

**CHAPTER 3
ADVERTISING***

Art. I. In General, §§ 3-1-3-15

Art. II. Distribution of Handbills, §§ 3-16-3-22

ARTICLE I. IN GENERAL

Sec. 3-1. Posting on private premises.

No person shall attach, place, paint, write, stamp, paste or otherwise affix any sign, advertisement or other matter upon any house, wall, fence, gate, post or tree without first having obtained the written permission of the owner, agent or occupant of the premises. (Gen. Code 1946, Ch. 3, § 107.2; Code 1972, § 9.20)

Sec. 3-2. Unlawful posting of notices in public.

No person shall post or affix any notice, poster or other paper or device, calculated to attract the attention of the public, to any lamppost, public utility pole or shade tree, or upon any public structure or building, except as may be authorized or required by law. (Gen. Code 1946, Ch. 3, § 107.1; Code 1972, § 9.20; Ord. of 11-4-74, § 6.47)
Cross reference-Streets, sidewalks and other public places, Ch. 37.

Sec. 3-3. Interference with official notices.

No person shall interfere with, obstruct, mutilate, conceal or tear down any official notice or placard posted by any city officer unless permission is given to remove the notice. (Gen. Code 1946, Ch. 1, § 206.2)

Secs. 3-4-3-15. Reserved.

*Cross reference – Signs, Ch. 35.

ARTICLE II. DISTRIBUTION OF HANDBILLS*

Sec. 3-16. Definitions.

The following words and phrases, when used in this article, shall have the meanings respectively ascribed to them:

Commercial handbill is 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:

- (1) Which advertises for sale any merchandise, product, commodity or thing; 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 interest thereof by sales; or

(3) 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 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.

Newspaper is 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.

Noncommercial handbill is 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 aforesaid definitions of a commercial handbill or newspaper.

Private premises shall mean 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.

Public place shall mean any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.

Vehicle shall mean every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks. (Ord. of 11-4-74, § 6.32).

Sec. 3-17. Hours of distribution.

No person shall go about the streets, alleys or other public places for the purpose of distributing any handbills after the time of sunset and before the time of the following sunrise. (Gen. Code 1946, Ch. 3, § 106.4; Code 1972, § 9.19)

Sec. 3-18. Restricted in public places.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street or other public place within the city; nor shall any person hand out

or distribute or sell any commercial handbill in any public place; provided, however, that it shall not be unlawful on any sidewalk, street or other public place within the city for any person to hand out or distribute without charge to the receiver thereof, any noncommercial handbill to any person willing to accept it. (Gen. Code 1946, Ch. 3, §106.1; Code 1972, § 9.16; Ord. of 11-4-74, § 6.41)
Cross reference-Streets, sidewalks and other public places, Ch. 37.

Sec. 3-19. Placing on vehicles.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any vehicle; provided, however, that it shall not be unlawful in any public place for a person to hand out or distribute without charge to the receiver thereof, a noncommercial handbill to any occupant of a vehicle who is willing to accept it. (Gen. Code 1946, Ch. 3, § 106.3; Code 1972, § 9.18; Ord. of 11-4-74, § 6.42)
Cross reference-Traffic and motor vehicles, Ch. 41.

Sec. 3-20. Depositing on uninhabited or vacant premises.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant. (Ord. of 11-4-74, § 6.43)

Sec. 3-21. Prohibited where properly posted.

No person shall throw, deposit or distribute any commercial or noncommercial handbill upon any private premises, if requested by anyone thereon not to do so, or if there is placed on the 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 the premises do not desire to be molested or have their right of privacy disturbed, or to have any such handbills left upon such premises. (Ord. of 11-4-74, § 6.44)

Sec. 3-22. Inhabited private premises.

(a) No person shall throw, deposit or distribute any commercial or noncommercial handbill, in or upon 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 in section 3-21, such 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 sidewalks, streets or other public places, and except that mailboxes may not be so used when so prohibited by federal postal law or regulations.

(b) The provisions of this section shall not apply to the distribution of mail by the United States, nor to newspapers except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property. (Ord. of 11-4-74, §6.45)