

**ORDINANCE NO. 293
OF THE
CITY OF FRUITLAND**

**AN ORDINANCE OF THE CITY COUNCIL OF FRUITLAND, MARYLAND, TO
PROHIBIT THE DELIVERY OF PUBLICATIONS TO PRIVATE PROPERTY OWNERS WHO
HAVE NOT REQUESTED THE SERVICE.**

WHEREAS, the City has received complaints from citizens regarding the delivery of unwanted newspapers, handbills and similar publications, their inability to stop the deliveries, and their concern about the unwanted publications being delivered when they were out of town and collectively in the yard leading to potential criminal activity; and

WHEREAS, a number of citizens have reported that at their request the publications have been stopped for limited periods of time, but thereafter resumed; and

WHEREAS, such papers are frequently thrown or otherwise deposited on property without the knowledge of the owner or tenant, and thereafter clog gutters and drains thereby causing street and yard flooding; and

WHEREAS, a prohibition of such deliveries will apply to all such unsolicited publications without regard to content, subject matter or viewpoint; and

WHEREAS, the City Council has determined that it is in the best interest of the City and its citizens to prohibit the delivery of unsolicited publications to private property within the City; and

WHEREAS, delivery of publications by mail, by handing directly to the recipient, or by placing a newspaper in a newspaper receptacle provided by or for the recipient would not be subject to the prohibition; and

WHEREAS, an exception should be created for political publications near the time of elections and referendum; and

WHEREAS, the City desires to add a new chapter 95, title IX. General Regulations to the Code to prohibit delivery of unsolicited publications.

BE IT THEREFORE ENACTED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRUITLAND, MARYLAND, that chapter 95 be added to the Fruitland Municipal Code as follows:

CHAPTER 95. Delivery of Unsolicited Publications

Sections:

Section 1: Definitions.

(a) *Deliver* means to distribute, deposit, throw, cast or place, or cause or permit to be distributed, deposited, thrown, cast or placed, a publication, directly or indirectly by a contractor, agent, employee or otherwise on or about public or private property within the City, but shall not include delivery by the United States Postal Service, delivery by handing a publication directly to the owner or occupant, or by placing the publication in a receptacle or container expressly maintained by the owner or occupant of the property for the receipt of such deliveries.

(b) *Distributor* means a person who engages in the business of circulating or delivering such publications.

(c) *Person* shall include an individual, corporation, partnership, limited liability company, or any other group or entity, including its agents.

(d) *Publication* means any printed material, whether printed in broadsheet, tabloid, handbill, or other sheet or booklet form, and shall include without limitation a newspaper, any collection of advertising or collections appended together in booklet or magazine form, and any other similar documents.

(e) *Publisher* means a person that engages in the business of printing and issuing for circulation, or causing to be printed and issued for circulation, a publication.

(f) *Unsolicited publication* means a publication to which no owner or occupant of the premises to which it is delivered currently subscribes or has requested.

Section 2: Litter Regulations.

(a) Depositing of unsolicited publications is prohibited. It shall be unlawful for any person, in person, or by his agent, employee or servant, to deliver, as defined above, in or upon any public way, other public place, or any drain, sewer or receiving basin, or any private property within the jurisdiction of the City, any unsolicited publication as defined above.

(b) Provided, that this section shall not apply to the delivery of publications under a permit authorized by an ordinance of the City.

(c) Provided further, that this section shall not apply to publications of a political nature, whether or not directly related to a particular candidate, placed at or near an entrance door of an occupied residence not more than sixty (60) days prior to a municipal, county, state or federal election, or in anticipation of a matter of public interest before such legislative bodies.

Section 3: Administration.

(a) The City Manager is directed to develop a procedure within the parameters of this Ordinance, which procedure will provide for a method by which the City may efficiently resolve the problems created by the delivery of unsolicited publications in an efficacious, but economical, manner.

(b) In fulfillment of (a) above, the City Manager may establish a system by which citizens may report to City complaints of deliveries.

(c) In the event that the City Manager, taking into consideration such things as prior experience with a distributor and/or publisher, the number of deliveries made, whether the distributor retrieves some or all of them after complaints, and number of complaints for such other matters as may be warranted, determines that a violation warrants a warning, he may so warn rather than citing a violation.

(d) A warning given pursuant to (c) above may be by mail, fax, electronic mail or telephone, but in any event shall be documented in the City's files.

Section 4: Penalty.

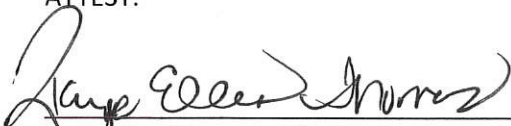
(a) Any person violating any of the provisions of this chapter shall be guilty of a municipal infraction and shall be subject to a fine not less than Five Hundred Dollars (\$500.00) for the first offense, and not more than One Thousand Dollars (\$1,000.00) for each offense thereafter.

(b) Subject to Section 3(c) and (d) above, upon determination that a violation has occurred, the City Manager, or his designee, shall issue a Municipal Infraction citation to the publisher, distributor, or both.

(c) Each unsolicited delivery shall constitute a violation; provided, however, that a general delivery to several addresses by the same publisher and/or distributor on the same day shall be considered one (1) violation.

The above Ordinance was introduced and first read to the Fruitland City Council at its meeting held on July 9, 2019 and passed at a regularly scheduled meeting of the Fruitland City Council held on August 13, 2019, having been published and a public hearing having been held as required by law in the meantime.

ATTEST:



Raye Ellen Thomas, City Clerk

FRUITLAND CITY COUNCIL



Darlene Kerr, President



Raymond D. Carey, Treasurer



Mark D. Miciotto



Richard Lee Outen, Jr.



Michael A. Hammond

Effective Date: September 1, 2019