



Department of Resident Services
 345 High St., Hamilton, OH 45011
 Email [cindy.hogg@hamilton-oh.gov]

UNSOLICITED MATERIAL COMPLAINT FORM

Use this form to submit a complaint of unsolicited material delivered to your home or place of business. Submission of this complaint means you agree to testify at any Hamilton Municipal Court hearing requested by the respondent. "Please keep the unsolicited materials in the condition you found them until they are documented by Resident Services because the materials will be necessary evidence if a hearing is required." **Provide as much information below as possible.**

Address Where Delivered										
Date Discovered		/	/	Time (if known)						
Where unsolicited materials were found (i.e. driveway, front yard, etc.)										
Description of Delivered Material										
Description of Delivery Vehicle (if known)										
Lic Plate No		Year		Make		Model		Color		
Deliverer Name						Owner of Materials				

I have previously opted out of delivery for this unsolicited written material and have waited the noted compliance period.

Date Submitted Opt-Out Request _____

I have attached a photo or video for review.

I swear under penalty of perjury that the contents of this Complaint are true and correct to the best of my knowledge and I agree to appear at any hearing held concerning this complaint.

_____ / ____ / ____
Complainant's Signature

Date

Complainant's Contact Information

Name										
Address										
City				State				Zip Code		
Day Phone					Cell Phone				Email	

When completed you may mail or hand deliver this complaint to the address at the top of this page or send a copy of this form by email to cindy.hogg@hamilton-oh.gov. A copy of the Unsolicited Materials ordinance can be found on the reverse side of this form.

CHAPTER 521: HEALTH, SAFETY AND SANITATION

521.13 UNSOLICITED MATERIALS.

a) As used in this section:

1. "Front door" means the street-facing entrance(s) to a principal structure. In the event no door faces the street, then any other door of a principal structure nearest the street shall be considered a front door for purposes of this section.
2. "Person" means any person, firm, corporation, limited liability company, association, club, society or other organization.
3. "Porch" means an exterior appendage to a principal structure leading to a doorway, including any stairway attached thereto.
4. "Premises" means a lot, plot, or parcel of land including any structures, driveways, or other impervious surfaces thereon.
5. "Principal structure" means a structure, or combination of structures of primary importance on the premises, and that contains the primary use associated with the premises. The primary use is characterized by identifying the main activity taking place on the premises.
6. "Unsolicited written materials" means any written materials delivered to any premises without the express invitation or permission, in writing or otherwise, by the owner, occupant, or lessee of such premises. Notwithstanding subsection (A) above, an owner, lessee or occupant maintains the right to restrict entry to his or her premises.

b) No person shall deliver, place, or distribute unsolicited written materials to any premises other than in the following locations and manners: (1) on a porch, if one exists, nearest the front door; or (2) so that such materials are securely attached to the front door; or (3) through a mail slot on the front door or principal structure, if one exists, as permitted by the United States Postal Service Domestic Mail Manual, Section 508 Recipient Services, Subsection 3.1.2; or (4) where permitted, in a distribution box located on or adjacent to the premises; or (5) securely attached to a hook or within some other receptacle used for the delivery of non-U.S. Mail packages or materials, attached to the mailbox post for the premises, if it exists; or (6) personally to the owner, occupant, and/or lessee of the premises.

c) Notwithstanding subsection (b), an owner, lessee, or occupant maintains the right to restrict entry to his or her premises. Where the owner, lessee, occupant, or person legally in charge of the premises has posted at the entry to the premises, or at the entry to the principal building on the premises, a sign bearing the words "No Solicitors" or words of similar import, no person shall cause to be delivered, placed, or distributed unsolicited written materials to said premises.

d) Organizational liability. It is the intent of the City Council to jointly impose organizational liability for violation of this section by any officer, agent (including but not limited to an independent contractor), or employee of a business or organization while acting on behalf of the business or organization and within the scope of the officer's, employee's or agent's office or employment.

e) Timestamped photographic evidence of unsolicited written materials located upon premises, other than as permitted pursuant to subsection (b), creates a rebuttable presumption that the materials were placed at the premises by the owner, officer, agent (including but not limited to an independent contractor), or employee of the business, product, good, service, or message which is being advertised, promoted, endorsed, or conveyed in such materials. Where the materials are delivered as a package relate to multiple businesses, products, goods, services, or messages, the presumption shall apply to the identified distributor of the package of materials, if any. Violation of this section is a strict liability offense and the prosecution of an offense under this section is relieved from proof of any other culpable mental state under the Codified Ordinances.

f) The provisions of this section do not apply to the United States Postal Service.

g) Severability. If any provision, clause, sentence, or paragraph of this section or the application thereof to any person or circumstances shall be held invalid, that invalidation shall not affect the other provisions of this section which can be given effect without the invalid provision or application, and to this end, the provisions of this section are declared to be severable.

h) Whoever violates any of the provisions of this section is guilty of a minor misdemeanor on a first offense. Any subsequent offense shall be charged as a third degree misdemeanor if the defendant has previously been convicted individually or under organizational liability. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.