

ORDINANCE NO. C-

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING AND RESTATING
SECTION 5.46 OF THE LONG BEACH MUNICIPAL CODE
REGARDING THE DISTRIBUTION OF HANDBILLS AND
ADVERTISING

The City Council of the City of Long Beach ordains as follows:

Section 1. Chapter 5.46 of the Long Beach Municipal Code is amended
and restated in its entirety to read as follows:

Chapter 5.46

5.46.010 Definitions.

The following words and phrases in this Chapter shall have the meaning
attached to them in this Section unless otherwise clearly apparent from the
context:

A. "Pamphlet" is any booklet, card, circular, dodger, handbill,
newspaper, or other medium of similar nature, excluding, however, any
newspaper eligible for entry as second-class matter under the provisions
of the United States Post Office regulations of March 3, 1879, and other
regulations and statutes of the United States.

B. "Private property" is any parcel of real property in the City,
including any improvements thereon, and not dedicated to use by the
public.

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5.46.020 Pamphlet distribution hours.

No person shall distribute any pamphlets in or upon private property in the City between 7:00 p.m. and 8:00 a.m.

5.46.030 Distribution on private property restricted.

No person shall distribute any pamphlets in or upon private property when:

A. It is apparent that the property is unoccupied; or

B. It is apparent that a previous day's distribution of pamphlets, regardless by whom distributed, has not been removed.

5.46.040 Manner of distribution.

Subject to the provisions of Section 5.46.030, no person shall distribute in or upon any private property any pamphlets except in the following manner:

A. By placing the same in a receptacle, clip, or other device designed or intended to receive pamphlets, when such receptacle, clip, or other device has been conspicuously placed near the front door or front entrance or near the mailbox of any private property; or

B. If no such receptacle, clip, or other device has been placed as provided in this Section, then by handing the pamphlets to an occupant of the property, or placing the same upon the porch or vestibule of a house or building on the private property, provided that, in the latter case, the pamphlet is wrapped, tied, folded, or otherwise so prepared or placed that it will not be blown loose by the wind.

5.46.050 Business License required.

No person shall cause the distribution of any pamphlet without clearly printing the business license number of the person or entity which caused the

1 pamphlet to be distributed, unless such person or entity is not otherwise required
2 to possess a business license under this Code.

3
4 5.46.060 Public distribution prohibited.

5 Except for the sale or distribution of newspapers, no person as principal,
6 agent, employee, or otherwise shall solicit, whether verbally, written or otherwise,
7 for any business, profession, trade, transportation line, excursion or any other
8 purpose, in person, or by personally selling, offering for sale, or distributing any
9 tickets, cards, handbills or other printed or written matter or merchandise in or
10 upon any public street, alley, sidewalk, way, pier, wharf or other public place, or
11 in or on any vehicle in any such place in the city, except as may be lawfully
12 permitted under Chapter 5.66 of this Title 5. No person shall post notices on
13 public property including street signs, lampposts, etc., without a permit from the
14 public works department.

15
16 5.46.070 False advertising prohibited.

17 No person shall sell, furnish, perform or in any way dispose of real or
18 personal property, services, professional or otherwise, or anything of any nature
19 whatsoever, directly or indirectly to the public, or induce the public in any manner
20 to enter into any obligation relating thereto, or acquire title thereto, or any interest
21 therein, by means of publishing, circulating, or causing to be made, published or
22 circulated before the public in the city, in any newspaper, magazine, book,
23 pamphlet, circular, letter, notice, handbill, poster, or other publication, or on any
24 billboard, sign, card, label, or other advertising medium, including any electric
25 sign, window sign, showcase, or window display, or any other advertising device,
26 or by public outcry, or proclamation, or in any other manner or means whatever,
27 which advertising contains any statement representation, or assertion concerning
28 such real or personal property, service, or anything so offered to the public, or

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1 concerning any circumstances or matter of fact connected in any way directly or
2 indirectly with the proposed sale, performance or disposition thereof, which
3 statement, representation or assertion is false or untrue in any respect, or which
4 is deceptive or misleading; provided, however, that this section shall not apply to
5 any publisher of a newspaper, magazine, or other publication who publishes said
6 advertisement in good faith without knowledge of its false, deceptive or
7 misleading character.

8
9 Sec. 2. The City Clerk shall certify to the passage of this Ordinance by
10 the City Council and cause it to be posted in three conspicuous places in the City of
11 Long Beach, and it shall take effect on the thirty-first day after it is approved by the
12 Mayor.

13 I hereby certify that the foregoing Ordinance was adopted by the City Council of
14 the City of Long Beach at its meeting of _____, 2005, by the following vote:

15 Ayes: Councilmembers: _____

16 _____

17 _____

18 _____

19 Noes: Councilmembers: _____

20 _____

21 Absent: Councilmembers: _____

22 _____

23 _____

24 _____
City Clerk

25
26
27 Approved: _____

Mayor