

## CHAPTER 5

**LITTER; HANDBILLS**

## SECTION:

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4-5-1: **DEFINITIONS:** For the purpose of this Chapter:

**AUTHORIZED RECEPTACLE:** A public or private litter storage and collection receptacle.

**COMMERCIAL HANDBILL:** 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:

A. Which advertises for sale any merchandise, product, commodity, or thing;

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 interest in sales thereof;

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. However, 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 the City, or;

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 distributor.

- GARBAGE:** Waste from the preparation, cooking or consumption of food, condemned food products and all refuse and waste from the handling, storage, preparation and sale of produce. Garbage originates primarily in kitchens, stores, markets, restaurants, hotels and other places where food is handled, stored, sold, cooked and consumed.
- LITTER:** “Garbage”, “refuse” and “rubbish”, as defined herein, and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety, welfare or appearance of the City.
- NEWSPAPER:** Any newspaper of general or local circulation or any periodical or current magazine regularly published with not less than four (4) issues per year, and sold to the public.
- NONCOMMERCIAL  
HANDBILL:** 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.
- PARK:** A park, reservation, playground, beach, recreation center or any other public area in the City owned or used by the City.
- REFUSE:** Putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, and solid market and industrial wastes.
- RUBBISH:** Nonputrescible solid wastes consisting of both combustible and noncombustible waste, such as paper, wrapping, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

**VEHICLE:** Every device in, on or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively on stationary rails or tracks. (1977 Code § 10-431)

**4-5-2: LITTER REGULATIONS:**

- A. Litter In Public Places: No person shall throw or deposit litter in or on any street, sidewalk or other public place except:
1. In authorized receptacles for collection or in official City garbage dumps; or
  2. For collection as authorized by the City Council. (1977 Code § 10-432)
- B. Placement of Litter in Receptacles: Persons placing litter in authorized receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements on any street, sidewalk or other public place or on private property. (1977 Code § 10-433)
- C. Sweeping Litter Into Gutters Prohibited: No person shall sweep into or deposit in any gutter, street or other public place the accumulation of litter from any building or lot or from any public or private sidewalk or driveway, except as authorized by the City Council. Person owning or occupying property shall keep the sidewalk in front of their premises free of litter. (1977 Code § 10-434)
- D. Merchants' Duty to Keep Sidewalks Free of Litter: No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business shall keep the sidewalk in front of their business premises free of litter. (1977 Code § 10-435)
- E. Litter Thrown by Person in Vehicle: No person, while a driver or passenger in a vehicle, shall throw or deposit litter on any street or other public place, or on private property. (1977 Code § 10-436)
- F. Truck Loads Causing Litter: No person shall drive or move any truck or other vehicle unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited on any street, alley or other public place. Nor shall any person drive or move any vehicle or truck, the wheels or tires of which carry onto or deposit in any street, alley or other public place, mud, dirt, sticky substances, litter or foreign matter of any kind. (1977 Code § 10-437)

- G. Litter in Parks: No person shall throw or deposit litter in any park, except in authorized receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements on any part of the park or on any street or other public place. Where authorized receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein. (1977 Code § 10-438)
- H. Litter in Lakes and Foundations: No person shall throw or deposit litter in any fountain, pond, lake, stream or any other body of water in a park or elsewhere within the City. (1977 Code § 10-439)
- I. Litter on Occupied Private Property: No person shall throw or deposit litter on any occupied private property, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements on any street, sidewalk or other public place or on any private property. (1977 Code § 10-447)
- J. Litter on Vacant Lots: No person shall throw or deposit litter on any open or vacant private property whether or not owned by such person. (1977 Code § 10-448)

4-5-3        **HANDBILLS AND POSTERS; RESTRICTED ACTIVITY:** No person or business shall post, stick, 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, or upon any sidewalk, curb or any other portion or part of any public way or public place or any lamp post, electrical light, telegraph, telephone or railway structure, hydrant, shade tree or tree box, or upon the columns, trusses, girders, railings, gates or other parts of any bridge or other public structure or building, or upon any pole, box or fixture of the fire alarm or police telegraph system, except such as may be authorized or required by the laws of the United States, or the State and the ordinances of the City. (1977 Code § 10-449A)

4-5-4:        **HANDBILL REGULATIONS:**

- A. Throwing or Distributing in Public Places; Penalty: No person shall throw or deposit any commercial or noncommercial handbill in or on any sidewalk, street or other public place within the City. Unless otherwise authorized by the City Council, it is an infraction and subject to penalty as provided in Section 1-4-1 of this Code, for any person to hand out, 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 for any person to hand out or distribute, without charge to the receiver

thereof, any noncommercial handbill to any person willing to accept it. (1977 Code § 10-440)

- B. **Placing on Vehicles:** Unless otherwise authorized by the City Council, no person shall throw or deposit any commercial or noncommercial handbill in or on 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. (1977 Code § 10-441)
- C. **Depositing on Uninhabited or Vacant Premises:** No person shall throw or deposit any commercial or noncommercial handbill in or on any private premises which are temporarily or continuously uninhabited or vacant. (1977 Code § 10-442)
- D. **Prohibiting Distribution Where Properly Posted:** No person shall throw, deposit or distribute any commercial or noncommercial handbill on any private 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 being the words "No Trespassing", "No peddlers or Agents", "No Advertisements", or any similar notice, indicating in any manner that the occupants of the premises do not desire to be molested or to have their right of privacy disturbed or to have any such handbills left on such premises. (1977 Code § 10-443)
- E. **Distributing at Inhabited Private Premises:** No person shall throw, deposit or distribute any commercial or noncommercial handbill in or on 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 on such private premises. However, in case of inhabited private premises which are not posted, as provided in this Section, such person, unless requested by anyone on such premises not to do so, may place or deposit any such handbill in or on 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 prohibited by Federal postal law or regulations. (1977 Code § 10-444)

4-5-5: **POSTING NOTICES PROHIBITED:** No person shall post or affix any notice, poster or other paper or device, calculated to attract the attention of the public, to any lamp post, public utility pole or shade tree, or on any public structure or building, except as may be authorized or required by law. (1977 Code § 10-446)

4-5-6:       **EXCEPTION; MAIL AND NEWSPAPERS:** The provisions of this Chapter 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 so as to prevent their being carried or deposited by the elements on any street, sidewalk or other public place or on private property. (1977 Code § 10-445)