

ORDINANCE NO. _____

AN ORDINANCE REGULATING THE DISTRIBUTION OF
CERTAIN TYPES OF UNSOLICITED MATERIALS IN ORDER
TO REDUCE LITTER IN THE CITY

WHEREAS, the City Council of the City of Foley has found that the uncontrolled and unregulated distribution of most types of unsolicited published materials is a major source of litter on both public and private properties; and

WHEREAS, the City Council of the City of Foley has found and declared litter to be a public nuisance and contrary to the health and welfare of the community; and

WHEREAS, the City desires to reduce and eliminate litter in the City;

NOW, THEREFORE, be it ordained by the City Council of the City of Foley as follows:

Section 1. That the Foley Code of Ordinances, Chapter 9, Article II, Division 1, Section 9-21. "Definitions" is hereby amended to add the following definitions:

Handbill. Any printed or written matter, sample, device, dodger, circular, leaflet, pamphlet, magazine, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature that is not included in the definition of a "newspaper" or "phone book" and that is not delivered by an employee or contractor of the United States Postal Service into a mail receptacle.

Newspaper. A publication that is published at short, regular intervals, usually not exceeding one week, that routinely reports on a myriad of topics and that is mailed under the second class mailing privilege of the United States Postal Service from a post office where it is published at least 51 weeks a year.

Phone Book. A directory containing an alphabetical list of telephone subscribers and their telephone numbers.

Solicited Handbill. A handbill delivered and left on public or private property at the request and advance, express permission or subscription by the owner or the occupant of the premises.

Unsolicited Handbill. Any handbill delivered, distributed or otherwise left on public or private property, including vehicles, without the owner or occupant of the property expressly requesting or subscribing to the same in advance.

Section 2. That the Foley Code of Ordinances, Chapter 9, Article II, Division 1, Section 9-21. “Definitions” is hereby amended to replace the current definition of “litter” with the following definition:

Litter. All garbage, refuse, uncontainerized manmade solid waste, including but not limited to, paper, plastic, diapers, cigarette butts, bottles, cans, glass, crockery, scrap metal, unsolicited handbills, construction materials, rubbish, disposable packages or containers.

Section 3. That the Foley Code of Ordinances, Chapter 9, Article II, Division 1, Section Sec. 9-29.8 Exceptions is hereby created to read as follows:

Sec. 9-29.8. Exceptions.

Notwithstanding anything contained in this Article to the contrary, the delivery of mail by the United States Postal Service into mail receptacles, and the distribution of newspapers, phone directories, and solicited handbills that are

placed on public or private property in such a manner as to prevent them from being carried, damaged, or moved by the elements of nature shall not constitute litter or the act of littering.

Section 4. That all ordinances which are in conflict with the foregoing are hereby repealed to such extent required to eliminate the conflict.

Section 5. That this ordinance shall become effective immediately upon its publication as required by law.

Done this the _____ day of _____, 2013.

PRESIDING OFFICER

ATTEST:

CITY CLERK