

AN ORDINANCE RELATING TO SOLID WASTE; CREATING NEW PROVISIONS;  
AMENDING SRC 47.245

**Section 1.** The following SRC 47.231, is added to SRC Chapter 47:

**(a) Definitions.** Unless the context otherwise specifically requires, as used in this section, the following words and phrases mean:

(7) Unsolicited written materials means any written materials, delivered to any premises, without the express invitation or permission, in writing or otherwise, by the occupant of such premises.

(2) On a porch, if one exists, nearest the front door of the principal building; or

- (3) So such materials are securely attached to the front door; or
- (4) Through a mail slot for the principal building, if existent, as permitted by the United States Postal Service Domestic Mail Manual, §508 Recipient Services, Subsection 3.1.2; or
- (5) Between the screen door or storm door to the front door, if existent and unlocked, and the interior front door; or
- (6) Personally with the occupant of the premises.

(c) Notwithstanding subsection (b) of this section, an occupant retains the right to restrict entry to the occupant's premises.

(d) The placement of unsolicited written materials at a premises creates a rebuttable presumption that the unsolicited written materials were placed at the premises by the publisher of the unsolicited materials.

(e) This section does not apply to the United States Postal Service.

**Section 2.** SRC 47.245 is amended to read:

**SRC 47.245. Violations.**

(a) Violation of SRC 47.035, 47.080, 47.135, 47.145, 47.155, 47.165, 47.175, 47.185, 47.195(b), 47.200, 47.205, ~~and~~ 47.210, and 47.231 is an infraction and is punishable by a fine of not less of \$100 and not more than \$250. The second and subsequent violation in any one year period is punishable by a fine of \$250.

(b) Violation of SRC 47.195(a), 47.220, SRC 47.225 and SRC 47.230 is a misdemeanor.

(c) Each day that a violation continues shall constitute a separate violation.

**Section 3. Severability.** Each section of this ordinance, and any part thereof, is severable, and if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

PASSED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2011 .

ATTEST:

City Recorder

Approved by City Attorney: \_\_\_\_\_

Checked by: B. Rogers

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