reasonable restrictions and regulations regarding place, time and manner of delivery. However, this has been stated in only very general terms but with the requirement that there must be an adequate alternative method of communication or delivery available, which implies such alternative methods cannot be costly, cannot be labor intensive, and cannot require some sort of condition which may not be usual and customary and, accordingly, prevent the delivery. An example of this would be an ordinance which would require all newspapers to be placed into newspaper boxes, when the great majority of residents do not have such boxes, and it would be costly for a newspaper to provide them for a non-subscription newspaper.

Mrs. Susan Foxworthy
August 25, 2000
Page 2

With these considerations in mind, I have drafted a proposed ordinance which I believe would have a good chance of passing a constitutional test, although I cannot guarantee it. The proposed ordinance is enclosed, and please note that it applies to all types of publications, including solicitations for votes for public office, but is only applicable to the delivery of the second or subsequent publication from the same source. I am enclosing the proposed ordinance as a basis for discussions and possible ideas by the Board. If you have any further questions, please contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read 'David J. Condon', written over a large, stylized flourish.

David J. Condon
Allouez Village Attorney

DJC:cae
Enclosure

ORDINANCE 2000- 12

AN ORDINANCE CREATING SECTION 7.06, LITTERING FROM
UNSOLICITED PUBLICATIONS

The Village Board of the Village of Allouez, County of Brown, State of Wisconsin, do ordain as follows:

That Section 7.06, Nuisances, Littering from Unsolicited Publications, of the Allouez Code is hereby created to read as follows:

- A. The Village Board has determined that the distribution to Village residents of unwanted printed materials and things can result in accumulations on the properties of its residents which can be a signal to vandals and burglars and increase the risk of damage, destruction and theft; and which can be unsightly, contrary to the beauty and aesthetics of the area, and impose a burden on its residents for the clean-up of litter; and which can be an invasion of the privacy and quiet possession of its residents.
- B. This ordinance shall apply to all handbills, pamphlets, leaflets, circulars, newspapers and printed materials of every type containing text, or graphics, or both, (the "publication"), which:
 - (1) Have not been solicited or requested by a resident or owner of, or by an employee at, the property to which the publication is delivered; and
 - (2) Are delivered or distributed to a property (either private, business or governmental) at no cost to the addressee or resident, by any means other than the United States Mail, except if delivered as part of and concurrently with printed material for which there is an existing paid subscription; and
 - (3) Are delivered or distributed to the property within a continuous thirty (30) day period during which the same or another publication as described in subsections B.(1) and (2) immediately above, has been delivered or distributed to the same property from the same publisher, person, firm, association, corporation, or distributor, or from another on his, her or its behalf.
- C. Any publication subject to the provisions of subsection B., immediately above, shall contain a two-part form which may be completed by a resident, at his, her or its option, for the purpose of notifying the publisher and/or distributor that the publication should not be

distributed to the resident's property for a period of one year from the date of the notice; one part of the form shall be mailed or personally delivered to the publisher and/or distributor, and the other part of the form to the Village Hall; and a certified mail receipt for the notice from the publisher and/or distributor shall create a presumption that the notice was received by the publisher and/or distributor.

- D. No publisher, distributor, person, firm, association, or corporation, or any employee, agent or representative of the same, shall distribute or deliver a publication to any person or property for which he, she or it has received a notice under subsection C., during the one-year period designated in the notice. The act of delivery or distribution by any independent contractor for the benefit of a publisher, distributor, person, firm, association or corporation, shall be conclusively deemed to be the act of such publisher, distributor, person, firm, association or corporation. Each distribution to each person or property in violation of this ordinance shall be deemed to be a separate offense.
- E. Any violation of subsection D., immediately above, is deemed to be a public nuisance and may be abated as otherwise provided in this Chapter 7. This shall not be an exclusive remedy under Section 7.06.
- F. Every person, firm, association, corporation, publisher and/or distributor who shall be found guilty of a violation of this ordinance shall forfeit not less than \$_____ nor more than \$_____ for each such violation, together with the costs of prosecution and any other costs that may be imposed by law. This shall not be an exclusive remedy under Section 7.06.

PASSED AND APPROVED by the Village Board by the Village of Allouez on this _____ day of _____, 2000.

Attest: _____
Susan L. Foxworthy,
Village Clerk-Treasurer

Cameron Mc Cain,
Village President

PUBLISHED on this _____ day of _____, 2000.

September 19, 2000 (Board/Staff Meeting)

**ALLOUEZ VILLAGE BOARD/STAFF MEETING
TUESDAY, SEPTEMBER 19, 2000
4:30 P.M., ALLOUEZ VILLAGE HALL**

Present: McCain, Troup, Denis, O'Neill, Zeller, Hoslet, Collins

MODIFY/ADOPT
AGENDA

Denis moved, Collins seconded and the motion carried to adopt the agenda as presented. All ayes.

ORDINANCE 2000-12,
TO PREVENT
LITTERING FROM
UNSOLICITED
PUBLICATIONS

Mc Cain explained Ordinance 2000-12, to prevent littering from unsolicited publications, was drafted in response to a recently received letter. The Village had received one or two similar letters in the past from people who while on vacation (especially if they are gone all winter) didn't like to see publications pile up on their doorsteps or in their yards, which is a pretty good sign no one is home.

Foxworthy stated Attorney Condon drafted the ordinance to prevent materials from being delivered to those residents who do not want them. The resident would be able to write a letter to the author of the publication stating they do not wish to have the publications delivered to them for a year's time and for those who do not comply, there would be a penalty.

Hoslet moved, O'Neill seconded and the motion carried to open the meeting. All ayes.

Al Rasmussen, Vice President of Publications and Frank Wood, Publisher of the News Chronicle and various other papers explained any time someone calls them to say they do not want the paper, they keep it on file and try to respect their wishes. With nearly one thousand people delivering their product every week and with help becoming more difficult to find (there is a tremendous turn around), mistakes are going to be made. To draft an ordinance for everything that goes wrong in the village, there would be a pretty impressive ordinance list. He wanted to assure the Village that they will do everything humanly possible to give every single Allouez recipient as much courtesy as they can. They don't want to give a paper to anyone who doesn't want one. He feels the ordinance could be detrimental to their business because of the fines.

September 19, 2000 (Board/Staff Meeting)

Rasmussen explained the carrier of each route is given a list of special instructions (do not deliver, put in garage door or mail slot, stay off the lawn). Errors are mainly made by subs filling in for regular carriers.

Collins felt the Board was spending too much of the tax payers' money addressing two or three concerns. It is a neighborhood problem. It's not a perfect world. A business, who does their best, could be charged hundreds of dollars if one of the young kids they hire inadvertently drops a paper in the wrong place.

Zeller agreed. He asked that the supervisors of the routes pay closer attention to the location of the deliveries. The papers are not being delivered to the doorstep but rather to the gutters, in front of the homes, driveways. He felt the supervisors could prevent delivery to designated locations and that an ordinance would be over kill.

O'Neill suggesting putting this information in the paper to inform those residents who do not want these deliveries on what to do.

Hoslet moved, Collins seconded and the motion carried to return to regular order of business. All ayes.

Hoslet questioned how it would be enforced.

Hoslet moved, Collins seconded and the motion carried to table. All ayes.

ADDENDUM TO
PUBLIC WORKS
LABOR CONTRACT

Collins moved, O'Neill seconded and the motion carried to approve the addendum (E. In 2001 the part-time auto cad operator shall receive \$137.50 in clothing allowance. The part-time auto cad operator shall not be covered by Section 22.02, B above) to the Public Works Contract - effective January 1, 2001. All ayes.

REQUEST TO GIVE
GIFT CERTIFICATE
TO TOM
L'ESPERANCE FOR
TIME DONATED

Frasch requested a \$50 or \$75 gift certificate, from somewhere in Allouez, be given to Tom L'esperance for the many hours he donated computerizing the building inspection department.

Foxworthy explained we received the software free from the City of Green Bay and L'esperance has been over numerous times assisting in setting it up.

January 15, 2008 (Village Board Meeting)

ADVERTISING
POSITION ONCE
UNION POSTING
REQUIREMENTS
HAVE BEEN MET

R. LEDFORD
REQUEST TO
PROHIBIT DOOR
HANGER AND OTHER
PLACARD TYPE
DISPLAY
ADVERTISING ON
HOUSE DOORS

A request was received from Rick Ledford to prohibit door-hanger and other placard type display advertising. This type of solicitation invites criminal activity.

Kopish moved and Green seconded the motion to tee it up, to have administrator explain.

Discussion:

- received a similar request in 1994. Our Attorney at that time and the League of Municipalities Attorney both felt banning the distribution of pre-printed material would violate the free speech clause of the first amendment
- is there a significant demand to ban the distribution of this material?
- how does public safety enforce it? Do they ticket the distributor or the company?
- would a no solicitation / advertising sign, displayed on the home, negate someone's first amendment right?

Gast moved and Kopish seconded a substitute motion to refer to staff for exploration with the League of Municipalities Council to determine whether or not a non solicitation, no solicitation or similar type sign preclude people from dropping materials off at the door step or in the door.

Discussion:

- safety issue
- are there other ways to prevent materials from being left at your home, other than putting up signs?

Sweasy moved and Vanden Avond seconded an amendment to the motion to broaden the scope to include any and all options to resolve the problem.

Discussion:

- should hanging campaign literature on doors be stopped?

January 15, 2008 (Village Board Meeting)

- when does "freedom of speech" become littering?

Jim Koltz, 524 E St. Joseph Street

- some information is good (literature from those running for office, telephone books on the door step). Mailing them could be costly.
- if on vacation, have the neighbors pick up your mail.

Don Bostedt, 630 Green Avenue

- how big of an issue is this? One request. He has not seen a problem in his area.

Upon the vote, the motion carried to broaden the scope to include any and all options to resolve the problem. All ayes.

Upon the vote, the motion as amended carried. All ayes.

RECOMMENDATION
TO APPOINT MARK
ST. LAURENT AS
WORKING UNION
FOREMAN FOR
WATER UTILITY

Green moved, Sweasy seconded and the motion carried to approve the recommendation to appoint Mark St. Laurent as Working Union Foreman for the Water Utility effective January 16, 2008. All ayes.

APPROVAL OF
CONSENT AGENDA

Sweasy moved, Gast seconded and the motion carried to approve the following:

- a. minutes dated 12-18-07
- b. accounts payable dated 12-13, 12-20, 1-4
- c. operators' licenses:
- none -

All ayes.

PROPOSED PRESS
RELEASE DRAFTED
BY COMMUNITY
LEADERS RE: THE
SEXUAL OFFENDER
RESIDENCY ISSUE

Vanden Avond

- provided a proposed press release put together by the municipal leaders group with regard to the sexual offender residency issue
- do we want a representative from Allouez at the press release supporting the statement?

Discussion:

- what is the purpose of the press release? (To educate the public on what they found out about sexual predators and