

**2019-0350**

**INTRODUCED BY: JULIA FISHER-PERRIER, COUNCILWOMAN, DISTRICT VII**

**ORDINANCE NO. 19-12-3**

An ordinance to amend the St Charles Parish Code of Ordinances Chapter 16, Nuisances to add Article V. Distribution of Printed Matter Sections 16-53 to 16-59, to establish provisions with respect to the distribution of solicited and unsolicited printed matter, and otherwise providing with respect thereto.

- 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 Parish 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 Parish; 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,** this Council 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 Parish Council may enact any ordinance necessary, requisite or proper to promote, protect, and preserve the general welfare, safety, health, peace and good order of St. Charles Parish.

**THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:**

**SECTION I.** That the Code of Ordinances, Chapter 16, Nuisances be hereby amended by adding Article V. Distribution of Printed Matter Sections 16-53 to 16-59 as follows with new text underlined and deleted text in ~~strikethrough~~:

**ARTICLE V. DISTRIBUTION OF PRINTED MATTER**

**Section 16-53. Purpose.**

The purpose of this article is to promote, protect, and preserve the general welfare, safety, health, peace, and good order of St. Charles Parish 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, facilitates the accumulation of filth, sewerage, garbage, refuse, & debris, and contributes to damaging property, including but not limited to sewerage and/or drainage backups.

**Section 16-54. Definitions.**

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

- (a) *Distributed printed matter* shall mean solicited printed matter and unsolicited printed matter.
- (b) *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.
- (c) *GIS* shall mean the Geographic Information Systems Office.
- (d) *P&Z* shall mean the Planning and Zoning Department.
- (e) *Residential property* shall mean any property used wholly or in part for residential purposes whether inhabited or vacant.
- (f) *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.
- (g) *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.

**Section 16-55. 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 printed 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.

**Section 16-56. 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 P&Z/GIS-maintained "Do Not Toss" List, as referenced in Section 16-57, except by:  
(1) Placing it at the entryway nearest the front door;  
(2) Putting it between the exterior front door and the interior front door; or  
(3) 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.

**Section 16-57. "Do Not Toss" List.**

- (a) P&Z in coordination with GIS 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 16-56 above.  
(1) When P&Z deems a property to be abandoned, vacant, or blighted (as respectively defined in this article), P&Z may include the address of said property on the "Do Not Toss" List.  
(b) P&Z and GIS shall update the Parish 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, P&Z shall distribute a date- referenced copy of the "Do Not Toss" List to any publisher or distributor of printed matter.

**Section 16-58. United States Mail Exempted.**

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

**Section 16-59. Enforcement.**

- (a) P&Z is authorized to enforce the provisions of this article and to adopt rules & regulations for the proper administration & enforcement of this article.  
(b) Any person found guilty of violating any of the provisions of this article shall be guilty of a misdemeanor and subject to a fine of not more than five hundred dollars (\$500.00) plus court costs.  
(c) For the purposes of this article, each occurrence of a violation shall constitute a separate violation.

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

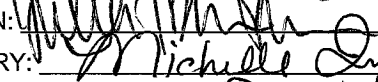
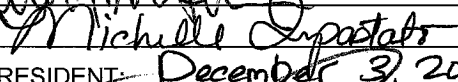
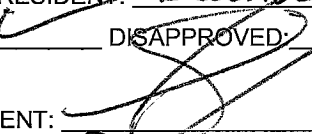
YEAS: BENEDETTO, HOGAN, WILSON, CLULEE, GIBBS, WOODRUFF,  
BELLOCK, FLETCHER, FISHER-PERRIER

NAYS: NONE

ABSENT: NONE

And the ordinance was declared adopted this 2nd day of December, 2019. The provisions of this ordinance shall become effective January 1, 2020.

2019-0350 Amend Code-Chapter 16-add Article V Distribution of Printed Matter (.docx)

CHAIRMAN:   
SECRETARY:   
DLVD/PARISH PRESIDENT: December 3, 2019  
APPROVED:  DISAPPROVED: \_\_\_\_\_  
PARISH PRESIDENT: \_\_\_\_\_  
RETD/SECRETARY: December 5, 2019  
AT: 4:15pm RECD BY: 