

**CITY OF DAYTON  
ORDINANCE NO. 2019#15**

**AN ORDINANCE REQUIRING THAT THE DELIVERY OF UNSOLICITED WRITTEN MATERIALS TO A PREMISES BE PLACED ON THE FRONT PORCH, THROUGH A MAIL SLOT, SECURELY ATTACHED TO THE FRONT DOOR, BETWEEN THE EXTERIOR AND INTERIOR FRONT DOOR, IN A DISTRIBUTION BOX, OR PERSONALLY WITH THE OWNER/OCCUPANT AND FURTHER CLASSIFYING A VIOLATION OF THIS ORDINANCE AS A CIVIL OFFENSE.**

**WHEREAS**, the City of Dayton, Kentucky (“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, and driveways, 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 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 damage private property; and do not interfere with private property; and

**WHEREAS**, this Ordinance is an effort to reduce unwanted litter and visual blight caused by unsolicited written materials on public property and the yards and driveways of private premises; to prevent damage to 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 OF DAYTON, CAMPBELL COUNTY, KENTUCKY AS FOLLOWS:**

Section I

That a new section of the Code of Ordinances for the City of Dayton shall be created as follows:

**§ 94.10 – Unsolicited Written Materials**

(A) **Definitions.** For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

1. *Citation Officer.* A person authorized by state law or local Ordinance to issue a citation for a violation of this Ordinance.
2. *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 Ordinance.
3. *Porch.* An exterior appendage to a principal structure leading to a doorway, including any stairway attached thereto.
4. *Premises.* A lot, plot, or parcel of land including any structures, driveways, or other impervious surfaces thereon.
5. *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.
6. *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.

(B) **Placement of Unsolicited Written Materials.** 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.

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

(D) Unsolicited written materials placed at a premises create a rebuttable 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.

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

(F) Any placement of unsolicited written materials in areas on or adjacent to a premises other than as set forth in subsection (b) of this Ordinance shall be a violation of this Ordinance, classified as a civil offense, and may be enforced by issuance of a civil citation by a citation officer, consistent with Chapter 38 of City Ordinance or as it may be amended.

(G) **Civil Penalty.** The civil penalty for each violation of this Ordinance shall in accordance with the City Civil Fine Schedule as outlined in City Ordinance 38.15.

## Section II

This ordinance shall be in full force and effect from and after its adoption, approval and publication as is required by law.

**PASSED** by City Council of the City of Dayton, Campbell County, Kentucky assembled in regular session.

First Reading: 8-6-19  
Second Reading: 9-3-19

  
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MAYOR BEN BAKER

ATTEST:

  
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DONNA LEGER  
CITY CLERK/TREASURER