

ORDINANCE NO. G-1220

AN ORDINANCE REPEALING SECTION 600.260 "BILLBOARDS – BILL POSTING AND DISTRIBUTION" AND ADOPTING NEW SECTIONS 600.275 "DISTRIBUTION OF HANDBILLS, ETC.," 600.280 "COMMERCIAL DISTRIBUTOR LICENSE REQUIRED," 600.285 "SAME, EXCLUSIONS," AND 600.290 "PENALTY," OF TITLE II "MISCELLANEOUS LICENSES AND OCCUPATION TAXES" OF CHAPTER 600 "LICENSES AND OCCUPATIONS," OF TITLE VI "BUSINESS AND OCCUPATION" THE CODE OF ORDINANCES OF THE CITY OF JUNCTION CITY, KANSAS

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF JUNCTION CTY, KANSAS:

SECTION 1. Section 600.260 "Billboards – Bill Posting and Distribution" of Article II, Chapter 600, Title VI of the Code of Ordinances of the City of Junction City, Kansas is hereby repealed.

SECTION 2. New Sections 600.275, 600.280, 600.285 and 600.290 of Article II, Chapter 600, Title VI of the Code of Ordinances of the City of Junction City are hereby adopted to read as follows:

600.275. DISTRIBUTION OF HANDBILLS, ETC.

(a) For purposes of this article, the word "handbill" shall mean and include any handbill, card, leaflet, pamphlet, circular or any other written or printed material.

(b) It shall be unlawful for any person, firm or corporation:

(1) To throw, scatter, place or otherwise distribute any handbills on public property in such a manner as to cause them to be scattered in or upon any public street, alley, sidewalk, park, right-of-way or other public place in the city, or to otherwise create litter or a public nuisance;

(2) To throw, scatter, place or otherwise distribute any handbills on any private property unless the handbills are so placed or deposited as to secure or prevent them from being carried or deposited by the elements upon any street, sidewalk or other public place or upon other private property in the city, or to otherwise prevent them from creating litter or a public nuisance;

(3) To, scatter, place or otherwise distribute any handbills in or upon any private premises which are conspicuously uninhabited or vacant.

(4) To stick, tack, nail, tape or otherwise attach or adhere any handbill to any portion of or to any appurtenance to any public street, alley, sidewalk, park, right-of-way or other public place in the city, including any utility pole, lamp post, fence or other similar structure;

(5) To stick, tack, nail, tape or otherwise attach or adhere any handbill to any private property without first having obtained permission from the owner or occupant of such property; provided, however, that a handbill or handbill container which includes a hole or loop allowing it to fit over a doorknob or door handle shall not constitute a violation of this provision;

(6) To distribute a handbill at any property if requested by anyone thereon not to do so, or at any property which is conspicuously posted with a sign stating "No Trespassing," "No Solicitation," "No Handbills" or words of similar import, in the absence of the specific advance permission of the owner or occupant thereof.

600.280. COMMERCIAL DISTRIBUTOR LICENSE REQUIRED.

(a) Except as otherwise provided below, no person, firm or corporation shall engage in the distribution in the city of commercial or advertising handbills, cards, leaflets, pamphlets, circulars or any other written or printed materials used to advertise any business, product or amusement for gain without first obtaining a license therefor from the City Clerk.

(b) Licenses may be issued either as a seven-day license, permitting the distribution of handbills during a defined period not to exceed seven consecutive days, or as an annual license, permitting the distribution of handbills during a defined period not to exceed twelve consecutive months.

(c) A license may be obtained from the City Clerk subject to the following requirements:

(1) Payment of a license fee in the amount of \$50 for a seven-day license or \$1,000 for an annual license.

(2) Submission in writing, or upon such forms as the City Clerk may provide for such purpose, of the following information:

(i) The full name and address of the applicant, including any local address which the applicant will regularly maintain throughout the term of the license in relation to the conduct of its handbill distribution activities, if any.

(ii) The full name, residence address and identification information pursuant to subsection (v) below of a person or persons who will be present in the city during the time such distribution is taking place and who will be responsible for such activities and for compliance with the requirements of this article.

(iii) The full names, residence addresses and identification information pursuant to (v) below of each person who will be engaged in carrying out such distribution activities within the city; provided, however, that this information need not be submitted if the applicant maintains a permanent business location within the City with one or more full-time persons employed thereat with responsibility for such distribution activities, or if at least one of the persons designated pursuant to subsection (ii) above is a resident of the city, and if such identification information of

the persons carrying out such distribution activities is maintained at such business location or by such responsible resident. If such information is required to be or is provided to the City Clerk, then no other or additional persons shall be employed or engaged by the licensee in such activities unless and until such identifying information is submitted to the City Clerk.

(iv) The applicant shall submit to the City Clerk a copy of the handbill to be distributed. If an annual licensee is engaged in distributing handbills which are in a standard form or otherwise clearly identify the distributor, it shall be sufficient for purposes of this requirement that the licensee keep on file with the City Clerk a sample copy of such publication.

(v) Identifying information required to be provided hereunder shall consist of the person's social security number or Kansas drivers' license number, or in the alternative a photo identification card of such person issued by a state or U.S. governmental agency may be produced and the City Clerk permitted to make a copy thereof.

600.285. SAME; EXCLUSIONS.

The licensure requirements under Section 600.280 shall not apply to:

(a) Distribution of any handbill to persons who have subscribed or otherwise entered into an advance agreement for the delivery of the same.

(b) Distribution of any handbill the sole commercial content of which is the advertisement of a fund-raising event for any political candidate or for any religious, educational or charitable organization.

600.290. PENALTY.

Any person, firm or corporation violating any of the provisions of this Section shall, upon conviction thereof, be punished by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00); provided that each day that any such violation shall continue shall constitute a separate offense hereunder

SECTION 3. All ordinances and parts thereof that are inconsistent with any provision of this Ordinance are hereby repealed.

SECTION 4. This Ordinance shall be effective upon publication as required by law.

Passed and adopted by the Governing Body of the City of Junction City, Kansas this 17th day of April, 2018.



CITY OF JUNCTION CITY, KANSAS

A handwritten signature in blue ink, appearing to read "Pat Landes", is written over a horizontal line.

Pat Landes
Mayor

ATTEST: (Seal)

A handwritten signature in blue ink, appearing to read "Shawna Settles", is written over a horizontal line.

Shawna Settles, City Clerk