CHAPTER 6

HANDBILLS AND CIRCULARS

SECTION:

5-6-1: DEFINITIONS

COMMERCIAL HANDBILL: Shall mean and include any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise produced original or copies of any matter of literature: (Res. 1006)

(A) Which advertises for sale any merchandise, product, commodity, or thing or (Res. 1006)

(B) 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 (Res. 1006)

(C) Which directs attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind for which an admission fee is charged 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 laws of this City or (Res. 1006)

(D) 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 distribut or. (Res. 1006)
**NEWSPAPER:** Shall mean and include 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. (Res. 1006)

**NONCOMMERCIAL HANDBILL:** Shall mean and include 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 aforesaid definitions of a commercial handbill or a newspaper. (Res. 1006)

**PRIVATE PREMISES:** Shall mean and include 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. (Res. 1006)

**PUBLIC PLACE:** Shall mean and include any and all streets, boulevards, avenues, lanes, alleys, or other public ways and any and all public parks, squares, spaces, plazas, grounds, and buildings. (Res. 1006)

**5-6-2: POSTING NOTICE, PLACARD, BILLS PROHIBITED IN CERTAIN PLACES:**
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, except such as may be authorized or required by the laws of the United States, this State, or of this City. (Res. 1006)

**5-6-3: THROWING HANDBILLS BROADCAST IN PUBLIC PLACES PROHIBITED:**
It shall be unlawful for any person to deposit, place, scatter, or cast any commercial handbill in or upon any public place within this City, and it shall be also unlawful for any person to hand out or distribute or sell any commercial handbill in any public place. Provided, however, that it shall not be 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. (Res. 1006)

**5-6-4: PLACING IN VEHICLES:**
It shall be 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. (Res. 1006)

**5-6-5: DISTRIBUTION ON UNINHABITED OR VACANT PRIVATE PREMISES:**
It shall be 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. (Res. 1006)
5-6-6: PROHIBITING DISTRIBUTION WHERE PROPERTY POSTED:
It shall be 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 Advertisements," 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. (Res. 1006)

5-6-7: DISTRIBUTION ON INHABITED PRIVATE PREMISES:
No 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 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 herein, the aforesaid 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 so used when so prohibited by federal postal laws or regulations. (Res. 1006)

5-6-8: HANDBILLS INCITING TO RIOT PROHIBITED:
It shall be unlawful for any person to post, hand out, transmit, distribute, or place any sign or any commercial or noncommercial handbill which may reasonably tend to incite riot or other public disorder or which advocates disloyalty to or overthrow of the government of the United States or of this State and is directed to producing or inciting imminent lawless action or is likely to produce or incite such action. (1612)

5-6-9: POSTING OF OBJECTIONABLE MATTER OR MATERIAL PROHIBITED:
It shall be unlawful for the owner, lessee, occupant, or agent of premises to permit any person to post, affix, or otherwise attach to any building, structure, or fixture located upon such premises, whether such fixtures be natural or artificial, any poster or handbill containing any matter prohibited by this Chapter. (Res. 1006)