

**10-8-270 Distribution of commercial advertising matter.**

(a) It shall be unlawful for any person to distribute or to cause others to distribute, as defined in Section 10-8-325, commercial advertising matter of any kind on any public way or other public place of the city in any manner other than from hand to hand.

(b) It shall be unlawful for any person to distribute or to cause others to distribute, as defined in Section 10-8-325, commercial advertising matter of any kind on any public way or other public place of the city, by distributing more than one handbill per recipient except upon express request.

(c) Any person violating subsection (a) of this section shall be fined not less than \$200.00 or more than \$1,000.00 for each offense, and any person violating subsection (b) of this section shall be fined not less than \$25.00 or more than \$50.00 for each offense. There shall be a rebuttable presumption that any person, business or entity whose goods, services, or activities are promoted in the commercial advertising matter distributed in violation of this section is a person who distributed it or cause\* it to be distributed.

(Prior code § 36-28; Amend Coun. J. 2-7-07, p. 98140, § 1)

\* **Editor's note** – As set forth in Coun. J. 2-7-07, p. 98140, § 1; correct language appears to be "caused".

**10-8-271 Distribution of commercial advertising matter on private property.**

(a) It shall be unlawful for any person to distribute or to cause others to distribute, as defined in Section 10-8-325, commercial advertising matter of any kind on the premises of any residential dwelling in the city in such a manner that it does or reasonably could interfere with any security mechanism or cause any safety hazard. Unlawful methods of distribution include, but are not limited to, hanging commercial advertising matter on the doorknob of any entrance door or gate, placing or wedging commercial advertising matter into or underneath any entrance door in such a manner that it could interfere with the door locking, or leaving, or leaving a stack of commercial advertising material on the matter on the premises. Such distribution shall not be unlawful if it is hand-to-hand or if the property management or owners have posted express written consent or if the commercial advertising matter is placed in a specific location designated by the property management or owners for the receipt of such matter. This section shall apply only to commercial advertising matter.

(b) It shall be unlawful for any person to distribute or to cause others to distribute, as defined in Section 10-8-325, commercial advertising matter of any kind on the premises of any private property in the city where the owner,

occupant or manager has posted a "No Trespassing" or "No Soliciting" sign or a substantial equivalent thereof at or near a front entrance in plain view.

(c) Any person violating any of the provisions of this section shall be fined not less than \$200.00 or more than \$1,000.00 for each offense. There shall be a rebuttable presumption that any person, business or entity whose goods, services, or activities are promoted in the commercial advertising matter distributed in violation of this section is a person who distributed it or caused it to be distributed.

(Added Coun. 7-2-97, p. 48127; Amend Coun. J. 6-27-01, p. 63093, § 1; Amend Coun. J. 5-1-02, p. 84346, § 1; Amend Coun. J. 7-10-02, p. 90139, § 1; Amend Coun. J. 5-11-05, p. 48077, § 1; Amend Coun. J. 2-7-07, p. 98140, § 1)

#### **10-8-272 Distribution of newspapers, periodicals, and directories.**

It shall be unlawful for any person to distribute or to cause others to distribute, as defined in Section 10-8-325, newspapers, periodicals, and directories of any kind on any public way or other public place or on the premises of any private property in the city in such a manner that it is reasonably foreseeable that such distribution will cause litter. Unlawful methods of distribution include, but are not limited to, leaving stacks of papers on the ground without any means of securing them. Lawful methods of distribution include, but are not limited to, delivering materials that are bundled using cord or string or that are wrapped in plastic, and placing materials in bins provided for such purpose. Any person hiring or requesting another to distribute such materials is required to provide the person so hired or requested with a copy of this section and to require compliance therewith. This section does not apply to materials distributed from newsracks or newspaper stands, or to materials delivered pursuant to a subscription or similar request. Any person violating any of the provisions of this section shall be fined not less than \$200.00 or more than \$1,000.00 for each offense.

(Added Coun. J. 2-7-07, p. 98140, § 1)

#### **10-8-280 Towing advertising display.**

No person shall operate any type of aircraft over the city while towing any advertising display or other object.

(Prior code § 36-28.1)

#### **10-8-290 Aircraft dropping advertising matter.**

No person while operating any type of aircraft over the city shall cause to be dropped therefrom, any object, including circulars, posters, handbills, or other advertising matter.

(Prior code § 36-28.2)

**10-8-300 Aircraft advertising noises.**

No person while operating any type of aircraft over the city shall use, cause, permit or allow to be used any sound amplifier or similar mechanical device for the purpose of advertising goods, wares or merchandise.

(Prior code § 36-28.3)

**10-8-310 Placing commercial advertising matter in automobiles prohibited.**

No person shall distribute or cause others to distribute, as defined in Section 10-8-325, circulars, handbills, folders or other commercial advertising matter by means of handing them to the occupants of automobiles operated or standing in the public way, or by placing or thrusting such circulars, handbills, folders or other commercial advertising matter into or upon or under the windshield wiper of an unoccupied automobile standing in the public way. Any person violating any of the provisions of this section shall be fined not less than \$200.00 nor more than \$1,000.00 for each offense. There shall be a rebuttable presumption that any person, business or entity whose goods, services, or activities are promoted in the commercial advertising matter distributed in violation of this section is a person who distributed it or caused it to be distributed.

(Prior code § 36-29; Amend Coun. J. 2-7-07, p. 98140, § 1)

**10-8-320 Posting bills.**

a. No person shall distribute or cause others to distribute, as defined in Section 10-8-325, commercial advertising material by means of posting, sticking, stamping, tacking, painting or otherwise fixing any sign, notice, placard, bill, card, poster, advertisement or other 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, lamppost, electric light, traffic light, telegraph, telephone or trolley line pole, hydrant, shade tree or tree-box, or upon the piers, columns, trusses, girders, railings, gates or parts of any public bridge or viaduct, or upon any pole box or fixture of the police and fire communications system, except such as may be required by the laws of the state and the ordinances of the city, or on any bus shelter, except that the city may allow the posting of decorative banners in accordance with Section 10-8-340 below.

b. There shall be a rebuttable presumption that any person, business or entity whose goods, services, or activities are promoted in the commercial advertising matter distributed in violation of this section is a person who distributed it or caused it to be distributed.

c. Any person violating any of the provisions of this section shall be fined not less than \$200.00 nor more than \$1,000.00 for each offense.

d. In addition, any person violating any of the provisions of this section shall be liable to the city for the cost of repair of any damage caused by the hanging, presence or removal of any such sign and for any and all claims arising out of the hanging, presence or removal of any such sign, including any claims relating to signs or the structures upon which they are hung falling on people or property.

(Prior code § 36-30; Amend Coun. J. 7-31-96, p. 26982; Amend Coun. J. 12-4-02, p. 99931, § 7.1; Amend Coun. J. 6-8-05, p. 49253, § 1; Amend Coun. J. 2-7-07, p. 98140, § 1)

**10-8-325 Responsibility for distribution of commercial advertising matter.**

(a) Any person who distributes, or causes to be distributed, as defined in subsection (d), any commercial advertising matter promoting his, her or its goods, services, or activities, on the public way or other public place or on the premises of any private property in the city is required to: (1) place the city business license number for the business promoted, in a manner and size that is clear and legible, on all commercial advertising matter prior to any such distribution; provided that, this requirement shall apply only to those businesses which are required by law to obtain a city business license, and (2) provide each person hired or requested to distribute commercial advertising matter on his, her or its behalf with a summary or copy of the requirements for lawful distribution of commercial advertising matter, set forth in Sections 10-8-270, 10-8-271, 10-8-310, and 10-8-320 of this Code, to train those persons on complying with such requirements, and require such compliance.

(b) Any person violating any of the provisions of this section shall be fined not less than \$200.00 or more than \$1,000.00 for each offense.

(c) The department of business affairs and licensing is authorized to suspend or revoke any person's city business license for violations of any of the provisions of this section or of Sections 10-8-270, 10-8-271, 10-8-310, and 10-8-320 of this Code where (1) the licensee is found liable for three or more violations within a 12-month period, or (2) the commissioner of streets and sanitation recommends such license suspension or revocation to the department based on one or more violations deemed egregious by such commissioner.

(d) When used in Sections 10-8-270, 10-8-271, 10-8-272, 10-8-310, and 10-8-320 of this Code, "distribute or cause to distribute" shall refer exclusively to the actions of the person or business (1) whose goods, services or activities are promoted by the commercial advertising material or who is in the business of distributing the material described in those sections, and (2) who initiated or directed the distribution. The terms shall not refer to the actions of the persons

hired to distribute but having no ownership or managerial interest in the business whose goods, services or activities are being advertised or distributed or in the distribution business.

(Added Coun. J. 2-7-07, p. 98140, § 1)