

Chapter 3

ADVERTISING AND SIGNS¹

Art. I. In General, §§ 3-1—3-15

Art II. Handbills, §§ 3-16—3-23

ARTICLE I. IN GENERAL

Secs. 3-1—3-15. Reserved.

ARTICLE II. HANDBILLS

Sec. 3-16. Definitions.

(a) For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(b) *Commercial handbill* means 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:

- (1) Which advertises for sale any merchandise, product, commodity or thing;
- (2) Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interests thereof by sales;
- (3) 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; but 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 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 this Code or any other ordinance of this city;
- (4) 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;
- (5) Which is not covered by the definition of sign.

¹**Cross reference**—Licenses, taxation and miscellaneous business regulations, Ch. 16.

TEMPE CODE

(c) *Newspaper* means any newspaper of general circulation, as defined by general law, any newspaper duly entered with the Post Office Department of the United States in accordance with federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law, and, in addition thereto, any periodical or current magazine regularly published with not less than four (4) issues per year and sold to the public.

(d) *Noncommercial handbill* means 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 or literature not included in the definitions of a sign or a commercial handbill or a newspaper.

(e) *Private premises* means any dwelling, house, building or other structure designed or used either wholly or in part for private purposes, whether inhabited or temporarily or continuously uninhabited or vacant, including any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

(f) *Public place* means any street, boulevard, avenue, lane, alley or other public way, and all public parks, squares, spaces, plazas, grounds and buildings.
(Code 1967, § 3-1)

Sec. 3-17. Posting prohibited in certain places.

No person shall post, stick, stamp, 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 to or upon any sidewalk, crosswalk, curb or curbstone, flagstone or any other portion or part of any public way or public place, or any lamppost, electric light, telegraph, telephone or trolley line pole, or railway structure, hydrant, shade tree or tree-box, or upon the piers, columns, trusses, girders, railings, gates or other parts of any public bridge or viaduct, 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, the state and this code or any other ordinances of the city.

Any business or mercantile or commercial establishment whose commercial handbills are in violation of this section shall be prima facie responsible for such violation and subject to penalty therefor.

(Code 1967, § 3-2; Ord. No. 86.12, 3-20-86)

Sec. 3-18. Depositing commercial handbills in public places.

No person shall deposit, place, throw, scatter or cast any commercial handbill in or upon any public place within this city.

(Code 1967, § 3-3)

Sec. 3-19. Manner of placing in or upon vehicles.

No person shall distribute, deposit, place, throw, scatter or cast any commercial or noncommercial handbill in or upon any automobile or other vehicle in a manner in which it is likely to be carried or deposited by the elements upon any adjoining premises, street or sidewalk or other private place, or upon private property. The provisions of this section shall not prohibit the handing, transmitting or distributing of any noncommercial handbill to the owner or other occupant of any automobile or other vehicle who is willing to accept the same.

(Code 1967, § 3-4)

Sec. 3-20. Depositing on vacant premises.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant in any of the following circumstances:

- (a) Where it is apparent that such property is unoccupied;
- (b) Where it is apparent that a previous day's distribution of handbills has not been removed;
- (c) Where the owner has not given his permission to do so.

(Code 1967, § 3-5)

Sec. 3-21. Distributing, etc., on posted premises.

No person shall distribute, deposit, place, throw, scatter or cast any commercial or noncommercial handbill upon any premises if requested by anyone thereon not to do so, or if there is placed on such premises, in a conspicuous position near the entrance thereof, a sign bearing the words "No Trespassing", "No Peddlers or Agents", "No Advertisement", "No Unsolicited Newspapers" or any similar notice indicating in any manner that the occupants of such premises do not desire to be molested or to have their right of privacy disturbed, or to have any such handbills left upon such premises.

(Code 1967, § 3-6)

Sec. 3-22. Manner of distribution on private premises.

No person shall distribute, deposit, place, throw, scatter or cast any commercial or noncommercial handbill in or upon any private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant or any other person then present in or upon such private premises; provided that in case of inhabited private premises which are not posted as provided in this chapter, such licensed or other person, unless requested by anyone upon such premises not to do so, may place or deposit any such handbill in or upon 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 elsewhere, except that mailboxes may not be so used when so prohibited by federal postal laws or regulations.

(Code 1967, § 3-7)

Sec. 3-23. Certain subject matter not to be posted.

No owner, lessee, occupant or agent of any premises shall permit any person, whether licensed or acting under the terms of this article or otherwise, to post, affix or otherwise attach to any building, structure or fixture located upon such premises, whether such fixture is natural or artificial, any poster or handbill containing any matter prohibited by the terms of this article.
(Code 1967, § 3-9)

Secs. 3-24—3-35. Reserved.

Secs. 3-36—3-43. Repealed.
(Ord. No. 93.13, 4-8-93)