



**CITY OF BELLE ISLE, FLORIDA
CITY COUNCIL AGENDA ITEM COVER SHEET**

Meeting Date: July 18, 2017

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Proposed Ordinance on Nuisance Newspapers

Background: The City Council directed the City staff to draft an ordinance similar to the Orlando ordinance that prohibits the delivery of unsolicited newspapers to private residences. The City obtained the Orlando ordinance and drafted an ordinance for Belle Isle. This code change would be under Chapter 10 Environment. Prior to the second reading, if being adopted, the correct reference will be added to the ordinance.

Staff Recommendation: Council to review the proposed ordinance draft and discuss changes, make recommendations, or provide further direction to staff on this issue.

Suggested Motion: No motion is necessary. A consensus of Council to move forward with the ordinance for a first reading is sufficient.

Alternatives: Do not adopt

Fiscal Impact: TBD

Attachments: Proposed ordinance

AN ORDINANCE AMENDING CHAPTER 10, "ENVIRONMENT", OF THE CODE OF THE CITY OF BELLE ISLE BY THE ADDITIONS OF SECTIONS 10-____, "PROHIBITION": 10-____, EXEMPTIONS"; 10-____, "DELIVERY TO PRIVATE RESIDENCES AFTER NOTICE OF OBJECTION"; AND 10-____, "VARIANCES", ALL REGARDING THE PLACING OF PAPER, MERCHANDISE OR DISCARDED MATERIAL ON RESIDENTIAL LAWNS AND DRIVEWAYS, MOTOR VEHICLES OR ON PUBLIC STREETS AND SIDEWALKS.

WHEREAS, the Council of the City of Belle Isle does find, determine and declare that the practice of casting, throwing and otherwise placing papers, unsolicited merchandise and discarded material on private residential lawns or driveways without the consent of the owner or occupant of said property or on public streets or sidewalks, or on motor vehicles located on public property, creates a threat to the public health, safety and welfare as such material is blown about and accumulates as trash and creates fire and environmental hazards and an unsightly condition and requires extra expense to remove, and

WHEREAS, the accumulation of such material on private property inadvertently advertises absence of the owner to the persons of dissolute or criminal propensities and increases the probability of criminal activities on such property, and

WHEREAS, the City Council desires to enact provisions to alleviate such conditions which pose a threat to the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA:

SECTION ONE: Chapter 43, "Miscellaneous Offenses", of the Code of the City of Belle Isle be, and the same is hereby amended by the addition of Sections 43.66 through 43.69 to read as follows:

Sec. 10-____. Prohibitions.

- (1) It shall be unlawful for any person to cast, throw or otherwise place any paper, unsolicited merchandise or discarded materials on any private residential lawn or driveway without the express consent of the owner, or of an adult occupant thereof, or of a person authorized by such owner or occupant to give such consent.
- (2) It is unlawful for any person to cast, place or scatter any paper, unsolicited merchandise, or discarded material on any vehicle on any public property or on any parking lot open to the use of the public, in any manner other than by the delivery thereof to a person who then and there accepts the same or has given his express consent to the receipt thereof.

Sec. 10-____. Exemptions.

The provisions of this Chapter shall not apply to the regular delivery of newspapers or magazines which have been subscribed to by the persons receiving them or by occupants of the

residence to which they are delivered or by the distribution of mail by the United States Government or by the service of any lien foreclosure, governmental notices of process.

Section 10-____. Delivery to private residence after notice of objection.

It is unlawful for any person to continue to distribute, cast, throw, or otherwise place circulars, handbills, newspapers, magazines, paper, merchandise or discard material on private residential property, after receiving notification by the owner or occupant of a private residence that said owner or occupant does not wish to receive the item being distributed to said residence.

Section 10-____. Variances.

The Council may, by written resolution, grant variances from the provisions of this Chapter to permit the distribution of papers or merchandise as otherwise prohibited, upon such terms and conditions as City Council may impose, after due consideration of the following:

- (1) The nature, scope, purpose, method, and time of distribution.
- (2) The extent of the distribution, both as to time required therefor and area to be covered.
- (3) The identity of the person or persons who will be responsible for the conduct of the distribution.
- (4) The date or dates on or between which the distribution is to be accomplished.
- (5) The approximate number of individuals who will be engaged in the distribution.
- (6) The provision for removal, by the individual or organization proposing the distribution, of items not removed by the property owner within a reasonable period of time following the distribution.
- (7) The likelihood, or lack thereof, of the distribution constituting a real and present danger to the public health, welfare and safety.

SECTION TWO: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason 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 the remaining portion hereto.

SECTION THREE: This Ordinance shall take effect upon its passage and as provided by law.