## NEVADA STATE JOURNAL

PROOF OF PUBLICATION

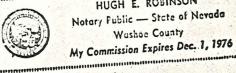
STATE OF NEVADA COUNTY OF WASHOE \$\} ss.

SUSAN KLEBENOW

Signed Subscribed and sworn to before me this

Motary Public.

HUGH E. ROBINSON



SUMMARY: Regulates distribution of commercial handbills.

BILL NO. 391

ORDINANCE NO. 236

AN ORDINANCE REGULATING THE DISTRIBUTION OF COMMERCIAL HANDBILLS; DEFINING TERMS; PROVIDING THAT IT IS UNLAWFUL TO DISTRIBUTE COMMERCIAL HANDBILLS IN CERTAIN PLACES UNDER CERTAIN CIRCUMSTANCES; PROVIDING PENALTIES; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, No person has an inherent right to conduct his private business upon the public streets, sidewalks and other public places of Washoe County; and

WHEREAS, Washoe County desires to regulate the distribution of handbills equitably and without interfering with constitutional guarantees of free speech, press and religion in order to control the littering of public streets, sidewalks and other public places within its jurisdiction and to protect the property of the county and its inhabitants.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DO ORDAIN:

Section 1. <u>Definitions</u>. The words and terms set forth in sections 2 to 6, inclusive, as used in this ordinance, have the meanings ascribed to them in such sections, except where the context clearly indicates a different meaning.

- Sec. 2. "Commercial handbill" defined. "Commercial handbill" means and includes 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 not distributed by the United States Postal Service which:
- 1. Advertises for sale any merchandise, product, commodity or
- 2. Directs attention to any business, or to any mercantile or commercial establishment, or to any other commercial activity for the purpose of either directly or indirectly promoting the interests
- thereof by sales; or

  3. 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.
- Sec. 3. "Newspaper" defined. "Newspaper" means and includes:
  1. 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
- 2. Any periodical or current magazine regularly published with not less than four issues per year, and sold to the public.

  3. A newspaper as defined in this section is not a handbill.

- "Noncommercial handbill" defined. "Noncommercial handbill" means and includes 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 commercial handbill or a newspaper.
- "Person" defined. "Person" means every natural person, firm, copartnership, association or corporation. Sec. 5.

Sec. 6. "Public place" defined.

1. "Public place" means and includes any and all streets, boulevards, avenues, lanes, alleys or other public ways, and any and all public parks, squares, spaces, sidewalks, plazas, grounds

and buildings. "Public place" does not include a privately owned parking facility, a parking facility leased to any private person, or any other property which is owned by or leased to any private person, notwithstanding the fact that such a parking facility or property is open to public view and use.

Sec. 7. Depositing and distributing commercial handbills in public places prohibited.

1. It is unlawful for any person to:

(a) Deposit, place, throw, scatter or cast any commercial handbill in or upon any public place within Washoe County.

(b) Hand out or distribute or sell any commercial handbill in any

- 2. It is not unlawful for any person to hand out or distribute public place. any noncommercial handbill in any public place to any person willing to accept such noncommercial handbill.
- Sec. 8. Placing commercial handbills in vehicles prohibited. It is unlawful for any person to distribute, deposit, place, throw, scatter or cast any commercial handbill in or upon any automobile or other vehicle parked in any public place. The provisions of this section do not prohibit the handing, transmitting or distributing of any commercial handbill to the owner or other occupant of any automobile or other vehicle who is willing to accept it.
- Sec. 9. Distribution on uninhabited or vacant private premises of commercial handbills prohibited. It is unlawful for any person to distribute, deposit, place, throw, scatter or cast any commercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant.

Sec. 10. Distribution of commercial handbills on private premises

prohibited without prior consent.

1. It is unlawful for any person to distribute, deposit, place, throw, scatter or cast any commercial 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 Advertisements," or any similar notice, indicating in any manner that the occupants or 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.

2. Any person distributing a commercial handbill upon any such premises is required to identify clearly on the container or package, or the handbill, the name of the distributor, person, agency or

company, with address and phone number.

Sec. 11. Penalty. Any person violating any of the provisions of this ordinance is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$500.

Sec. 12. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Sec. 13. If any section, paragraph, clause or provision of this ordinance shall for any reason be held to be invalid or unenforcible, the invalidity or unenforcibility of such section, paragraph, clause or provision shall in no way affect any remaining provisions of this ordinance.

Sec. 14. This ordinance shall be in full force and effect from and after its passage, approval and publication as prescribed by NRS 244.100.

Proposed on the 5th day of July , 1974.

Proposed by Commissioners Rusk, Nelson, Pagni, Scott and Grow.

Passed on the 25th day of July , 1974.

## Vote:

Ayes: Commissioners: Nelson, Pagni and Grow.

Nays: Commissioners: None.

Absent: Commissioners: Rusk and Scott.

Ouroft A. Teles-Vice Chironan Chairman of the Board

ATTEST: 15 K Ginin

Count Clerk /

This Ordinance shall be in force and effect from and after the 10th day of August. 1974, except as otherwise specifically

provided heroing