ORDINANCE # 2018-24
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ADOPTION **INTRODUCTION**

CITY OF COVINGTON
STATE OF LOUISIANA

ORDINANCE NUMBER 2018-24

AN ORDINANCE OF THE CITY OF COVINGTON AMENDING THE FOLLOWING PROVISIONS OF THE COVINGTON CODE OF ORDINANCES: CHAPTER 42 ENVIRONMENT, TO ADD ARTICLE VI. DISTRIBUTION OF PRINTED MATERIAL

WHEREAS, residents regularly express a desire to be able to halt the distribution of unwanted printed matter with respect to their private properties; and

WHEREAS, residents regularly contact distributors, publishers, and the City with respect to the distribution of printed matter disturbing the peaceful possession of properties; and

WHEREAS, the distribution of unwanted printed matter creates an unwelcome burden of maintenance for residents and the City; and

WHEREAS, repeated requests by residents for distributors and publishers not to deliver unsolicited printed matter to their properties are not always addressed; and

WHEREAS, unsolicited printed matter often accumulates on properties without the knowledge of residents, especially when such residents are vacationing or otherwise away from home; and

WHEREAS, the unchecked accumulation of printed matter on properties hinders efforts to limit filth and prevent blight; and

WHEREAS, the accumulation of printed matter upon a residential premises creates an appearance of vacancy that encourages criminal behavior dangerous to the public; and

WHEREAS, the City has received reports that unsolicited printed matter has contributed to damaging property, including but not limited to causing or contributing to sewage and/or drainage backups; and

WHEREAS, the City is committed to protecting the residents of the City of Covington from activities that are injurious or detrimental to the public health, safety and welfare; and

WHEREAS, the Covington City Council deems these amendments appropriate to protect the health, safety and welfare of the citizens of Covington; and

WHEREAS, the Covington City Council has held its public hearing in accordance with law.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Covington, at its regular session convened, that Chapter 42 Environment, shall be amended to include Article VI. Distribution of Printed Matter, to read as follows:

Article VI. Distribution of Printed Matter

Sec. 42-142. Purpose.

A. The purpose of this article is to provide for the protection and promotion of the public health, safety and welfare by regulating the distribution of unsolicited printed matter, which when unchecked negatively impacts the quality of life, safety, and health of neighborhoods, disturbs the peaceful possession of property, facilities the accumulation of filth, sewerage, garbage, refuse, and debris, and contributes to damaging property, including but not limited to sewerage and/or drainage backups.

Sec. 42-143. Definitions.

For the purposes of this chapter, the following terms and phrases when used in this article shall have the respective meanings ascribed to them in this section, unless a definite meaning clearly appears from the context:

Distributed printed matter shall mean solicited printed matter and unsolicited printed matter;

Front door shall mean a door to any residential structure on residential property that faces a street or private street or, if no door faces a street or private street, then the door to the structure that is nearest to a street or private street;

Residential property shall mean any property used wholly or in part for residential purposes whether inhabited or vacant;

Solicited printed matter shall mean any printed matter that is delivered to any person or residential property with the express invitation or express permission in writing (or otherwise) of the proprietary party or corresponding representative; and

Unsolicited printed matter shall mean any printed matter that is delivered to any person or residential property without the express invitation or express permission in writing (or otherwise) of the proprietary party or corresponding representative;

Sec. 42-144. Solicited Printed Matter.

A. This article shall not in any way provide for the regulation of solicited printed matter; additionally, it shall not be unlawful for a person to:

(1) Cause solicited printed matter to be thrown or deposited upon residential property if the delivery of said solicited matter is made pursuant to an express invitation or permission for delivery;

(2) Deposit solicited printed matter into a receptacle that is attached to a mailbox post or support but separate from the mailbox;

(3) Deposit solicited printed matter into a receptacle lawfully located upon any street or public place, provided said person is authorized to deposit such solicited printed matter into said receptacle; or

(4) Distribute solicited printed matter to any person willing to accept it.

Sec. 42-145. Unsolicited Printed Matter.

A. It shall be unlawful for any person to cause unsolicited printed matter to be deposited upon any residential property included on the City-maintained "Do Not Toss" List, as referenced in Section 42-146, except by:

(1) Placing and securing it at the entryway nearest the front door;

(2) Attaching it securely to the front door;

(3) Putting it through a mail slot on or near the front door;

(4) Putting it between the exterior front door and the interior front door; or

(5) Handing it personally to the proprietary party of the premises.

B. Notwithstanding the provisions of subsection A above, it shall not be unlawful for a person to:

(1) Deposit unsolicited printed matter into a receptacle lawfully located upon any street or public place, provided said person is authorized to deposit such unsolicited printed matter into said receptacle; or

(2) Distribute unsolicited printed matter to any person who accepts it.

Sec. 42-146. "Do Not Toss" List.

A. The City, through the Clerk of the Council, shall maintain a "Do Not Toss" List of addresses where the respective proprietary parties of such residential properties have requested that the distribution of unsolicited printed matter upon said properties be prohibited except by those methods delineated in subsection A of Section 42-145 above.

(1) When the Building Permit/Code Enforcement Department deems a property to be abandoned, vacant, or blighted (as respectively defined in this Code), the City may include the address of said property on the "Do Not Toss" List.

B. The City, through the Clerk of the Council, shall update the City website on a regularly-scheduled basis so as to make readily available to the public an accurate and current list of addresses associated with the "Do Not Toss" List; and, upon request, the City shall distribute a date-referenced copy of the "Do Not Toss" List to any publisher or distributor of printed matter.

Sec. 42-147. United States Mail Exempted.

A. The provisions of this article shall not apply with regard to the distribution of mail by the United States.

Sec. 42-148. Enforcement.

A. The building official and code enforcement officer are authorized to enforce the provisions of this article and to adopt rules and regulations for the proper administration and enforcement of this article, especially with respect to continuous or systematic offenses at a property or neighborhood.

B. In addition to all other powers and remedies provided by law, any violation of this article shall be punished as provided in Section 1-8 of this Code.

C. For the purposes of this article, each occurrence of a violation shall constitute a separate violation.

BE IT FURTHER ORDAINED that all other sections of Chapter 42 Environment shall remain the same and in full force.

BE IT FURTHER ORDAINED that if any provision of this ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this ordinance are hereby declared to be severable.

WHEREUPON, this ordinance having been submitted in writing, having been read by title and adopted at a public meeting of the City Council of the City of Covington, State of Louisiana, was then submitted to an official vote as a whole, the vote thereon being as follows:

MOVED FOR ADOPTION by O'Keefe, seconded by Callahan

YEAS: 7 **ABSENT:** ~~0~~

NAYS: ~~0~~ **ABSTAIN:** ~~0~~

PASSED AND ADOPTED this 23rd day of October, 2018.

PATRICK McMATH
COUNCIL PRESIDENT

Bonnie D. Champagne
BONNIE D. CHAMPAGNE
COUNCIL CLERK

Presented to the Mayor this 24th day of October, 2018, at 12:00 o'clock P.M.

Bonnie D. Champagne
BONNIE D. CHAMPAGNE
COUNCIL CLERK

Approved ✓ or Vetoed ___ by the Mayor on this 24th day of October, 2018.

MICHAEL B. COOPER
MAYOR

Received from the Mayor on the 24th day of October, 2018, at 3:00 o'clock P.M.

Bonnie D. Champagne
BONNIE D. CHAMPAGNE
COUNCIL CLERK