

**AN ORDINANCE PROHIBITING LITTERING  
BY NUISANCE DISTRIBUTION OF HANDBILLS AND DIRECTORIES**

The Common Council of the City of Middleton hereby ordains as follows:

1. Section 16.04(3) of the City of Middleton Code of Ordinances is hereby amended to read as follows:

“(3) Littering Prohibited. (a) Generally. No person shall throw any glass, rubbish, waste, or filth upon the streets, alleys, highways, public parks, or other property of the City or upon any private property not owned by her or him or upon the surface of any body of water within the City.

(b) Handbills and Directories.

1. The Common Council of the City of Middleton finds and declares that posting and distributing handbills in the manner prohibited by this subsection constitutes a nuisance through the defacement of public property and private property and creation of litter. Unwanted telephone books have further become a source of public nuisance by creating waste and litter and a burden upon taxpayers for the cleanup, recycling and disposal of unwanted books.

2. The following terms shall have the meanings indicated:

- a. “Directory” means a publication that lists and publishes the names, addresses and telephone numbers of telephone customers or the advertisements, products or services of businesses or professional firms.
- b. “Handbill” means any printed or written matter, poster, lawn sign, sample circular, leaflet, pamphlet, paper, booklet, printed matter of literature, bumper sticker, decal or similar matter.
- c. “Person” means and natural person, firm, partnership, association, corporation, company, public utility or organization of any kind.
- d. “Public place” means any street, sidewalk, alley, public way, public park, public square, public space, public grounds or public building.

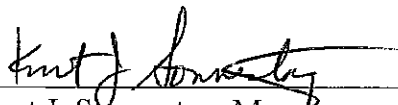
3. No person shall:

- a. Leave any handbill or directory upon a public place within the City of Middleton. This provision shall not be construed as prohibiting the direct distribution of handbills or directories to persons willing to accept them or to the authorized delivery of directories to governmental offices.
- b. Affix any handbill to any lamppost, public utility pole, street sign, traffic sign, bus shelter, tree or upon any public structure or public building except for bulletin boards or kiosks provided by the City for such purpose. If the City provides a bulletin board or kiosk for limited purposes handbills posted inconsistent with such purpose shall be deemed in violation of this subsection.

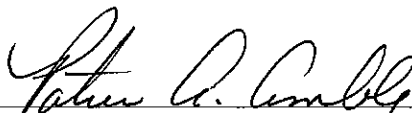
- c. Leave any handbill or directory upon any private property which is temporarily or continuously uninhabited or vacant.
- d. Leave any handbill upon private property if requested by the owner or any person in control of the property not to do so or if there is posted on the property in a conspicuous place near the entrance a sign bearing the words "No Trespassing," "No Peddlers or Agents," "No Advertising," "No Soliciting" or any similar notice indicating that the occupants of the property do not desire to have any handbills left upon the property. This prohibition shall not be construed as prohibiting the delivery of any handbill delivered through the United States Postal Service.
- e. Leave any handbill on property where handbills may be left under this subsection in a manner that permits the handbill to be carried away by the elements.
- f. Leave any directory further than ten (10) feet from the entranceway of any residential, commercial or public structure unless specifically directed by the owner or occupant of the property.
- g. Place a handbill on any motor vehicle.
- h. Distribute a directory without an accompanying notice conspicuously displayed informing the recipient of the manner in which they may contact the distributor by toll-free telephone call, U.S. mail or electronic mail to discontinue receiving the directory and that such notice shall discontinue the delivery of directories for a period of five (5) years. Upon receipt of such notice from a recipient, no directory shall be distributed for a period of five (5) years."

The above and foregoing ordinance is duly adopted by the Middleton Common Council at a regular meeting held on the 6<sup>th</sup> day of October, 2009.

**APPROVED:**

By:   
Kurt J. Sonnentag, Mayor

**ATTEST:**

  
Patricia A. Amble, Clerk

**VOTE:**

Ayes: 7  
Noes: 0  
Adopted: 10/6/09  
Published: 10/14/09