

**BOROUGH OF OAKLAND
ORDINANCE NO. 21-CODE-823**

**AN ORDINANCE TO AMEND AND SUPPLEMENT
CHAPTER 3 "POLICE REGULATIONS", SECTION 3-1.8
"DISTRIBUTION OF HANDBILLS AND CIRCULARS
PROHIBITED; EXCEPTIONS" TO REGULATE THE
DELIVERY OF HANDBILLS, CIRCULARS AND OTHER
PRINTED MATERIALS TO PRIVATE PREMISES.**

WHEREAS, it has come to the attention of the Mayor and Council that regulations are necessary for the delivery of handbills, circulars and other printed materials to private residences; and

WHEREAS, the Mayor and Council have determined that it would be in the best interest of the citizens of the Borough of Oakland enact an Ordinance regulating such deliveries.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Oakland as follows:

SECTION I

Chapter 3 of the Code of the Borough of Oakland "Police Regulations", Section 3-1.8 "Distribution of Handbills and Circulars Prohibited; Exceptions" is hereby repealed and replaced in its entirety as follows:

3-1.8A. **DEFINITIONS.** - Handbills, circulars and printed materials

For the purposes of this chapter, the following terms have the meanings indicated:

1. **Printed matter or printed materials** - All newspapers, shoppers, circulars, leaflets, flyers, handbills, commercial and noncommercial, and all similar materials.
2. **Unsolicited** - The printed matter referred to herein which has not been ordered, subscribed to or requested by the recipient.

3-1.8B. **DISTRIBUTION OF PRINTED MATERIALS IN PUBLIC PLACES.**

No person shall throw or distribute any printed material in or upon any sidewalk, street or other public place within the Borough of Oakland or in or upon any unoccupied motor vehicle.

3-1.8C. DELIVERY OF PRINTED MATERIALS TO PRIVATE PREMISES.

It shall be unlawful for any person to deliver or deposit or for any person, firm or corporation to cause the delivery or deposit of any unsolicited printed material to or upon private premises within the Borough of Oakland, except in accordance with the terms hereof.

301.8D. PERMITTED DELIVERY TO PRIVATE PREMISES.

Printed matter may be delivered to private premises when delivered in accordance with the following:

1. Printed matter shall be placed only within a permanently installed appurtenance to the premises designed and designated for the receipt of such printed matter, or if there is none, it shall be placed on the ground or floor at a point beneath the place where such premises receives its mail or within a three-foot radius of that point.
2. Printed matter which plainly bears upon it an address to which a written notice indicating the recipient's desire to cease future delivery of the particular item of printed matter may be sent, may at all times be delivered to private premises unless delivery is prohibited pursuant to the terms of §3-1.8E.

3-1.8E. PREMISES TO WHICH DELIVERY OF PRINTED MATTER IS PROHIBITED.

It shall be a violation of this chapter when unsolicited printed matter is intentionally delivered to a private premises after the owner or tenant of said premises has notified the publisher or the delivery person, or in the case of printed matter referred to in §3-1.8D2 hereof, after the owner or tenant of the premises has provided notice by certified mail, return receipt requested, at the address so indicated, that delivery shall cease or be suspended for a stated period of time.

3-1.8F. VIOLATIONS AND PENALTIES.

Any person, firm or corporation convicted of a violation of any provision of this chapter shall be subject to a fine of not more than \$500. Each delivery in violation of the terms hereof shall be deemed a separate offense.

SECTION II

All other parts, portions and provisions of Chapter 3 of the Code of the Borough of Oakland are hereby ratified and confirmed, except in the event of an inconsistency with the foregoing. In the event of any such inconsistency, the terms and provisions of Section I hereof shall be deemed to govern.

SECTION III

Should any part, portion or provision of this Ordinance be held unconstitutional or invalid, such decision shall not affect the validity of this Ordinance as a whole, or any other part thereof.

SECTION IV

This Ordinance shall take effect immediately upon publication and final passage according to law.

Linda H. Schwager, Mayor

ATTEST:

Lisa M. Duncan, Borough Clerk