

**ORDINANCE NUMBER 1322**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, AMENDING MUNICIPAL CODE CHAPTER 5.24 REGARDING REGULATIONS OF THE DISTRIBUTION OF HANDBILLS**

**WHEREAS**, unwanted handbills which are posted or distributed within the City of Perris deface public property and private property and create waste and litter. As a result, the existence of unwanted handbills constitutes a public nuisance by creating waste and litter and is a burden upon taxpayers who will fund the cleanup and disposal of handbills which fall on the ground or otherwise become litter; and

**WHEREAS**, the City Council finds the need to establish regulations, and such regulations will serve a legitimate public purpose by reducing the amount of litter resulting from the uncontrolled distribution of advertising matter and commercial handbills, while concurrently providing a reasonable approach to allow handbill distributors the ability to conduct their activities consistent with the First and Fourteenth Amendments of the United States Constitution; and

**WHEREAS**, the City Council desires to update Chapter 5.24 of the Perris Municipal Code to prevent litter caused by unwanted handbills throughout the City by regulating such activities and declaring certain acts of posting and distributing handbills to be unlawful and to provide penalties for such violations.

**THE CITY COUNCIL OF THE CITY OF PERRIS HEREBY ORDAINS AS FOLLOWS:**

**Section 1.** Recitals Incorporated. The foregoing Recitals are incorporated herein by reference as if set forth in full.

**Section 2.** Amendment to Chapter 5.24 of the Perris Municipal Code. Chapter 5.24 (Handbills) of the Perris Municipal Code is hereby amended to read in its entirety as follows:

“5.24.010 Definitions

The following words, terms and phrases when used in this chapter have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

A. “Handbill” means any printed or written matter, poster, lawn sign, sample circular, leaflet, pamphlet, paper, booklet, printed matter of literature, flyer or any other similar printed item.

B. “Person” means natural person, firm, partnership, association, corporation, company, public utility or organization of any kind.

#### 5.24.020 Distribution on Public Property

It shall be unlawful for any person or persons to throw, deposit, leave, place or to cause the throwing, depositing, leaving or placing of any handbill in or on any public place within the City. The provisions of this section shall not be deemed to prohibit the handling, transmitting or distributing of any handbill to any person willing to accept such handbill.

#### 5.24.030 Distribution on Vehicles

No person shall distribute, deposit or place any handbill in or upon any automobile or other vehicle in the City that displays a sign bearing the words: "No Solicitation," "No Advertisement" or similar notice, indicating in any manner that the possessors of such property do not desire to have any such handbills left upon such property. Such sign(s) shall constitute an expressed objection to such conduct, and shall be prohibited.

#### 5.24.040 Distribution on Private Property

Provided that private property is not posted as provided in Section 5.24.050, persons may, unless requested by anyone upon such property to not do so, have the authority to place or deposit handbills securely upon said premises. Handbills placed on private property shall be placed or deposited in a manner reasonably designed to prevent the handbill from being blown or drifted about such private property or property open to the public, including into streets, storm water catchment and conveyance systems and other public places.

#### 5.24.050 Distribution on Posted Private Property Prohibited

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 on such premises in a conspicuous position near the entrance thereof, a sign bearing the words: "No Solicitation," "No Advertisement" or similar notice, indicating in any manner that the occupants of such property do not desire to have their privacy disturbed or to have any such handbills left upon such premises. Such sign(s) shall constitute an expressed objection to such conduct, and shall be prohibited.

#### 5.24.060 Hours of Distribution Limited

It is unlawful for any person to distribute any handbill on private property between the hours of seven-thirty p.m. of any day and eight a.m. of the following day.

#### 5.24.070 Exemptions

The provisions of this chapter shall not be deemed to apply to the distribution of the United States mail nor to the delivery of any handbill to any person who has requested delivery of same.

5.24.080 Violation - Penalty

Any person who violates any provision of this chapter is guilty of an infraction and upon conviction thereof shall be punished in accordance with Section 1.16.010. Any person empowered by the city to issue citations may issue citations to enforce compliance with this chapter.”

**Section 3.** No Repeal of other Provisions. Ordinance 709, Ordinance 608, and Ordinance 105 are hereby repealed. Unless expressly modified or added herein, all provisions of Title 5 remain in full force and effect.

**Section 4.** Effective Date. This Ordinance shall take effect 30 days after its adoption.

**Section 5.** Severability. If any section, subsection, subdivision, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portions thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases or portions thereof be declared invalid or unconstitutional.

**Section 6.** Certification. The City Clerk shall certify as to the passage and adoption of this Ordinance and shall cause the same to be posted at the designated locations in the City of Perris.

***ADOPTED, SIGNED and APPROVED*** this 29<sup>th</sup> day of September, 2015.

---

Daryl R. Busch, Mayor

ATTEST:

---

Nancy Salazar, City Clerk

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) §  
CITY OF PERRIS )

I, Nancy Salazar, City Clerk of the City of Perris that the foregoing Ordinance Number 1322 was duly introduced by the City Council of the City of Perris at a regular meeting of said Council on the 8<sup>th</sup> day of September, 2015, and duly adopted by the City Council of the City of Perris at a regular meeting of said Council on the 29<sup>th</sup> day of September, 2015, and that it was so adopted by the following vote:

AYES: ROGERS, BURKE, RABB, BUSCH  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE

---

Nancy Salazar, City Clerk