

## ORDINANCE 03-2023

### AN ORDINANCE OF THE CITY OF FORT WRIGHT, IN KENTON COUNTY, KENTUCKY, AMENDING THE NUISANCE CODE IN TITLE IX, CHAPTER 92, NUISANCES, SECTION 92.03 ENTITLED "NUISANCE DESCRIBED AND PROHIBITED" TO REPEAL THE PROVISIONS RELATING TO DISTRIBUTING WRITTEN MATERIALS.

**WHEREAS**, the Fort Wright City Council desires to amend its Nuisance Code by repealing sections relating to the distribution of written materials due to concerns about risk of litigation and possible suit if enforced against a company engaging in the business of distributing such material; and

**WHEREAS**, the City determines, upon advice of counsel, that the liability risk relating to our current form of these regulations warrants repeal, and possible future consideration of adoption of a revised ordinance on the issue;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY OF FORT WRIGHT, KENTON COUNTY, KENTUCKY, AS FOLLOWS.**

#### SECTION 1

That the Nuisance Code in Title IX, Chapter 92, Nuisances, Section 92.03 entitled "Nuisance Described and Prohibited" is hereby amended as follows (any text being added is shown by a single solid line drawn underneath it; text that is removed is marked at the beginning with an opening bracket and at the end with a closing bracket; the text between the brackets is stricken through with a single solid line).

#### SECTION 2

X. ~~RESERVED.~~ Any literature or handbills, including fliers, leaflets, circulars, pamphlets, advertisements and coupons, which may be distributed in the city, pursuant to law, shall be done only in the manner described in the follows:

- ~~— (1) Placed in the hand of the intended recipient;~~
- ~~— (2) Bound, folded, boxed or weighed in such a manner that the material cannot be blown away, scattered or fragmented by the action of the elements and/or normal pedestrian or vehicular traffic; or~~
- ~~— (3) Deposited on the premises for which it is intended by being tied to, affixed, slipped over a doorknob or other protrusion, or placed through a slot or opening in a front entry door or with a receptacle for such items located upon the property; provided, however, the item being distributed first shall have been rolled up and secured with a rubber band or in some other manner so as to prevent the materials from being blown away, scattered, or fragmented by the action of the elements and/or normal pedestrian or vehicular traffic. As used in this section, "RECEPTACLE" means a container made of a stiff material containing the words "For Papers" or similar words.~~

### SECTION 3

Any and all Ordinances in conflict with this Ordinance shall be, and hereby are, repealed to the extent of said conflict.

### SECTION 4

If any part of this ordinance or its application is deemed invalid by a court of competent jurisdiction, the city council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this ordinance are severable.

### SECTION 5


That this ordinance shall become effective upon its passage and shall be published under KRS 83A.060(9) and other applicable law. This ordinance may be published by summary.

Passed by City Council on May 3, 2023

CITY OF FORT WRIGHT, KENTUCKY

By:   
Dave Hatter, Mayor

ATTEST:

  
Maura Russell, City Clerk

FIRST READING: 4-5 -2023  
SECOND READING: 5-3 -2023  
PUBLICATION: 5-8 -2023

# ENQUIRER MEDIA

PART OF THE USA TODAY NETWORK

RECEIVED

MAY 12 2023

City of Ft. Wright

LEGAL NOTICE  
ATTACHED

Advertiser:

CITY OF FORT WRIGHT  
409 KYLES LN  
COVINGTON KY 41011

**This is not an invoice**

Account #: CIN-383530

Total Cost of the Ad: \$54.84

Last Run Date: 05/08/2023

# of Affidavits 1

## AFFIDAVIT OF PUBLICATION

Newspaper: CIN-EN Kentucky Enquirer

State of Wisconsin

RE: Order # 0005692847

I, V. Felty  
of the The Enquirer, a newspaper printed in  
Cincinnati, Ohio and published in Cincinnati, in said  
County and State, and of general circulation in said  
county, and as to the Kentucky Enquirer published  
in Ft. Mitchell, Kenton County, Kentucky, who being  
duly sworn, depose and saith that the  
advertisement of which the annexed is a true copy,  
has been published in the said newspaper times,  
once in each issue dated as follows:

The City of Fort Wright has  
adopted the following Ordina-  
nances: Ordinance 02-2023  
amending Fort Wright Zoning  
Ordinance Chapter 153, sec-  
tion 153.01, Section 11.2 enti-  
tled "Specific Off-Street Park-  
ing Requirement" in multi-  
family developments and Or-  
dinance 03-2023 amending the  
Nuisance Code in Title IX,  
Chapter 92, Section 92.03 to  
repeal the provisions relating  
to distributing written materi-  
als. The Ordinances may be  
viewed in full on our website  
at [www.fortwright.com/about/  
city-ordinances](http://www.fortwright.com/about/city-ordinances).  
KY, May 8, '23 #5692847

05/08/2023

Subscribed and sworn to before me this  
8th day of May, 2023

V. Felty

Denise Roberts

Notary Public

4-6-27

Commission expires

DENISE ROBERTS  
Notary Public  
State of Wisconsin