

Chapter 9.36

DISTRIBUTION OF HANDBILLS

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9.36.010 Findings and purpose. The council finds and declares that the throwing, casting and distributing of commercial advertising material upon residential property, without consent, is creating widespread litter and a serious police problem in that the accumulation of the literature is an open invitation to burglary, and that it adversely affects a considerable number of citizens and, further, that the throwing, casting and distributing of advertising literature, without consent, both upon public and private property is injurious and inimical to the public health, safety and welfare of the residents of the town and that such practices are, therefore, declared to constitute a public nuisance. (Ord. 346 §2(part), 1974).

9.36.020 Definitions. The following words and phrases, whenever used in this chapter shall be construed as defined in this section:

(a) "Commercial handbill" means 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 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. The provisions of this subsection 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. Nothing contained in this subsection 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 this code of this town; 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.

(b) "Newspaper" means any newspaper of general circulation as defined in the Government Code of the state of California.

(c) "Noncommercial handbill" means 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. (Ord. 346 §2(part), 1974).

9.36.030 Public places. No person shall throw, cast, distribute, scatter, deposit or place upon any public place within the town, including, but not limited to, streets, alleys, public parks and school grounds, any commercial or noncommercial handbill or newspaper, or any other printed matter or advertising literature of any kind, provided, however, the same may be personally delivered to persons who are willing to accept the same without charge to the receiver thereof. (Ord. 346 §2(part), 1974).

9.36.040 Automobiles. No person shall distribute, deposit, place, throw, scatter or cast any commercial or noncommercial handbill or newspaper in or upon any automobile or other vehicle, provided, however, that the provisions of this section shall not be deemed to prohibit the handing, transmitting or distributing of any such printed matter to the owner or other occupant of any automobile or other vehicles who is willing to accept the same. (Ord. 346 §2(part), 1974).

9.36.050 Distribution of commercial handbills. No person shall distribute, deposit, place, throw, scatter or cast any commercial handbill in or upon the yard or grounds or on the doorstep, steps, porch, driveway or vestibule of any residence or dwelling or upon any vacant lot or other private property within the town without first, prior to delivery or distribution, having obtained the permission of the owner, occupant or other person in control thereof. (Ord. 346 §2 (part), 1974).

9.36.060 Distribution of noncommercial handbills and newspapers. No person shall distribute, deposit, place, throw, scatter or cast any noncommercial handbill or newspaper in or upon any private premises within the town when the intended recipient thereof, or the owner, occupant or resident of any property where such written matter is left or intended to be left, has notified the distributor or disseminator of such material that they do not wish to receive any literature, the notice to be by written communication to the distributor or disseminator of such material.. (Ord. 346 §2 (part), 1974).

9.36.070 Littering forbidden--Method of distribution. Any printed or written material which may be passed out, given away, distributed, circulated or delivered in the town pursuant to law, shall be:

- (a) Placed in the hand of the intended recipient; or
- (b) Bound, folded, enclosed or weighted in such a manner so as to prevent the material from being blown or drifted about, scattered or fragmented by the action of the elements and/or normal pedestrian or vehicular traffic; or
- (c) Affixed to the premises for which it is intended by being tied to or slipped over a doorknob or other protrusion.

Any distribution of printed or written material by means other than as specified above in this section shall be deemed littering and is unlawful. (Ord. 346 §2(part), 1974).