## **Chapter 9-31 Circulars and Handbills**

9-31-010 Distribution of certain circulars or pamphlets prohibited.

9-31-020 Delivery of handbills or circulars.

## 9-31-010 Distribution of certain circulars or pamphlets prohibited.

- (A) It is unlawful for any person to publish or distribute, or cause to be published or distributed, any circular, pamphlet, card, or dodger, whether anonymous or not, which incites, counsels, promotes, or advocates hatred, violence, or hostility against any person or group of persons residing in the city, by reason of race, color, religion, or manner of worship.
- (B) It shall be unlawful for any person, or producer, to knowingly distribute, deposit, place, throw, scatter, cast, or attach in any manner, or cause or direct the same to be done, any handbill of any kind to any property, real or personal, of another if notice is posted in a manner that is visible and legible which states "No Handbills," or if notice has been sent to the producer, by certified mail, return receipt requested, at least ten days previously, that handbills are not welcome on said property.
- (C) Handbill is defined to mean any material in print which, in whole or in part, invites interest in or advertises a particular product, business, event, or attraction; or encourages concurrence in or support of a point of view; or encourages support of or opposition to a candidate for election; or encourages support of or opposition to a ballot issue or question; or offers information of any kind. Handbills include, but are not limited to, signs, posters, flyers, notices, announcements, pamphlets, or advertisements. The following are not included within the definition of handbill:
  - (1) Newspapers or other printed material ordered by or sold to the owner or occupant of the premises;
  - (2) Advertisements, circulars, notices, or other printed material delivered by or through the United States Postal Service;
  - (3) Printed communications distributed by the local, state, or federal government;
  - (4) Any printed material from utility, gas, telephone, or cable companies that presently provide or have a permit to provide service to the owner or occupant.
- (D) *Producer* is defined to mean the person who either ordered the printing of the handbill for his or her own purposes, printed the handbill for his or her own purposes, or ordered the distribution of the handbill for his or her own purposes. *Producer* does not include anyone who printed the handbill, whether for a fee or not, regardless of whether such person is in the business of printing, so long as said printer did not print the handbill for his or her own purposes.
- (E) The individual or individuals benefited by the handbill shall be prima facie evidence that the benefiter is the producer.
- (F) Proof that any producer was given notice by return receipt requested at least ten days previous to the distribution that handbills are not welcome, along with evidence that any handbill was distributed in violation of this section, shall be prima facie evidence that this section has been knowingly violated by the producer. (Ord. 15 §75, 1963; Ord. 1459 §1, 2000)

## 9-31-020 Delivery of handbills or circulars.

- (A) Each handbill, circular or other literature not exceeding twelve inches by eighteen inches shall be placed behind or under a screen or other door, or under a mat or in such a way that is will not blow about the yards and streets.
- (B) Each handbill, circular or other literature in excess of twelve inches by eighteen inches must be folded, rolled, and placed behind or under a screen or other door, or under a mat, or in such a way that it will not blow about the yards and streets. (Ord. 15 §76, 1963; Ord. 1459 §2, 2000; Ord. 1473 §1, 2000)