

Chapter 3 ADVERTISING*

*Cross references: Signs, Ch. 20.

State law references: Highway beautification, Vernon's Ann. Civ. St. art. 4477--9a, § 4.01 et seq.

Art. I. In General, §§ 3-1--3-15

Art. II. Handbills, §§ 3-16--3-21

ARTICLE I. IN GENERAL

Secs. 3-1--3-15. Reserved.

ARTICLE II. HANDBILLS*

*Editor's note: The provisions of Art. II, "Handbills," were deleted as being superseded by those of Ord. No. 90-O-3, adopted Mar. 27, 1990. Sections 1--4 of the ordinance were codified as a new Art. II, §§ 3-16--3-21, at the editor's discretion. The deleted provisions, §§ 3-16--3-22, 3-36--3-42, derived from sections which bore no history note and from Ord. No. 80-O-7A, §§ I--III, adopted July 22, 1980, which was repealed by § 7 of Ord. No. 90-O-3.

Sec. 3-16. Applicability of provisions; conflict.

This article is intended to relate to handbills generally. In the event of a conflict between this article and another ordinance which deals with a specific type of handbill, poster, advertisement, pamphlet or circular of any description, the specific ordinance controls over this article. Without limiting the generality of the foregoing sentence, the land use ordinance provisions regarding signs (including, but not limited to, garage sale signs) shall control over this article. (Ord. No. 90-O-3, § 3, 3-27-90)

Sec. 3-17. Exemptions.

There is specifically exempt from the terms of this article all newspapers and other publications mailed and delivered by the United States Postal Service. There is also specifically excepted and exempted from this article all advertising matter, newspapers and other publications approved in advance by the owners of the premises for placing and distributing these materials within the premises.

Distributors, by hand, of non-commercial handbills containing political, religious, or public policy information or advocacy, are not subject to the other sections of this chapter. (Ord. No. 90-O-3, § 3, 3-27-90; Ord. No. 2004-O-1A, 1-26-2004)

Sec. 3-18. Permit--Required to distribute, etc.

No person or persons shall tack, nail, paste or otherwise fasten any handbill, poster, advertisement, pamphlet or circular of any description on any fence, wall, post, pole, billboard or building, or hand, cast, throw or place any of such material in or upon any public street, avenue, alley or other public grounds of the city or on any private street, alley, avenue or other public grounds of the city, or on any private property or on any private building, or place the articles in vehicles or hand them to persons without first obtaining a permit in compliance with the terms of this article.

(Ord. No. 90-O-3, § 1, 3-27-90)

Sec. 3-19. Same--Application; fees; expiration.

(a) Application. Applicants for a permit to distribute advertisements and handbills in the city shall apply in writing to the city manager or his designated representative, and each such permit application shall be accompanied by a fee based on the following schedule:

- (1) Commercial applicants, seventy-five dollars (\$75.00).
- (2) Nonprofit organizations, ten dollars (\$10.00).
- (3) Individuals (for noncommercial purposes), thirty-five dollars (\$35.00).

(b) Effective period of permit. The permit shall be effective for one (1) week. However, if the applicant is a political candidate, the permit shall be effective for one (1) month.

(c) Individuals and organizations distributing non-commercial handbills which contain political, religious, or public policy information or advocacy shall be exempt from the permit fee.

(Ord. No. 90-O-3, § 2, 3-27-90; Ord. No. 2004-O-1A, 1-26-2004)

Sec. 3-20. Certain information required on each copy of advertising material.

Each copy [of the handbill, etc.,] distributed must contain the name and address of the person responsible for the advertisement and distribution.

Non-commercial handbills containing political, religious, or public policy information or advocacy are exempt from the requirements of this section.

(Ord. No. 90-O-3, § 2, 3-27-90; Ord. No. 2004-O-1A, 1-26-2004)

Sec. 3-21. Penalty for violation.

The violation of any provision of this article shall constitute a misdemeanor, and any person convicted thereof shall be fined a sum not exceeding one hundred dollars (\$100.00), and each day such violation shall continue shall constitute a separate offense.

(Ord. No. 90-O-3, § 4, 3-27-90)