

distributed and shall be signed and duly acknowledged by an individual, or in the case of an organization, business, or other entity, by the authorized agent or representative who shall agree to accept responsibility for (i) the receipt of the opt-out list of residents and property owners described in section 34-33 above, and (ii) any notice of violations by delivery persons and carriers with the provisions of this Article.

Upon receipt of a completed application and a \$100.00 application fee, the City Clerk shall administratively issue the license unless the City Council previously has revoked or declined to renew a license previously held by Applicant. If the City Council previously has revoked or declined to renew a license application by the same Applicant, then the City Clerk shall forward the Application to the City Council who shall decide whether to issue the license.

Sec. 34.35. License Renewal: The City Clerk shall administratively renew the license annually upon payment of the annual \$100.00 license fee unless the Applicant has violated this Article on five (5) or more separate days during the prior calendar year.

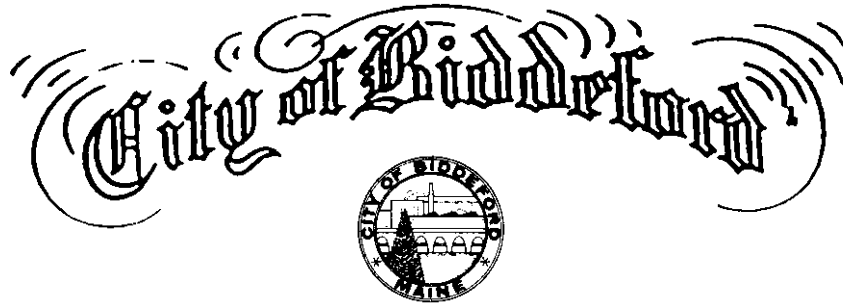
If the Applicant has violated this Article on five (5) or more separate days during the prior calendar year, a hearing before the City Council shall be held to determine if the license shall be renewed. A license holder may continue to distribute print or other written material in accordance with this Article after the expiration of its license until a decision by the City Council denying the license renewal.

The license shall be renewed by the City Council if at the conclusion of the hearing the City Council determines:

1. The violations have been reasonably corrected or are expected to be corrected in the future; and
2. The violations that have occurred in the past are not expected to occur in the future; and
3. An agreement has been entered into that provides relief for the residents or property owners that have been adversely impacted by the license holder; and
4. That there are no mitigating circumstances warranting a denial of the license renewal.

An annual administrative fee of one hundred dollars (\$100.00) shall be due and payable by December 1 of each year to accompany the license application or renewal. The license may not be issued until all outstanding penalties, fees, attorney fees, court costs, and any other charges have been paid.

Sec. 34-36. Prohibition of Delivery to Opt-Out Properties: No person, organization, business, or other entity, or their employees, authorized agents or representatives, including but not limited to the authorized agent described in section 34-34 thereof and their delivery



persons and carriers, shall deliver, distribute, throw, cast or place or cause or permit to be delivered, distributed, thrown, cast, or placed any unsolicited print or other written materials of any nature whatsoever upon the premises of any City resident or property owner who has requested that such print or other written materials not be delivered to their property and whose address has been listed with the City pursuant to section 34-33 hereof.

This section shall not apply to persons, organizations, businesses, or other entities, or their agents or representatives, who distribute or deliver unsolicited print or other written materials upon the property of any City resident on no more than two occasions in any calendar year.

Sec. 34-37. Delivery in Public Places: No person, organization, business or other entity shall throw, cast or place in or upon any City right-of-way, street, avenue, highway or sidewalk any unsolicited print or other written material, including but not limited to newspapers, handbills, circulars, advertising and cards.

This section shall not apply to public service announcements or notices distributed by the City or a Department of the City. Such announcements or notices shall be placed on the driver's side of the windshield of the vehicle.

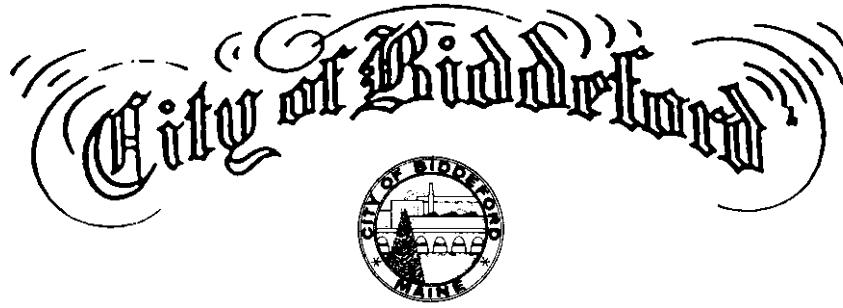
Sec. 34-38. Required Removal from Public Places: Any person, organization, business, or other entity, or their agents or representatives, that delivers or distributes any unsolicited print or other written materials shall collect and remove all of its print or other written materials, from the City right-of-ways, streets, avenues, highways, sidewalks, and all other locations set forth in section 34-37 within seventy-two (72) hours from the time of delivery.

Sec. 34-39. Required Removal of Uncollected Items: Any lawfully delivered items that are not collected by the resident or property owner must be removed by the person, organization, business, or other entity distributing such materials within seventy two (72) hours from the time of delivery.

This section shall not apply to persons, organizations, businesses, or other entities, or their agents or representatives, who distribute or deliver unsolicited print or other written materials upon the property of any City resident or property owner on no more than two occasions in any calendar year.

Sec. 34-40. Violations and Penalties:

1. Penalties for Violations. Any person, organization, business or other entity that violates any provisions of this Article may be subject to a minimum penalty of \$100.00 and a maximum penalty of \$2,500.00 per violation. Provided, however, that



any person, organization, business or other entity that fails to obtain or renew a license in accordance with this Article may be subject to a minimum penalty of \$500.00 and a maximum penalty of \$2,500.00 per violation. The amount of the penalty assessed by the City shall be based upon the frequency and severity of the violation(s) and whether the violation(s) was corrected within a reasonable time.

2. Revocation of License. The City Council, after notice and hearing may revoke the license of any person, organization, business or other entity that has violated this Article on five (5) or more separate days in a calendar year or who has failed to pay any fines, penalties and costs assessed under this Article.
3. Recovery of Costs. In any action that the City initiates to enforce the provisions of this Article, the City if it is the prevailing party shall be entitled to recover its reasonable costs, including attorneys fees and court costs.

Sec. 34-41. Severability: If any section or provision of this Article is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

NOTE: This new ordinance was reviewed by the Policy Committee at their August 14, 2017 meeting and voted unanimously to forward to City Council for approval.

September 19, 2017

Motion by Councilor Ready, seconded by Councilor McCurry to grant the first reading of the ordinance amendment.

Vote: Unanimous.