



City of Upper Arlington

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Upper Arlington Tightens Requirements for Unsolicited Written Material Distribution

Over the years, the City of Upper Arlington has received many complaints from its residents frustrated by the unwanted delivery of advertising supplements or other print materials at their homes. Sometimes, they just don't want to receive anything at all, at other times it's to complain about how the material was delivered—repeatedly being thrown into the landscaping or a puddle at the curb.

Historically, there has been little the City could do—since the delivery of newspapers or other mailers is protected by the First Amendment—other than advise residents to contact the companies responsible directly and reaching out to the companies on residents' behalf when the City has received a succession of complaints.

This is an issue faced by all communities across the nation, and as such, different ways to address it have been considered and, in some cases, implemented effectively. Our legal team in the City Attorney's Office keeps a watchful eye for opportunities that may prove successful in our community.

In May of 2017, the City enacted an ordinance that prohibits the delivery of written materials by throwing items from vehicles, making it a form of littering. While this was a positive step in the City's attempt to eliminate the problem, it required a witness to the violation as it happened and placed liability primarily on the delivery person, not the employer or principal behind the distribution.

In April of this year, after a Federal Court of Appeals upheld a similar law in the State of Kentucky, City Council passed an ordinance that further tightens the requirements for the delivery of unsolicited written materials to homes in Upper Arlington. That ordinance is now in effect.

The new ordinance, Upper Arlington Codified Ordinances § 537.06, specifies where on a property unsolicited written materials such as advertising packets must be delivered:

- On a porch near the door
- Securely attached to the front door
- Through a mail slot in the door, if applicable
- Between the exterior front door and interior front door
- Where permitted, in a distribution box located on or adjacent to the premises
- Securely attached to a hook or within some other receptacle used for the delivery of non-U.S. Mail packages or materials
- Personally to the owner, occupant and/or lessee of the premises

Importantly, the new ordinance places liability on the businesses behind the distribution, allowing the City to target the source of the problem rather than just the individual employees making the deliveries. In addition, the resident maintains the right to restrict entry to the premises if he or she so desires.

Violation of this new law is considered an unclassified misdemeanor, punishable by a fine of \$250 per violation. Businesses responsible for delivery persons who are not following the City's rules can also be held liable for littering. Since the law has just gone into effect, it may take a while for businesses and their employees to adjust and conform to the new requirements, but we are hopeful this new tool will help reduce littering and frustration for residents.

For information about this new law, please contact the City Attorney's Office, at 614-583-5020.