



## Legislation Text

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**File #: 030785, Version: 8**

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### DISTRIBUTION OF HANDBILLS (B)

Ordinance No. 0-03-92

An ordinance of the City of Gainesville, Florida, creating Article VI, of Chapter 19 of the City of Gainesville Code of Ordinances, establishing requirements related to the "Distribution of Handbills"; providing for the intent and purpose of the regulations; providing for definitions; providing for the scope of the program; prohibiting distribution where an occupant has posted a "No Handbills" sign; providing exceptions for consent, parcel carriers, postal carriers, and qualified newspapers; providing for enforcement by civil citation and a penalty for violation of this Ordinance; providing for enforcement by criminal citation following two civil citation convictions; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

The City Commission adopt the proposed ordinance.

In recent years, the City has received complaints from citizens and apartment managers regarding the unwanted delivery of advertisements, handbills and circulars to their homes, in their neighborhoods and in apartment complexes. In response, the City Attorney's Office evaluated the City Code of Ordinances and determined there is no provision in the current Code that gives the City the authority to act on these complaints where advertisements are thrown in yards or placed at the doorways of residences, unwanted and unsolicited.

The City Commission referred this item to the Public Safety Committee on January 12, 2004 for review and recommendation. The Public Safety Committee held two public meetings and received input from police, City Attorney staff, businesses and citizens, and referred the matter back to the City Commission. On April 12, 2004, the City Commission considered the issue and authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance, in substantially the same form as submitted by the Public Safety Committee.

On June 14, 2004, an ordinance was presented for first reading. At that time, the matter was referred to the Public Safety Committee for reconsideration. The matter was discussed by the Public Safety Committee on July 13, 2004 and again on September 30, 2004 (when input from the Chamber of Commerce was received).

The proposed ordinance is amended slightly based on these discussions and provides for the property owner to decide whether they want to receive handbills. If they do not wish to receive handbills, the owner may place a "No Handbill" sign on his or her property. This draft ordinance also provides exception language in the following scenarios:

- \* Public agency distribution (police/fire/health) flyers distributed in the interest of the public health and safety;
- \* when the owner or occupant has requested the handbill or provides consent;
- \* for parcel and U.S. post delivery; and
- \* for newspapers which are sold to the public.

Violations of this ordinance may be enforced by civil citation or by municipal ordinance prosecution. Once a person has two civil citation convictions within a six-month period, subsequent violations shall be prosecuted as provided in section 1-9 of the Code.

To allow time for education and implementation, the ordinance would take effect January 1, 2005.

This ordinance requires two hearings. If adopted on first reading, the second and final reading of the ordinance will be November 22, 2004.