

ORDINANCE NO. 94-03

**AN ORDINANCE OF THE RIDGECREST CITY COUNCIL
AMENDING THE RIDGECREST MUNICIPAL CODE AS IT
RELATES TO THE DISTRIBUTION OF COMMERCIAL
HANDBILLS**

THE CITY COUNCIL OF THE CITY OF RIDGECREST ORDAIN as follows:

Section 1. Purpose

This Ordinance amends the Ridgecrest Municipal Code by regulating the distribution of commercial handbills.

Section 2. Amendment

Section 6-37.1 is hereby added to the Ridgecrest Municipal Code to read as follows:

Section 6-37.1 Purpose

The purposes of this chapter are declared to be as follows:

- (a) To protect the health and safety of the people and the expense incident to the littering of public places by the uncontrolled distribution of commercial handbills; and
- (b) To preserve to the people their constitutional right to receive and disseminate information by distinguishing between the nuisance created by the uncontrolled distribution of commercial handbills and the right to deliver non-commercial handbills.

Section 3. Amendment

Section 6-37.2 is hereby added to the Ridgecrest Municipal Code to read as follows:

"Section 6-37.2 Definitions

The following words, terms and phrases when used in this chapter shall have the meanings ascribed to them in this section:

- (a) 'Handbill' means and includes any printed or written matter, any sample or device, circular, leaflet, pamphlet, paper, booklet or any other printed or

otherwise reproduced original copies of any matter or literature.

- (b) 'Commercial Handbill' is a handbill which is not a newspaper or sign and which has for its principle purpose one or more of the following:
 - (1) Advertising for sale any merchandise, product, commodity, or thing;
 - (2) Directing attention to any business, mercantile, commercial establishment or other activity for the purpose of promoting the interests thereof by sales;
 - (3) Directing 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.
- (c) 'Non-commercial handbill' is a sign, newspaper or any handbill other than a commercial handbill.
- (d) 'Newspaper' means and includes any newspaper of general circulation, as defined by general law, any newspaper duly entered with the United States Postal Service in accordance with federal statute or regulation, any newspaper filed and recorded with any recording officers provided by general law, and any periodical or current magazine regularly published with not less than four issues per year and sold to the public.
- (e) 'Private property' means and includes any dwelling, house, building or other structure designed for use either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and includes any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.
- (f) 'Public property' means and includes any and all streets, boulevards, avenues, lanes, alleys or other public ways and any and all public parks, squares, plazas, grounds, and buildings."

Section 4. Amendment

Section 6-37.3 is hereby added to the Ridgecrest Municipal Code to read as follows:

"Section 6-37.2 Posting or Distribution of Commercial Handbills

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(a) No person shall throw, cast, distribute, scatter, deposit, or place commercial handbill upon any public property within the City, except as may be authorized or required by the laws of the United States, the State, and the ordinances of the City.

(b) No person shall throw, cast, distribute, scatter, deposit or place any commercial handbill upon an unattended vehicle.

(c) Violation of this section is an infraction."

Section 5. Other

Except as provided herein, the Ridgecrest Municipal Code is hereby reaffirmed and readopted.

APPROVED AND ADOPTED THIS 16th day of March, 1994, by the following vote:

Ayes: Mayor Corlett, Council Members Auld, Bitney, and Bryan.

Noes: Council Member Parode.

Abstain: None.

Absent: None.



Kevin S. Corlett, Mayor

ATTEST:



Pamela Snyder, City Clerk