



CITY OF NORMAN, OK STAFF MEMORANDUM

MEETING DATE: 6/27/2023

REQUESTER: City Council

PRESENTER: Anthony Purinton, Assistant City Attorney

ITEM TITLE: CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE NO. O-2223-48 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA ADDING ARTICLE 16-XI UNSOLICITED WRITTEN MATERIALS TO CHAPTER 16 HEALTH AND SAFETY, SECTIONS 16-1101 THROUGH 16-1103 TO ADD DEFINITIONS, PROHIBITIONS ON PLACEMENT OF UNSOLICITED WRITTEN MATERIALS, AND PENALTIES FOR VIOLATIONS THEREOF; AMENDING APPENDIX B CITY OF NORMAN PENALTY AND FINE SCHEDULE TO INCLUDE PENALTY FOR VIOLATIONS OF SECTION 16-1102; AND PROVIDING THE SEVERABILITY THEREOF

BACKGROUND:

For the past 10+ years, the City Attorney's office has regularly updated Council on potential solutions to the City's longstanding issues with the haphazard distribution of unsolicited written materials, which tend to end up in City streets and storm drains. The last update was presented to the City Council's Oversight Committee on 3/9/23, where staff was asked to prepare and ordinance regulating the distribution of unsolicited written materials. The Staff Memo from that meeting is included in the material for this agenda item.

DISCUSSION:

This ordinance closely resembles an ordinance by the Lexington-Fayette County Government that was upheld in the Sixth Circuit in 2018. After presentation of the Lexington-Fayette ordinance by City Staff, City Council expressed interest in adopting a similar ordinance. After recommendation from the City Attorney's Office, the City began efforts to document the effects of haphazard distribution of these materials in order to ensure that such effects warranted passing any regulation. Staff presented findings on 3/9/23 to the Oversight Committee, which demonstrated that careless distribution of these materials caused them to drift into City streets, onto stormwater grates, and into the City's stormwater system. As a result, the materials end up being sources of visual blight, reducing the effectiveness of the City's stormwater system, and end up polluting the areas where the stormwater system discharges.

The proposed ordinance simply regulates where unsolicited written materials may be placed when delivered to a premises in Norman, thereby preventing these materials from straying into streets and stormwater systems. As proposed, the materials may only be placed in the following locations:

- (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) Personally with the owner, occupant, and/or lessee of the premises.

Upon citation and conviction of a violation of these regulations, offenders could be punished by a fine from \$50.00 - \$750.00.

RECOMMENDATION:

City Staff presents O-2223-48 to City Council for consideration. Given that a similar ordinance was recently upheld in the Sixth Circuit, there is a good likelihood that the City's ordinance would be similarly upheld by courts in the Tenth Circuit, if challenged. As such, Staff recommends approval of O-2223-48.