

5.24 – Handbills

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5.24.010 – Purpose

To protect the people against the nuisance of an incident to the promiscuous distribution of handbills and circulars, particularly commercial handbills, as defined in Section 5.24.020, with the resulting detriment and danger to public health and safety, the public interest, convenience and necessity requires the regulation thereof and to that end the purposes of this chapter are specifically declared to be as follows:

- A. To protect the people against the unlawful activities or operations of dissolute persons of criminal habits or tendencies, representing themselves as solicitors, canvassers or handbill distributors, by requiring the registration of all such solicitors, canvassers or handbill distributors, together with the names of their employers, and by regulating the business of handbill and advertising distribution through the imposition of reasonable license fees;
- B. To protect local residents against trespassing by solicitors, canvassers or handbill distributors upon the private property of such residents if they have given reasonable notice that they do not wish to be solicited by such persons or do not desire to receive handbills or advertising matter;
- C. To protect the people against the health and safety menace and the expense incident to the littering of the streets and public places by the promiscuous and uncontrolled distribution of advertising matter and commercial handbills;
- D. To preserve to the people their constitutional right to receive and disseminate information not restricted under the ordinary rules of decency and good morals and public order, by distinguishing between the nuisance created by the promiscuous distribution of advertising and commercial circulars and the right to deliver noncommercial handbills to all who are willing to receive the same.

(1978-M-43 : § 1 (part); Prior code : § 25.601)

5.24.020 – 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:

- A. "Billposter" means and includes any person engaging in the business for hire or posting, fastening, nailing, or otherwise affixing any written, painted or printed matter of any kind, or other form or reproduction thereof, (hereinafter called "sign"), containing a message or information of any kind whatsoever, to any outdoor billboard, or to or upon any bridge, fence, pole, post, sidewalk, tree, or to or upon the exterior of any other structure except that the terms of this definition shall not apply to nor include any such sign mounted on, fastened to, or suspended from the outside of any building or other structure, in accordance with and authorized by any provisions of an ordinance or statute, either for any public convenience or use, or regulating the construction or use of so-called outdoor display signs, whether such display signs are illuminated or not.
- B. "Commercial handbill" means and includes 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 or literature:
 - 1. Which advertises for sale any merchandise, product, commodity, or things; or
 - 2. Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interests thereof by sales; or
 - 3. Which directs attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind, for the purpose of private gain or profit; but the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition, or event of any kind, when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order; provided, that nothing contained in this clause shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition, or event of any kind, without a license, where such license is or may be required by any law of this state, or under any ordinance of this city; or
 - 4. Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor; or
 - 5. Which is not covered by the definition of sign in subsection A of this section.
- C. "Handbill distributor" means and includes any person engaging or engaged in the business for hire or gain of distributing commercial or noncommercial handbills, other than newspapers distributed to subscribers thereof, and any person receiving compensation directly or indirectly for the distribution of such handbills.
- D. "Newspaper" means and includes 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, means and includes any periodical or current magazine regularly published with not less than four issues per year, and sold to the public.
- E. "Noncommercial handbill" means and includes 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 or literature not included in the definition of a sign, or a commercial handbill, or a newspaper in subsection A of this section.
- F. "Person" means and includes any person, firm, partnership, association, corporation, company or organization of any kind.
- G. "Private premises" means and includes 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 includes any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building, or other structure.
- H. "Public place" means and includes any and all streets, boulevards, avenues, lanes, alleys, or other public ways, and any and all public parks, squares, spaces, plazas, grounds and buildings.
- I. Words singular in form may include the plural; any words plural in form may include the singular; and words in the masculine gender shall include the feminine and neuter genders.

(1978-M-43 : § 1 (part); Prior code : § 25.602)

5.24.040 – Unauthorized posting on public property prohibited

No person shall post, stick, stamp, paint or otherwise fix, or cause the same to be done by any person, any notice, placard, bill, card, poster, advertisement or other paper or device calculated to attract the attention of the public, to or upon any sidewalk, crosswalk, curb or curbstone, flagstone, or any other portion or part of any public way or public place, or any lamppost, electric light, telegraph, telephone or trolley line pole, or railway structure, hydrant, shade tree or treebox, or upon the piers, columns, trusses, girders, railings, gates or other parts of any public bridge or viaduct, or other public structure or buildings, or upon any pole, box or fixture of the fire alarm or police telegraph system, except such as may be authorized or required by the laws of the United States, or state, and the ordinances of the city.

(1978-M-43 : § 1 (part); Prior code : § 25.603)

5.24.050 – Depositing in public places prohibited

It is unlawful for any person to deposit, place, throw, scatter or cast any commercial handbill in or upon any public place within this city; and it is also unlawful for any person to hand out or distribute or sell any commercial handbill in any public place; provided, however, that it is not unlawful for any person to hand out or distribute, without charge to the receiver thereof, any noncommercial handbill in any public place to any person willing to accept such noncommercial handbill.

(1978-M-43 : § 1 (part); Prior code : § 25.604)

5.24.060 – Placing in vehicles prohibited - Exception

It is unlawful for any person to distribute, deposit, place, throw, scatter or cast any commercial or noncommercial 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 noncommercial handbill to the owner or other occupant of any automobile or other vehicle, who is willing to accept the same.

(1978-M-43 : § 1 (part); Prior code : § 25.605)

5.24.070 – Distribution on uninhabited or vacant private premises

It is unlawful for any person to distribute, deposit, place, throw, scatter or cast any commercial or noncommercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant.

(1978-M-43 : § 1 (part); Prior code : § 25.606)

5.24.080 – Distribution prohibited where properly posted

It is unlawful for any person to distribute, deposit, place, throw, scatter or cast any commercial or noncommercial handbill upon any premises, if requested by anyone thereon not to do so, or if there is placed on said premises, in a conspicuous position near the entrance thereof, a sign bearing the words: "No Trespassing," "No Peddlers or Agents," "No Advertisement," or any similar notice, indicating in any manner that the occupants of said premises do not desire to be molested or to have their right of privacy disturbed, or to have any such handbills left upon such premises.

(1978-M-43 : § 1 (part); Prior code : § 25.607)

5.24.090 – Distribution on inhabited private premises

No person licensed under the provisions of this chapter, or any other person, shall distribute, deposit, place, throw, scatter or cast any commercial or noncommercial handbill in or upon any private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant, or any other person then present in or upon such private premises; provided, however, that in case of inhabited private premises which are not posted as provided in this chapter, the aforesaid licensed or other person, unless requested by anyone upon such premises not to do so, may place or deposit any such handbill in or upon such inhabited private premises, if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or elsewhere, except that mailboxes may not be used when so prohibited by federal postal laws or regulations.

(1978-M-43 : § 1 (part); Prior code : § 25.608)

5.24.100 – Name and address of printer and distributor required

It is unlawful for any person to distribute, deposit, scatter, hand out or circulate any commercial or noncommercial handbill in any place, under any circumstances, which does not have printed on the cover, front or back thereof, the name and address of the following:

- A. The person who printed, wrote, compiled or manufactured the same;
- B. The person who caused the same to be distributed; 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 said handbill shall also appear thereon.

(1978-M-43 : § 1 (part); Prior code : § 25.609)

5.24.110 – Posting of objectionable material prohibited

It is unlawful for the owner, lessee, occupant or agent of premises to permit any person, whether licensed or acting under the terms of this chapter, or otherwise, to post, affix or otherwise attach to any building, structure or fixture located upon such premises, whether such fixture is natural or artificial, any poster or handbill containing any matter prohibited by the terms of this chapter.

(1978-M-43 : § 1 (part); Prior code : § 25.612)

5.24.120 – Posting of handbills offensive to public morals prohibited

It is unlawful for any person to post, hand out, distribute or transmit any sign, or any commercial or noncommercial handbill:

- A. Which may reasonably tend to incite riot or other public disorder, or which advocates disloyalty to or the overthrow of the government of the United States or of this state by means of any artifice, scheme, or violence, or which urges any unlawful conduct, or encourages or tends to encourage a breach of the public peace or good order of the community; or
- B. Which is offensive to public morals or decency, or which contains blasphemous, obscene, libelous or scurrilous language.

(1978-M-43 : § 1 (part); Prior code : § 25.613)

5.24.130 – Exemptions

The provisions of this chapter shall not be deemed to apply to the distribution of mail by the United States, nor to newspapers as defined in this chapter.

(1978-M-43 : § 1 (part); Prior code : § 25.611)

5.24.140 – Violation - Penalty

Any person, firm or corporation violating any provision of this chapter shall be fined fifty dollars (\$50.00) for the first offense and two hundred dollars (\$200.00) for each subsequent offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(2008-M-44 : § 1; 1978-M-43 : § 1 (part); Prior code : § 25.617)