

CHAPTER 9.70 HANDBILLS

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9.70.010 PURPOSE - INTENT.

A. The purpose of this chapter is to protect the rights of City residents who desire not to receive unwanted print or other written materials, whether commercial or noncommercial in nature, including unsolicited newspapers. The right of privacy affords citizens an unquestionable and enforceable right to determine and limit the materials they will allow to be delivered on their private property. A person may not be compelled to listen to or view any unwanted communication, spoken or written, whatever its merit, in the privacy of his or her home. When a resident affirmatively provides notice that he or she desires not to receive delivery of unsolicited print or other written materials, to deliver is, in effect, a trespass against the resident.

B. This chapter is intended to ensure and protect the privacy rights of City residents on their private property and to deter the accumulation of unsolicited literature that might signal that a house is unoccupied. It is further intended to prevent littering and protect the aesthetic appearance of the City by reasonable regulation of the time, place and manner of the distribution and delivery of unsolicited print or written materials in the City.

(Ord. 875, § 48, passed 8-25-2008)

9.70.020 DEFINITIONS.

The following words, terms and phrases, when used in this chapter, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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COMMERCIAL HANDBILL. Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper booklet or any other printed or otherwise reproduced original or copies of any matter of literature, which advertises for sale any merchandise, produce, commodity, or thing; or which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales; or which, while containing reading matter other than advertising matter, is predominately and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person engaged as advertiser or distributor.

HANDBILL DISTRIBUTOR. Includes any person engaging or engaged in the business for hire or gain of distributing commercial or non-commercial handbills, other than newspapers distributed to subscribers thereof, and any person receiving compensation directly or indirectly for the distribution of such handbills.

NEWSPAPER. Any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States, in accordance with Federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law; and, in addition thereto, shall mean and include any periodical or current magazine regularly published with not less than four (4) issues per year, and sold to the public.

NON-COMMERCIAL HANDBILL. Any printed or written matter, any sample, or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature not included in the definitions of a commercial handbill or newspaper.

PRIVATE PREMISES. Any dwelling, house, building, or other structure, designed, or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

(Ord. 875, § 48, passed 8-25-2008)

9.70.030 PROHIBITION ON DELIVERY TO POSTED RESIDENTS.

No person, organization, society, association, company or corporation, or their agents or representatives, including but not limited to an authorized agent or the actual deliverer or carrier, 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 material of any nature whatsoever upon the premises of any City resident who has requested or thereby

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provided such notice on their private property that such print or other written material not be delivered to the resident's premises.

(Ord. 875, § 48, passed 8-25-2008)

**9.70.040 NAME AND ADDRESS OF SPONSOR OR DISTRIBUTOR REQUIRED ON
HANDBILL**

A. It is unlawful for any person to distribute, deposit, place, throw, scatter, hand out, cast or circulate any commercial or noncommercial handbill in any place within the City, under any circumstances, which does not have printed on the cover, front or back thereof, a notice substantially conforming to the following:

“Should the recipient of this material desire that further distribution of this material or similar material be discontinued at this address or location, please notify the distributor at the following address or telephone number”

B. The name, telephone number and local address of the person who caused the same to be distributed shall be set forth in the notice; provided, however, that in the case of a fictitious person or club, in addition to such fictitious name, the true names and addresses of the owners, managers or agents of the person sponsoring the handbill shall also appear thereon.

(Ord. 875, § 48, passed 8-25-2008)

9.70.050 DISTRIBUTOR’S FAILURE TO PROVIDE SUCH NOTICE.

Failure of the distributor to place or cause to be placed such notice on the commercial or noncommercial handbill materials as specified above in § [9.70.030](#), or the failure of the distributor to provide a local address and local telephone number to receive communications or telephone calls, or the failure of the distributor to comply with written, or posted notification requirements of the owner or occupant of the property, shall constitute a misdemeanor and upon conviction thereof shall be punishable as provided in Chapter [1.12](#).

(Ord. 875, § 48, passed 8-25-2008)

9.70.060 PLACING IN VEHICLES.

It is unlawful for any person, either directly or indirectly, to distribute, deposit, place, throw, scatter or cast any handbill in or upon any automobile or other vehicle. The provisions of this section shall not be deemed to prohibit the handing, transmitting or distributing of any handbill to the owner or other occupant of any

automobile or other vehicle or the placing on any vehicle of any handbill by the owner or other occupant of said automobile or vehicle.

(Ord. 875, § 48, passed 8-25-2008)

9.70.070 DISTRIBUTING ON PRIVATE PROPERTY.

It is unlawful for any person, either directly or indirectly, to distribute, deposit, place, throw, scatter or cast any commercial or noncommercial handbill in or upon any private yard, grounds, walk, porch, steps, mailbox, vestibule, house, residence, building or any other private property if requested by anyone thereon not to do so, or if there is placed on such premises in a conspicuous position near the entrance thereto a sign bearing any of these phrases: "No Trespassing," "No Peddlers or Agents," "No Advertisement," or any similar notice, indicating in any manner that the occupants of such premises do not desire to be annoyed or to have their right to privacy disturbed, or to have any such handbills left upon their premises. The provisions of this section shall not be deemed to prohibit the handing, transmitting or distributing of any handbill to the owner or other occupant of said private yard, grounds, walk, porch, steps, mailbox, vestibule, house, residence, building or other private property when it is so requested.

(Ord. 875, § 48, passed 8-25-2008)

9.70.080 HOURS OF DISTRIBUTION LIMITED.

It is unlawful for any person to distribute any handbill between the hours of 7:00 p.m. of one day and 8:00 a.m. of the following day.

(Ord. 875, § 48, passed 8-25-2008)

9.70.090 EXEMPTIONS.

The provisions of this chapter shall not be deemed to apply to the distribution of the United States mail nor to the delivery of any handbill to any person who has requested delivery of same.

(Ord. 875, § 48, passed 8-25-2008)

9.70.100 PENALTY.

Violations of this chapter are deemed infractions unless specifically enumerated otherwise and upon conviction thereof shall be punishable as provided in Chapter [1.12](#).

(Ord. 875, § 48, passed 8-25-2008)