

Chapter 54

UNSOLICITED PAPERS

- § 54-1. Definition.
- § 54-2 Compliance required.
- § 54-3 Resident Complaint process.
- § 54-4 Violation and penalties.

[HISTORY: Adopted by the Mayor and Town Commissioners of the Town of Perryville 6/1/10 as Ordinance # 10-1.]

“Section 54-1. Definition

- (a) *Deliver* means to deliver, distribute, deposit, throw, cast or place, or cause or permit to be delivered, deposited, thrown, cast or placed, a publication, directly or indirectly by contractor, agent, employee or otherwise, but shall not include delivery by the United States Postal Service, delivery by handing or transmitting directly to the owner or occupant then present on the property, or delivery by placing within a receptacle or container expressly maintained by the owner or occupant of the property for the receipt of newspaper deliveries.
- (b) *Distributor* means an entity who engages in the business of circulating or delivering newspapers.
- (c) *Publication* means any printed material issued monthly or more frequently, including a newspaper of general circulation as defined by general law, any collection of advertising or solicitations appended together in booklet or magazine form and any newspaper distributed without cost to or subscription by the recipient.
- (d) *Publisher* means a person who engages in the business of printing and issuing for circulation, or causing to be printed and issued for circulation, a publication.
- (e) *Unsolicited publication* means a publication to which no owner or occupant of the premises to which it is delivered currently subscribes or has not requested.

Section 54-2. Compliance Required

- (a) Any publisher delivering or causing delivery of an unsolicited publication to a location within the Town of Perryville shall:

Perryville Code – Chapter 54 Unsolicited Papers

- (1) Provide reasonable methods, including but not limited to, telephonic means, e-mail means and regular mail means, to allow owners and/or occupants of premises located within the Town of Perryville to communicate to the publisher that they do not wish to receive the unsolicited publication issued by the publisher;
 - (2) Notice of all such methods for do not deliver request shall be regularly included in, on or with the unsolicited publications issued by the publisher, printed in at least 12 point boldface type that includes “If you no longer wish to receive this publication” and then provide the methods, as required above, to allow owners and/or occupants of premises located within the Town of Perryville to communicate to the publisher that they do not wish to receive the unsolicited publication issued by the publisher;
 - (3) Implement a process or system whereby the address of any person making a request for no delivery pursuant to section 2(a)(1) above is, within two (2) weeks of its receipt, communicated to any and all applicable distributors responsible for distributing the unsolicited publication issued by the publisher;
 - (4) Communicate, within two (2) weeks of their receipt, the addresses of all persons making requests for no delivery made pursuant to section 2(a)(1) above to all applicable distributors pursuant to the process or system implemented pursuant to section 2(a)(3) above;
 - (5) Implement and communicate to the requesting person a means of tracking requests for no delivery made pursuant to section 2(a)(1) above, including, by way of example, the assignment of a tracking number or some other reference system, so as to allow all persons making such requests to reference same in the event there is the need for follow-up, further communication or complaint.
 - (6) Implement and utilize a process or system to timely follow up with all applicable distributors to ensure compliance with requests made pursuant to section 2(a)(1) above;
 - (7) The requirements set forth in paragraphs (a)(1) through (a)(6) above shall not apply to requests made by residents for temporary cessation of deliveries.
- (b) Any distributor delivering unsolicited publications within the Town of Perryville shall:
- (1) Not distribute to any address where the owner or occupant has made a request for no delivery pursuant to section 2(a)(1) above and such request has been communicated to the distributor by the publisher pursuant to sections (a)(3) and (a)(4);

Perryville Code – Chapter 54 Unsolicited Papers

- (2) Implement and utilize a system or procedure for tracking and executing a publisher's direction regarding requests for no delivery made pursuant to section (a)(1);
- (3) Upon written request from the Town of Perryville provide the Town of Perryville with facts, information and details related to complaints received by the Town of Perryville from a resident regarding delivery of an unsolicited publication after making a request pursuant to section (a)(1);
- (4) The requirements set forth in paragraphs (b)(1) through (b)(3) above shall not apply to requests made by residents for temporary cessation of deliveries.

Section 54-3 Resident Complaint Process

- (a) Any resident of the Town of Perryville wishing to make a complaint regarding delivery of an unsolicited newspaper in violation of this Ordinance to the property at which they reside or which they own shall provide the following information to the appropriate Town of Perryville employee:
 - (1) The name of the requesting person;
 - (2) The address that was the subject of the request;
 - (3) The date and method used to make the no delivery request;
 - (4) The tracking number or other reference information provided by the publisher in response to their request; and,
 - (5) The name and publication date of the unsolicited publication that is the subject of the complaint.
- (b) Any resident of the Town of Perryville wishing to make a complaint regarding a publisher's failure to provide a tracking number or other means of reference for a no delivery request in violation of section 2(a)(2) hereof shall provide the following information to the appropriate Town of Perryville employee:
 - (1) The name of the requesting person;
 - (2) The address that was the subject of the request;
 - (3) The date and method used to make the no delivery request; and,
 - (4) The name and publication date of the unsolicited publication that is the subject of the complaint.

Section 54-4. Violation and penalties.

Perryville Code – Chapter 54 Unsolicited Papers

Violation of any provision of this Chapter shall be considered a municipal infraction and shall be punishable by a civil fine not exceeding \$100 for each violation.”