

ARTICLE 5

DISTRIBUTION OR CIRCULATION OF ADVERTISING MATTER

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ARTICLE 5

DISTRIBUTION OR CIRCULATION OF ADVERTISING MATTER

SEC. 5-5.00 FINDINGS AND PURPOSE. The Council hereby finds and declares that the indiscriminate distribution of printed matter upon residential property is creating widespread litter and a serious police problem in that the accumulation of said matter is an open invitation to burglary, and that it adversely affects a considerable number of citizens and, further, that the indiscriminate distribution of printed matter, both upon public and private property is injurious and inimical to the public health, safety and welfare of the residents of the City and that such practices are, therefore, declared to constitute a public nuisance.

SEC. 5-5.10 DEFINITIONS. For purpose of this Article, certain words and phrases are defined, and certain provisions shall be construed as herein set out, unless it shall be apparent from the context that a different meaning is intended.

SEC. 5-5.11 ADVERTISING MATTER. "Advertising Matter" shall mean any printed or written matter, including handbills and signs, or otherwise reproduced original or copies of any matter or literature except a newspaper as defined in this Article.

SEC. 5-5.12 NEWSPAPER. "Newspaper" shall mean any printed matter of general circulation published for the dissemination of local or telegraphic news and intelligence of a general character.

SEC. 5-5.15 METHOD OF DISTRIBUTION. The following regulations shall apply to the distribution and circulation of advertising matter and newspapers:

- a. Any advertising matter which may be distributed, circulated, or delivered in the City pursuant to this Article, shall be:
 - (1) Placed in the hand of the intended recipient; or
 - (2) Placed on the porch or covered entranceway of a building, or affixed to a vehicle, and bound, folded, enclosed, or otherwise secured in such a manner so as to prevent the material from being blown or drifted about, scattered, or fragmented by the action of the elements or normal pedestrian or vehicular traffic.
- b. Any newspaper which may be distributed, circulated or delivered in the City pursuant to law, shall be:
 - (1) Placed in the hand of the intended recipient; or
 - (2) Placed on the premises or distributed from a newsrack which complies with Article 10 of Chapter 3 of this Code and bound, folded, enclosed, or otherwise secured in such a manner so as to prevent said newspaper from being blown or drifted about, scattered, or fragmented by the action of the elements or normal pedestrian or vehicular traffic.

SEC. 5-5.20 DISTRIBUTION OF ADVERTISING MATTER AND NEWSPAPERS
ON PUBLIC PROPERTY.

- a. No person shall distribute, deposit, place, paint, post, or otherwise affix any advertising matter or newspaper, or cause the same to be done:
 - (1) in or upon any public property within the City of Hayward, including but not limited to, public buildings or structures, public parks or school buildings or grounds;
 - (2) in or upon any street or alley including any sidewalk, crosswalk, curb, curbstone, utility pole, lamp post, electrolier pole, cross-bar, guy wire or other support structure, hydrant, bridge, tree, shrub, tree stake or guard, train trestle, fountain, street sign, traffic sign or signal, fire alarm fixture, or any other structure located therein; or
 - (3) in or upon any automobile or other vehicle without the consent of the person in possession thereof, which is parked in or upon any public property or structure, street or alley in the City Hayward.
- b. Any advertising matter found posted or otherwise affixed upon any public property contrary to the provisions of this Article may be removed by the Police Department or the Department of Public Works. The person or business responsible for any such illegal posting shall be liable for the costs incurred in removal thereof. Any person or business named on any advertising matter found posted or otherwise affixed in violation of this Article shall be presumed to be responsible for any such illegal posting. If the costs assessed for removal by the City are not paid upon becoming due and payable, they may be collected in any manner in which any other debt to the City may be collected.
- c. The provisions of this section shall not be deemed to prohibit:
 - (1) the personal delivery of such matter to persons who are willing to accept the same;
 - (2) distribution by means of newspaper racks authorized by Sec. 3-5.07 of this Code, or any amendment to or replacement thereof;
 - (3) the printing of house numbers upon curbs or other curb markings done pursuant to a permit obtained from the City; or
 - (4) the installation of a metal plaque or plate or individual letters or figures in a sidewalk or building commemorating an historical, cultural or artistic event or person, for which City approval has been granted.

SEC. 5-5.21 DISTRIBUTION OF ADVERTISING MATTER AND NEWSPAPERS
ON UNIMPROVED OR VACANT PRIVATE PREMISES. No person shall deposit, distribute, or place any advertising matter or newspaper, or cause the same to be done in or upon any private premises which are unimproved or which are vacant, without first having obtained the permission of the owner or other person in control of such premises.

SEC. 5-5.22 DISTRIBUTION OF ADVERTISING MATTER OR NEWSPAPERS

ON PRIVATE PROPERTY. No person shall deposit, distribute, or place any advertising matter or newspaper, or cause the same to be done, in or upon any private premises within the City when the owner or occupant of said private premises has notified the distributor or disseminator of such matter that he does not wish to receive any matter. Said notice shall be:

- a. By written communication to the distributor or disseminator of such material; or
- b. By placing on said premises in a conspicuous place near the entrance thereof, a sign bearing the words "No Advertising", or any similar notice indicating that no such material is to be left upon said premises.

SEC. 5-5.23 EXEMPTIONS. The provisions of this Article shall not apply to the distribution of material through the United States mail, nor to the distribution of material if such distribution is required by federal, state or local regulation.

SEC. 5-5.24 LITTERING FORBIDDEN. Any distribution, circulation or delivery of advertising matter or newspapers in the City of Hayward by means other than as specified in this Article shall be deemed littering and is hereby made unlawful.