

## PROPOSED NEW ORDINANCE LANGUAGE

### 521.11 – UNSOLICITED WRITTEN MATERIALS.

#### (A) Definitions.

As used in this Section:

- (1) “Front door” means the street-facing entrance(s) 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 Section.
- (2) “Person” means any person, firm, corporation, association, club, society or other organization.
- (3) “Porch” means an exterior appendage to a principal structure leading to a doorway, including any stairway attached thereto.
- (4) “Premises” means parcel, lot, or plot of land including any structures, driveways, or other impervious surfaces thereon.
- (5) “Principal structure” means a structure, or combination of structures of primary importance on the premises, that contains the primary use associated with the premises. The primary use is characterized by identifying the main activity taking place on the premises.
- (6) “Unsolicited written materials” means any written material(s) delivered to any premises without the express invitation from or permission of the owner, occupant, or lessee of such premises, in writing or otherwise.

#### (B) No person shall knowingly or recklessly deliver, place or distribute unsolicited written material(s) to any premises unless they are placed in the following locations and manners:

- (1) On a porch, if one exists, nearest the front door; or
- (2) So that such materials are securely attached to the front door; or
- (3) Through a mail slot on the front door or principal structure, if one exists, as permitted by the United States Postal Service Domestic Mail Manual, Section 508 Recipient Services, Subsection 3.1.2; or
- (4) Between the exterior front door, if one exists and is unlocked, and the interior front door; or
- (5) Where permitted, in a distribution box located on or adjacent to the premises; or
- (6) 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
- (7) Personally to the owner, occupant, and/or lessee of the premises.

#### (C) Notwithstanding Subsection (B) herein, an owner, lessee, or occupant maintains the right to restrict entry to his or her premises.

- (D) Pursuant to Gahanna C.O. §501.11(A)(2), it is the intent to impose organizational liability for violation of this Section committed by an officer, agent, or employee of a business or organization while acting on behalf of the business or organization and within the scope of the officer's, employee's or agent's office or employment.
- (E) Unsolicited written material(s) placed at a premises creates a rebuttable presumption that the materials were placed at the premises by the owner, officer, agent, or employee of the business, product, good, service, or message which is being advertised, promoted, endorsed, or conveyed in such materials. Where the materials are delivered as a package and relate to multiple businesses, products, goods, services, or messages, the presumption shall apply to the identified distributor of the package of materials, if any.
- (F) The provisions of this Section do not apply to the United States Postal Service.
- (G) Violation of this Section shall be a minor misdemeanor punishable by a fine of up to one-hundred fifty dollars (\$150.00) per violation.