



City of West Allis

Legislation Text

File #: O-2004-0031, **Version:** 1

An Ordinance to Amend Section 9.20 of the West Allis Revised Municipal Code Relating to Handbill Distribution (Sponsored by Ald. Czaplewski)

The Common Council of the City of West Allis do ordain as follows:

PART I. Section 9.20 of the Revised Municipal Code is hereby amended to read:

9.20 HANDBILL DISTRIBUTION

(1) Definitions.

- (a) "Handbill" shall mean any leaflet, dodger, poster, booklet, circular, card, pamphlet, novelty, sample, advertisement or other similar printed material that is not a bona fide newspaper;
- (b) "Newspaper" shall mean a daily, weekly or other periodic publication containing recent news, useful information, editorials, feature articles and advertisements.

(2) Throwing/Distributing Handbills in Public Places. No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street or other public place within the City; nor shall any person hand out or distribute or sell any commercial handbill in any public place. Provided, however, that it shall be lawful on any sidewalk, street or other public place within the City for any person to hand out or distribute, without charge to the receiver thereof, any noncommercial handbill to any person willing to accept it.

(3) Placing Handbills on Vehicles Prohibited Where Properly Posted. No person shall throw, deposit, or place any handbill in or upon any vehicle if notified by a person who appears to be in control of the vehicle not to do so, or if there is conspicuously placed in or upon the vehicle a sign bearing the words "No Handbills," "No Advertisements," or any similar notice on the vehicle, indicating that handbills are not to be left upon the vehicle.

(4) Depositing Handbills on Uninhabited or Vacant Premises. No person shall throw, deposit, or place any handbill in or upon any private premises, which are temporarily or continuously uninhabited or vacant.

(5) Handbill Distribution Prohibited Where Properly Posted. No person shall throw, deposit or distribute any handbill upon any private premises, if requested by anyone thereon not to do so, or if there is placed upon said premises in a conspicuous position near the entrance thereof, a sign bearing the words "No Peddlers or Agents," "No Advertisements," "No Trespassing" or any similar notice, indicating in any manner that the occupants do not desire to be molested or have their right to privacy disturbed or to have any such handbills left upon the premises.

(6) Distributing Handbills at Inhabited Private Premises. No person shall throw, deposit or distribute any handbill in or upon private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant or other person in or upon such private premises; provided, however, that in the case of inhabited private premises which are not posted, pursuant to Section 9.20(4), such person, unless requested by anyone upon such premises not to do so, may place or deposit any handbill in or upon such inhabited private premises if the handbill is so placed or deposited in a receptacle, clip, or other device designed or intended to receive paper matter when such receptacle, clip, or other device has been erected in a conspicuous place near the front door or front entrance or near the mailbox of any private property. If no such receptacle, clip, or other device has been erected as hereinabove provided, then a person may hand any handbill to an occupant of the property or place any handbill upon the porch or vestibule of a house or building on the private property, provided that in the latter case, the handbill is wrapped, tied, folded, or otherwise so prepared or placed so that it will not be blown or drifted about such property or sidewalks, streets, or other places by the winds, and except that mailboxes may not be so used when prohibited by Federal Postal laws or regulations.

The provisions of this section shall not apply to the distribution of newspapers, except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place.

(7) Handbilling Hours. No person shall distribute any handbills before 9:00 a.m. and after 9:00 p.m., of any day, except upon private premises, with prior permission or invitation from the owner of such premises.

(8) Manner of Handbill Distribution. No person distributing handbills shall cross any lawn or go over or through any hedge or shrubbery.

PART II. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

PART III. This ordinance shall take effect and be in force from and after its passage and publication.

ATTO-AmendSec9.20HandbillDistribution