

**BOARD OF TOWNSHIP TRUSTEES  
BLENDON TOWNSHIP  
FRANKLIN COUNTY, OHIO**

The Board of Township Trustees (the "Board") of Blendon Township (the "Township"), Franklin County, Ohio, met in regular session on January 22, 2019, at 6:30 p.m. at 6330 South Hempstead Road, Westerville, Ohio 43081, with the following members present:

James Welch  
Stewart Flaherty

Mr. Welch introduced the following resolution in writing:

**LIMITED HOME RULE RESOLUTION NO. 2019-HR-01**

**RESOLUTION REGULATING PLACEMENT OF  
UNSOLICITED WRITTEN MATERIALS AND  
DISPENSING WITH THE SECOND READING**

**WHEREAS**, the Township adopted a limited home rule form of government pursuant to Ohio Revised Code Chapter 504; and

**WHEREAS**, the Board, pursuant to the provisions of Ohio Revised Code Section 504.04, has the authority to exercise all powers of local self-government within the unincorporated area of the Township; and

**WHEREAS**, it is the opinion of the Board that litter and debris resulting from the distribution of unsolicited written materials on real property in the Township is unsightly and constitutes a public nuisance; and

**WHEREAS**, it is the opinion of the Board that the elimination of such a nuisance is beneficial to all residents and property owners in the Township; and

**WHEREAS**, it is the intent of this Resolution to prohibit unsolicited written materials from being left on property in the Township except as otherwise permitted under this Resolution.

**NOW, THEREFORE**, be it resolved by the Board of Trustees of Blendon Township, Franklin County, Ohio that the following regulations and prohibitions shall apply:

**Section 1.** As used in this Resolution, the following terms shall have the following meanings:

- A. Front door: any street-facing entrance to a principal structure. In the event no door faces the street, then any other door of a principal structure nearest the street shall be considered a front door for purposes of this Resolution.
- B. Person: any person, firm, corporation, association, club, society, or other organization.
- C. Porch: an exterior appendage to a principal structure leading to a doorway, including any stairway attached thereto.
- D. Premises: a lot, plot, or parcel of land, including any structures, driveways, or other impervious surfaces thereon.
- E. Principal structure: a structure or combination of structures of primary importance on the premises, and that contain(s) the primary or predominant use associated with the premises. The primary or predominant use is characterized by identifying the main activity taking place on the premises.

F. Unsolicited written materials: any written materials brought, taken, or delivered to any premises without the express invitation or permission, in writing or otherwise, by the owner, occupant, or lessee of such premises.

**Section 2.** No person shall deliver, place, or distribute unsolicited written materials to any premises other than in the following locations and manners:

- A. On a porch, if one exists, nearest the front door; or
- B. So that such materials are securely attached to the front door; or
- C. Through a mail slot on the front door of the principal structure, if one exists, as permitted by the United States Postal Service regulations; or
- D. Between the exterior front door, if one exists and is unlocked, and the interior front door; or
- E. Where permitted, in a distribution box located on or adjacent to the premises; or
- F. Securely attached to a hook or within some other receptacle used for the delivery of non-U.S. Mail packages or materials, attached to the mailbox post for the premises, if it exists; or
- G. Personally to the owner, occupant, and/or lessee of the premises.

**Section 3.** The provisions of this Resolution do not affect the right of any owner, lessee, or occupant to restrict entry to his or her premises. Furthermore, the provisions of this Resolution do not apply to the United States Postal Service or its designee(s).

**Section 4.** It is the intent of this Resolution to impose organizational liability for any violation of this Resolution committed by an officer, agent, employee, or volunteer of a business or organization while acting on behalf of the business or organization and within the scope of the officer's, employee's, agent's, or volunteer's office, employment, or service. Unsolicited written materials placed at a premises creates a rebuttable presumption that the materials were placed at the premises by the owner, officer, agent, employee, or volunteer of the business, product, good, service, or message that is advertised, promoted, endorsed, or conveyed in such materials. Where the materials are delivered as a package and relate to multiple businesses, products, goods, services, and/or messages, the presumption shall apply to the identified distributor of the package of materials.

**Section 5.** Any violation of Section 2 of this Resolution shall be punishable with an unclassified civil fine according to the civil fine schedule as follows:

1st Violation:	\$250
2nd Violation:	\$500
3rd Violation and subsequent Violations:	\$1,000

Civil citations and related fines shall be processed in accordance with Ohio Revised Code Chapter 504.

**Section 6.** Nothing herein shall be construed to impair any common law or statutory causes of actions, or legal remedies available under Ohio Revised Code Chapter 504 therefrom, or of any person or the Township, for any injury or damage arising from other law.

**Section 7.** It is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Following its introduction, the Resolution was read by title only.

Trustee Welch moved the adoption of this Resolution upon its second reading and the motion was seconded by Trustee Flaherty. Roll was called on the question of adoption of this Resolution.

**Vote Record:**

Yea                      Nay

Trustee James Welch

✓

Trustee Jan Heichel

a

Trustee Stewart Flaherty

✓

Having received a majority vote of the Board, the Resolution was adopted as a nonemergency measure to become effective thirty (30) days after filing with the Township Fiscal Officer.

**First Reading: January 9, 2019**

**Second Reading: January 22, 2019**

**Effective: February 21, 2019**

**Adopted: January 22, 2019**

**BOARD OF TOWNSHIP TRUSTEES  
BLENDON TOWNSHIP, FRANKLIN  
COUNTY, OHIO**

James Welch, Trustee

Jan Heichel, Trustee

Attest:

  
Wade Estep, Fiscal Officer


Stewart Flaherty, Trustee

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Township Law Director

**CERTIFICATION**


The undersigned Fiscal Officer of the Board of Township Trustees of Blendon Township, Franklin County, Ohio, hereby certifies that the foregoing is a true and exact copy of a resolution duly passed by the Board of Township Trustees of said Township and filed with the Township Fiscal Officer on January 22, 2019.

  
\_\_\_\_\_  
Wade Estep, Township Fiscal Officer  
Blendon Township, Franklin County, Ohio

**CERTIFICATE OF PUBLICATION**

I, Wade Estep, Fiscal Officer of Blendon Township, Franklin Township, Ohio, do hereby certify that a summary of this resolution was published in the newspapers listed below on the dates listed below:

\_\_\_\_\_ and \_\_\_\_\_, 20\_\_\_\_  
\_\_\_\_\_ and \_\_\_\_\_, 20\_\_\_\_

  
\_\_\_\_\_  
Wade Estep, Township Fiscal Officer  
Blendon Township, Franklin County, Ohio