

CITY OF NORMAN

Regulation of Unsolicited Written Materials

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Asst. City Attorney**



Background

- Previous memos on issue
 - June 2010
 - Aug. 2010
 - May 2013
 - Nov. 2019
 - April 2021
 - June 2021






Potential Solution:


Lexington-Feyette Ordinance

Unsolicited written materials delivered to premises shall be placed:

- (1) On a porch, near the door
 - (2) Securely attached to the front door
 - (3) Mail slot
 - (4) Between the exterior front door and the interior front door
 - (5) In a distribution box located on or adjacent to the premises
 - (6) Personally with the owner, occupant, and/or lessee of the premises.
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First Amendment Concerns



- Free speech at issue
 - Time, place, manner restriction
 - Cannot distinguish based on content of speech
 - Must be narrowly tailored to serve significant government interest
 - Must leave open ample alternative channels for communication
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Robust data collection

McCraw v. OKC

- Struck down OKC prohibition on standing, sitting, or staying in public medians
- “Panhandling ordinance”
- Harm to public safety was not sufficiently proven
- Prohibition was too broad, not tailored enough
- The City failed to consider alternatives



McCraw cont.


- City should do the following prior to enactment:
 - Develop record (is the harm real?) ***
 - Consider alternatives
 - Leave open alternative routes for communication





Legislative Findings Update

Stormwater photographic evidence gathering

- Took photos of visible advertising materials that were on or around storm grates
 - Approx. 82 photos were taken
 - Focus on taking photos after heavy rain events
- 



Buyer's Edge publishes every week, it's a tabloid that wraps the inserts in the Wednesday paper, and the inserts we deliver to households that do not subscribe to the newspaper.

It wraps the weekly grocery inserts and other inserts like Walgreens, CVS, Home Depot, Wal-Mart, etc.

We print and deliver 445,000 copies of Buyer's Edge. It hits 97% of households in the metro. Of the 445,000, only about 21,000 go outside the metro.

The breakout of the 445,000 is:
140,000 in the Wednesday paper, wrapping the Wednesday inserts;

305,000 goes to non-subscribers, delivery starts on Tuesday and finishes on Wednesday.

Of the 305,000, 250,000 are delivered by carrier like a newspaper; the other 55,000 are mailed, mainly to apartments.



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Visual Blight



Visual Blight



Stormwater



Drainage Basin on
Daws & University

Stormwater



Stormwater





Legislative Findings Cont.

Citizen Complaints

- Action center activity
- Emails to City staff and Council
 - Please direct any complaints to City Attorney's office



QUESTIONS?

