

CITY OF RUSSELLVILLE, KENTUCKY
ORDINANCE NO. 2019-09

**AN ORDINANCE REGULATING UNSOLICITED WRITTEN MATERIALS WITHIN
IN CITY OF RUSSELLVILLE, KENTUCKY**

WHEREAS, the City Council has found unsolicited written materials being left within the city limits of Russellville to be a nuisance to the citizens of Russellville, Kentucky; and

WHEREAS, the City Council and the Mayor, on behalf of the City of Russellville, deem said ordinance as beneficial to the citizens of City of Russellville;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL IN AND FOR THE CITY OF RUSSELLVILLE, KENTUCKY AS FOLLOWS:

- (1) **Definitions.** For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
 - (a) *Code Enforcement Officer.* A city police officer, safety officer, citation officer, or other public law enforcement officer with authority to issue a citation.
 - (b) *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.
 - (c) *Porch.* An exterior appendage to a principal structure leading to a doorway, including any stairway attached thereto.
 - (d) *Premises.* A lot, plot, or parcel of land including any structures, driveways, or other impervious surfaces thereon.
 - (e) *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.
 - (f) *Unsolicited written materials.* Any written materials delivered to premises without the express invitation or permission, in writing or otherwise, by the owner, occupant, or lessee of such premises.

- (2) **Placement of unsolicited written materials.** Unsolicited written materials delivered to premises shall be placed:
 - (a) On a porch, if one exists, nearest the front door; or
 - (b) So that such materials are securely attached to the front door; or
 - (c) Through a mail slot on the front door or principal structure, if one exists, as permitted by the United States Postal Service; or
 - (d) Between the exterior front door, if one exists and is unlocked, and the interior front door; or
 - (e) Where permitted, in a distribution box located on or adjacent to the premises; or
 - (f) Personally, with the owner, occupant, and/or lessee of the premises.
- (3) Notwithstanding the subsections above, an owner, lessee, or occupant maintains the right to restrict entry to his or her premises.
- (4) Unsolicited written materials placed at a premises create a rebuttable legal presumption that the materials were placed at the premises by the owner, agent, manager, and/or authorized distributor of the business, product, good, service, message or idea, which is being advertised, promoted, endorsed, or conveyed in such materials.
- (5) The provisions of this section do not apply to the United States Postal Service.
- (6) Any placement of unsolicited written materials in areas on or adjacent to a premises other than as set forth in paragraph (2) of this section shall be a violation of this section, classified as a civil offense, and may be enforced by issuance of a civil citation by a code enforcement officer, consistent with the provisions of Chapter 35 § 35.90-35.103 of the City of Russellville Code of Ordinances.
- (7) The placement of unsolicited written materials at each separate premises and/or on each separate date shall constitute a violation under this Ordinance.
- (8) **Civil penalty.** The civil penalty for each violation of this section shall be a maximum of two hundred dollars (\$200) per violation.
- (9) **Code enforcement Board.** The administrative hearing board established in Chapter 35 of the City of Russellville Code of Ordinances shall be the code enforcement board having authority to determine whether there has been a violation of this section. Administrative review of citations shall adhere to those procedures set forth in Chapter 35 of the Code through the use of the Code Enforcement Board.

- (10) **Severability.** In the event any provision of this Ordinance is invalid for any reason, such invalidity shall not affect any other provisions.
- (11) All portion of any ordinance or rule or regulation in conflict herewith are hereby repealed to the extent of that conflict one.
- (12) This Ordinance shall become effective upon its passage and publication according to law.

FIRST READING conducted on the 8th day of October, 2019.

SECOND READING conducted and **PASSAGE** on the 22nd day of October, 2019.

APPROVED BY:



Mark Stratton
Mayor

ATTEST:



Robert F. Nishibun
City Clerk

At a meeting of the City Council of the City of Russellville, Kentucky, held on October 22nd, 2019, the foregoing ordinance was adopted, after full discussion, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAINING:

Jimmy Davenport
Pat Bell
Sandra Kinser
Diana Walker
Larry Wilcutt

Darlene Gooch