AN ORDINANCE REGULATING THE DISTRIBUTION OF HANDBILLS, PAMPHLETS AND OTHER HAND DISTRIBUTED ADVERTISEMENTS.

ORDINANCE NO. 83-3

SECTION 1: It shall be unlawful for any person to throw or deposit any commercial or non-commercial handbill or other hand distributed advertisement in or upon any sidewalk, highway, street, boulevard, alley, or other public way or in or upon any public park, square, public plaza, public recreational area or public building within the City, provided however, that it shall not be unlawful on any sidewalk, street or any other public place in the City for any person to hand out or distribute any commercial or non-commercial handbill or other hand distributed advertisement to any person willing to accept it.

SECTION 2: It shall be unlawful for any person to drop, deposit, or distribute any commercial or non-commercial handbill or other hand distributed advertisement in or upon any private premises, or by so placing or depositing said handbill or advertisement so as to secure and prevent same from being blown or carried about by the elements from any said premises to other public or private place.

This Section does not apply to those commercial or non-commercial handbills or other hand distributed advertisements which the owner or occupant of the premises has given permission to be delivered to the owner or occupant of the premises or for which the owner or occupant of the premises has otherwise contracted for, solicited for, or otherwise authorized the placing or depositing of said handbills or advertisement upon the premises.

SECTION 3: It shall be unlawful for any person to place or deposit any commercial or non-commercial handbill or other hand distributed advertisement upon any vehicle not his own, or in his possession, upon any public street, highway, sidewalk, road, alley within the City of Mulberry, providing, however, that it shall not be unlawful upon any such street or other public place for a person to hand out and distribute to the receiver therefor, any handbill to any occupant of the vehicle that is willing to accept it.

SECTION 4: Any person found guilty of violating any provision of this Ordinance shall be deemed guilty of a misdeameanor and, upon conviction thereof, shall be fined in an amount not more than $500.00 for each violation, or double that sum for each repetition of such offense or violation, and if the act is continuous in nature, in any sum not more than $250.00 for each day which the same shall be unlawfully continued.

SECTION 5: Should any portion of this Ordinance be unconstitutional or invalid and is so declared by a Court of competent jurisdiction, then the remainder of this Ordinance, any and remaining application of this Ordinance, shall not be affected by such partial unconstitutionality or validity.

SECTION 6: That due to the vast amount of handbills and other pamphlets being left on the public and private portions of the City of Mulberry, Arkansas, caused by the above actions of persons, an emergency does therefore exist in that this Ordinance is necessary for the preservation of the public peace, health and safety of the individual inhabitants of Mulberry, Arkansas, and therefore shall be in full force and effect after its passage, approval and publication.

PASSED and APPROVED this 5 day of April, 1983.

APPROVED:

Arnold D. Feller
MAYOR

ATTEST:

Miriam Lacy Rose
RECORDER-TREASURER