

**CITY OF NORMAN
ORDINANCE O-2223-48**

**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.**

WHEREAS, the City of Norman, Oklahoma (“City”) is concerned about the proliferation of litter and visual blight within the community; and

WHEREAS, the City finds that deliveries of unsolicited written materials are being haphazardly made throughout the City, including by distributing such materials on sidewalks, yards, driveways, and streets with no means to ensure that such items do not add to the litter problem and/or visual blight; and

WHEREAS, the City finds that these unsolicited written materials have contributed to the litter and visual blight of private premises, public streets, sidewalks, and other public places, and that these materials, haphazardly delivered, are damaging to private property and/or interfere with private property; and

WHEREAS, the City finds that these unsolicited written materials have the tendency to block stormwater drains in City streets and end up in the stormwater system which adds additional maintenance, impairs the effectiveness of the City’s stormwater system during large rain events, and creates pollution when the materials make their way out of the stormwater system; and

WHEREAS, the City desires to ensure that these unsolicited written materials do not litter the streets, sidewalks, or other public places, or yards or driveways of private premises; do not cause visual blight in our neighborhoods; do not interfere with private property; and do not interfere with the City’s stormwater system; and

WHEREAS, this Ordinance is an effort to reduce unwanted litter, visual blight, and pollution caused by unsolicited written materials on public property and the yards and driveways of private premises; to prevent damage to public and private property; and to further prevent interference with private property; and

WHEREAS, this Ordinance does not in any way deprive or diminish a private property owner's right to protect his or her premises from unsolicited or unwanted written materials.

NOW THEREFORE, be it ordained by the City Council of the City of Norman, in the State of Oklahoma, as follows:

SECTION 1: ADOPTION “ARTICLE 16-XI UNSOLICITED WRITTEN MATERIALS” of the City of Norman Municipal Code is hereby *added* as follows:

ADOPTION

ARTICLE 16-XI UNSOLICITED WRITTEN MATERIALS(*Added*)

16-1101 Definitions

For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Front door. 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.

Porch. An exterior appendage to a principal structure leading to a doorway, including any stairway attached thereto.

Premises. A lot, plot, or parcel of land including any structures, driveways, or other impervious surfaces thereon.

Principal structure. A structure, or combination of structures of primary importance on the premises, and that contains the primary use associated with the premises. The primary use is characterized by identifying the main activity taking place on the premises.

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

16-1102 Placement of unsolicited written materials

(a) Unsolicited written materials delivered to premises shall be placed:

(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.

(b) Notwithstanding subsection (a) above, an owner, lessee, or occupant maintains the right to restrict entry to his or her premises.

(c) The provisions of this section do not apply to the United States Postal Service.

16-1103 Penalties

Any person violating any of the provisions of this article shall, upon conviction thereof, be punished by a fine as provided in the City penalty and fine schedule per offense.

SECTION 2: AMENDMENT “APPENDIX B CITY OF NORMAN PENALTY AND FINE SCHEDULE” of the City of Norman Municipal Code is hereby *amended* as follows:

AMENDMENT

APPENDIX B CITY OF NORMAN PENALTY AND FINE SCHEDULE

<i>Code Section</i>	<i>Description</i>	<i>Penalty/Fine</i>
<i>Chapter 1--General Provisions</i>		
1-114	General penalty	
	Violation of any provision of the City Code	Up to \$750.00 and/or imprisonment not exceeding 60 days
	Violation of Code provisions regulating the pretreatment of wastewater and stormwater discharges	Up to \$1,000.00 and/or imprisonment not exceeding 90 days
	Violation of Code provisions regarding alcohol or drug related traffic offenses	Up to \$800.00 and/or imprisonment not exceeding six months
	Violation of Code provisions regarding speeding or parking	Up to \$200.00

<i>Chapter 2--Administration</i>		
2-103(f)(1)	For any municipal officer or any employee of a political subdivision to corruptly accept or request a gift or gratuity, or a promise to make a gift, or a promise to do an act beneficial to such officer	\$5,000.00
2-111(c)	Violating the provisions of the proclamation of a civil emergency	\$50.00--\$750.00
<i>Chapter 4--Animals</i>		
4-223	Violation of NCC Article 4-II	\$50.00--\$750.00 and/or 60 days in jail
<i>Chapter 6--Buildings and Building Regulations</i>		
6-105(1)	Retaining wall permit, missed inspections, per missed inspection. The builder/contractor will be required to provide documentation that the retaining wall was constructed per the permit.	\$50.00
6-105(6)	Other missed inspections, per missed inspection	\$50.00
6-108	Violation of chapter	\$50.00--\$750.00 and/or imprisonment not to exceed 60 days
<i>Chapter 8--Civil Rights</i>		
8-206	Violation of chapter	\$50.00--\$750.00 and/or imprisonment not to exceed 60 days
8-302	Violation of NCC 8-301	\$50.00--\$750.00 and/or imprisonment not to exceed 60 days
<i>Chapter 12--Finance</i>		
12-409(c)	Violation of article 12-IV	\$50.00--\$750.00 and/or imprisonment not to exceed 60 days
12-416	Failure to make report, remittance; fraudulent returns for transient guest room tax	\$50.00--\$750.00 and/or imprisonment not to exceed 60 days
12-518(b)	Delinquent penalty:	
	Within 30 days of due date	10% of total
	After 30 days of due date	25% of total

12-610	Delinquent penalty for use tax	Amount specified in 68 O.S. § 217
12-613	Failure to make report, remittance; fraudulent returns for use tax	\$50.00--\$750.00 and/or imprisonment not to exceed 60 days
<i>Chapter 14--Fire Prevention</i>		
14-106	Violation of chapter	\$50.00--\$750.00 and/or imprisonment not to exceed 60 days
14-305	Violation of article 14-III	In accordance with NCC 14-106
14-403	Failure to report hazardous material or hazardous material incident	In accordance with NCC 14-407
<i>Chapter 16--Health and Safety</i>		
16-115	Violation of article 16-I	\$50.00--\$750.00
16-211	Violation of article 16-II	\$50.00--\$750.00 and/or imprisonment not to exceed 60 days
16-311	Violation of article 16-III	\$50.00--\$750.00 and/or imprisonment not to exceed 60 days
16-406	Violation of article 16-IV	\$50.00--\$1,000.00 and/or imprisonment not to exceed 90 days
16-508(a)	Smoking in certain places	\$10.00--\$100.00
16-508(b)	Signs required in retail establishments	Up to \$50.00
16-508(c)	Vending machines and sales displays	Up to \$200.00
16-602	Violation of article 16-VI	\$50.00--\$750.00 and/or imprisonment not to exceed 60 days
16-703	Violation of article 16-VII	\$50.00--\$750.00
16-813	Violation of article 16-VIII	\$50.00--\$750.00

16-904(b)	Removal of street tree in violation of NCC 16-903, per inch DBH	Up to \$50.00
	Total administrative fine not to exceed	\$2,000.00
16-911	Violation of article 16-IX; per offense	Up to \$500.00
<u>16-1103</u>	<u>Violation of article 16-XI; per offense</u>	<u>\$50.00—\$750.00</u>
<i>Chapter 20--Licenses and Occupations</i>		
20-113	Violation of chapter	\$50.00--\$750.00 and/or imprisonment not to exceed 60 days
20-1924	Violation of article 20-XIX	\$50.00--\$200.00
20-3017	Violation of street closure permit or regulations	Misdemeanor punishable in accordance with NCC 20-113
<i>Chapter 22--Municipal Courts</i>		
22-104(c)	Payment of fine in lieu of court appearance:	
(1)	Improper equipment	\$35.00
(2)	Speeding:	
a.	In excess of the posted limit	\$5.00 per mile in excess of the posted limit
b.	In a school zone or school crossing zone	\$200.00
c.	Ten miles and under on any interstate, federal-aid primary highways, and state highways, subsection 20-1002(5), which are located on the outskirts of any municipality as determined by 47 O.S. § 2-117	\$10.00 plus \$15.00 costs
d.	In an area designated by the State or the City as under construction, maintenance, or repair, and marked as such	\$200.00
(3)	Violations resulting in personal injury or property damage	\$100.00
(4)	All other moving traffic violations	\$50.00
(5)	Transporting a firearm improperly	\$70.00
(6)	Failure to appear, first offense	\$200.00
(7)	Violations of the mandatory use of seatbelts	\$10.00 plus \$10.00 costs

(8)	Failure to carry security verification form while operating a vehicle		\$250.00
(9)	Transporting an open container		\$200.00
(10)	Third and subsequent moving violations during any immediately preceding 12-month period		\$200.00
(11)	Nontraffic violations, first offense, that do not carry jail time		\$200.00
(12)	Failure to yield to emergency vehicle		\$200.00
(13)	Racing on the highway		\$200.00
(14)	School zone violations except as otherwise provided		\$200.00
(15)	Violations of the mandatory use of child passenger restraint		\$50.00
(16)	Vehicle registration violations		\$35.00
(17)	Careless/failure to devote full time and attention		\$100.00
(18)	Reckless driving		\$200.00
(19)	Failure to stop		\$100.00
(20)	Disregarding railroad signals		\$100.00
(21)	Driving under Suspension or Revocation		\$200.00
22-105	Traffic violations, parking	Violations Paid Within Five Days	Violations Paid After Five Days
	Expired meter	\$10.00	\$25.00
	Excess of time	\$10.00	\$25.00
	Fire lane	\$100.00	\$150.00
	Accessible parking	\$500.00	\$500.00
	Registration violations	\$50.00	\$50.00
	Blocking sidewalk	\$50.00	\$75.00
	Private property	\$50.00	\$75.00
	Parking, stopping and standing prohibited in other areas	\$100.00	\$200.00
	All other parking violations	\$20.00	\$30.00

22-105(d)	Vehicle impounded or bench warrant ordered	\$30.00
22-105(e)	Vehicle involved in accident resulting in personal injury or property damage	\$25.00
<i>Chapter 24--Offenses and Miscellaneous Provisions</i>		
24-104	Violation of chapter	\$50.00--\$750.00
	Consuming spirits in a public place	\$50.00--\$500.00
	Possession of marijuana	Up to \$400.00
	Pump pirating	\$50.00--\$500.00 and/or imprisonment not to exceed 60 days
	Age misrepresentation	\$50.00--\$750.00 and/or imprisonment not to exceed 60 days
	Furnishing alcoholic beverages	\$50.00--\$750.00 and/or imprisonment not to exceed 60 days
	Possession, distribution; harmful substances and narcotics	\$50.00--\$750.00 and/or imprisonment not to exceed 60 days
	Narcotics	\$50.00--\$750.00 and/or imprisonment not to exceed 60 days
	Nudity, indecent exposure	\$50.00--\$750.00 and/or imprisonment not to exceed 60 days
	Peeping Toms	\$50.00--\$750.00 and/or imprisonment not to exceed 60 days
	Possession or sale of drug related paraphernalia	\$50.00--\$750.00 and/or imprisonment not to exceed 60 days
	Assault and battery	\$50.00--\$750.00 and/or imprisonment not to exceed 60 days
	Discharging firearms	

		\$50.00--\$750.00 and/or imprisonment not to exceed 60 days
	Disturbing the peace	\$50.00--\$750.00 and/or imprisonment not to exceed 60 days
	Possession of certain weapons	\$50.00--\$750.00 and/or imprisonment not to exceed 60 days
	Unlawful assembly	\$50.00--\$750.00 and/or imprisonment not to exceed 60 days
	Nuisance party	\$50.00--\$750.00 and/or imprisonment not to exceed 60 days
	Attendance, contribution to a nuisance party	\$50.00--\$750.00 and/or imprisonment not to exceed 60 days
	Social host, minors consuming alcohol	\$50.00--\$750.00 and/or imprisonment not to exceed 60 days
	Interference with use of property	\$50.00--\$750.00 and/or imprisonment not to exceed 60 days
	Molesting property	\$50.00--\$750.00 and/or imprisonment not to exceed 60 days
	Petit larceny	\$50.00--\$750.00 and/or imprisonment not to exceed 60 days
	Tampering with public utilities	\$50.00--\$750.00 and/or imprisonment not to exceed 60 days
	Trespass, illegal entry	\$50.00--\$750.00 and/or imprisonment not to exceed 60 days
	Offenses against public authority	\$50.00--\$750.00 and/or imprisonment not to exceed 60 days

24-311	Violation of section:	
(b)	First offense	\$100.00
	Second offense, within two years of first	\$200.00
	Third offense, within two years of first	\$300.00
	Fourth offense, within two years of first	\$300.00
(c)	First offense	Up to \$100.00
	Subsequent offense, within one year of first	Up to \$200.00
(d)	First offense	Up to \$100.00
	Second offense	Up to \$200.00
	Third or subsequent offense	Up to \$300.00
(e)	Sale of tobacco products, packaging, each offense	Up to \$200.00
(f)	Sale of tobacco products, display, each offense	Up to \$200.00
24-603	Littering, failure to remove	
24-611	Court--Parental responsibility for juvenile court fines	
24-612	Failure to appear	
<i>Chapter 26--Public Improvements</i>		
26-102	Violation of chapter	\$50.00--\$750.00
<i>Chapter 28--Sign Regulations</i>		
28-106	Enforcement of chapter	
28-107	Violation of chapter	
28-302	Violation of chapter	\$50.00--\$750.00
28-412(3)	Model home directional sign, violations, per sign	\$15.00
28-902	Violation of chapter	

Chapter 30--Subdivision Regulations

30-210	Violation of article 30-II	\$50.00--\$750.00
<i>Chapter 32--Traffic and Vehicles</i>		
32-112(a)	Violation of chapter, generally	\$35.00--\$200.00
32-112(b)	Violation of specific provisions of chapter as listed below:	
	NCC 32-201 Duties of drivers involved in accidents	\$50.00--\$750.00 and/or imprisonment not to exceed 60 days
	NCC 32-419 Driving: Reckless	
	NCC 32-425 Driving: Unauthorized person operating a vehicle	
	NCC 32-426 Driving: Transportation of alcoholic beverages	
	NCC 32-430 Passing: School bus	
	NCC 32-441 Fleeing or attempting to elude a police officer	
32-112(d)	Court fines in addition to fine and/or imprisonment	As determined by the court
32-112(e)	Violation of NCC 32-507 Child passenger restraint system	\$50.00
32-112(f)	Violation of NCC 32-508 Mandatory use of seatbelts	\$10.00
32-112(g)	Violation of NCC 32-409(c) Driving without license	\$100.00--\$750.00 and/or imprisonment not to exceed 60 days
32-112(h)	Violation of NCC 32-447 Improper transportation of a firearm	\$70.00 plus court costs
32-112(i)	Violation of NCC 32-442 Carrying of security verification form while operating vehicle	\$50.00--\$250.00 and/or imprisonment not to exceed 30 days
32-444	Transportation of children by day care centers--citations	\$50.00--\$200.00
32-507	Child passenger restraint system	\$50.00

32-509	Unlawful operation of a motor vehicle while texting	Up to \$100.00
32-717	Parking in accessible parking space prohibited	\$500.00
<i>Chapter 34--Utility Services</i>		
34-101	Violation of chapter	\$50.00--\$750.00 and/or imprisonment not to exceed 60 days
<i>Chapter 36--Zoning</i>		
36-407	Violation of article 36-IV	In accordance with NCC 36-569
36-533	Offenses cited by the Planning and Community Development Department	\$50.00--\$750.00
36-569	Violation of chapter	\$50.00--\$750.00

SECTION 3: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

PASSED AND ADOPTED BY THE CITY OF NORMAN CITY COUNCIL

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NAY

ABSENT

ABSTAIN

Presiding Officer

Attest

Larry Heikkila, Mayor, City of Norman

Brenda Hall, City Clerk, City of Norman