



Scott Eisenhauer, Mayor

INSTRUCTIONS FOR DISTRIBUTION OF HANDBILLS/ADVERTISING MATERIALS APPLICATIONS

- ❖ Review Ordinance, Chapter 110.
- ❖ Complete Distribution of Handbills/Advertising Material Application (Exempt or Non-Exempt).
- ❖ Mail completed application to City Clerk at 17 W. Main St., Danville IL 61832 or submit electronically to lmonson@cityofdanville.org.
- ❖ Completed application can also be dropped off in person at the City Clerk's office in the Robert E. Jones Municipal Building, 1st Floor, 17 W. Main St., Danville IL between the hours of 8:00 a.m. – 12:00 p.m. and 1:00 p.m. – 4:30 p.m.
- ❖ Upon receipt of application, the City Clerk's office will submit the application to the Public Safety Director and Mayor for approval.
- ❖ Distribution of Handbills/Advertising Material for non-exempt applicants will need to pay a \$25.00/year fee for once a week distribution and \$75.00/year fee for more than once a week distribution.
- ❖ Contact the City Clerk's office with any questions at (217) 431-2304.



CITY OF DANVILLE

17 W. Main St., Danville, IL 61832

City Clerk's Office, (217) 431-2304

OFFICE USE ONLY
TO POLICE:

**DISTRIBUTION OF HANDBILLS/ADVERTISING MATERIAL (EXEMPT)
CHAPTER 110.01-110.12**

PLEASE PRINT LEGIBLY

TYPE OF ORGANIZATION: Civic____ Patriotic____ Fraternal____ Educational____ Religious____

Benevolent____ Other ____ Explain: _____

NAME OF PERSON making application (include middle initial)

HOME Address _____

(Street, City, State, Zip Code)

PHONE Number _____ **EMAIL** _____

NAME OF BUSINESS, Manufacturer or Distributor of the article or service

BUSINESS Address _____

(Street, City, State, Zip Code)

BUSINESS Phone Number _____

TYPE of article/document/handbill/advertisement to be distributed (provide copy)

LOCATION of distribution (such as private lots-with permission, residential neighborhoods, Downtown Danville area, etc.)

NUMBER of people who will distribute advertising material _____

DATES/FREQUENCY you plan to distribute _____

PLEASE CHECK ONE: PICK UP PERMIT _____ HAVE IT MAILED _____

I attest that the preceding information is true and correct to the best of my knowledge.

Signature of Applicant: _____ **Date** _____

- *DISTRIBUTION PERMITTED BETWEEN 8:00 A.M. AND 8:00 P.M.
- *ALLOW 5 DAYS FOR PROCESSING
- *EACH PERSON/GROUP SHOULD CARRY A COPY OF APPROVED PERMIT
- *PRINTED MATERIAL CANNOT BE PLACED IN A US MAIL BOX OR BE ATTACHED TO ANY VEHICLE, UTILITY POLE OR STREET SIGN WITHIN THE CITY

DATE APPLICATION RECEIVED: _____ **BY:** _____

Police Dept. Approval _____ **Distributed to:** _____ **DATE** _____ **Permit # Issued** _____

CHAPTER 110: HANDBILLS

Section

110.01	Definitions
110.02	Permit required; fee
110.03	Permit application
110.04	Posting notice, placard, bill prohibited
110.05	Throwing handbills in public places prohibited
110.06	Placing handbills in or upon vehicles prohibited
110.07	Distribution of handbills where prohibition properly posted
110.08	Distributing handbills at private premises; exceptions
110.09	Distribution of handbills on uninhabited or vacant private premises prohibited
110.10	Handbills depicting certain matter prohibited
110.11	Hours of distribution
110.12	Permit revocation

§ 110.01 DEFINITIONS.

For purposes of this chapter the following words and phrases shall have the following meanings ascribed to them respectively.

"COMMERCIAL HANDBILL."

(1) Any printed or written matter, any sample or device, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter or literature:

(a) Which advertises for sale any merchandise, product, commodity, or thing;

(b) Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interests thereof by sales;

(c) Which directs attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind, for which an admission fee is charged for the purpose of private gain or profit; but the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition, or event of any kind, when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order; provided, that nothing contained in this clause shall be derived to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition, or event of any kind without a license, where such license may be required by any law of this state or ordinance of the city; or

(d) Which, 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.

(2) The term "COMMERCIAL HANDBILL" shall not include any notice or document relating to legal proceedings, court proceedings, or action of any governmental agency including the city.

"NEWSPAPER." Any newspaper of general circulation as defined by general law, any newspaper duly entered with the United States Postal Service, in accordance with federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law; and, in addition thereto, shall mean and include any periodical or current magazine regularly published with not less than four issues per year, and sold to the public.

"NON-COMMERCIAL HANDBILL." Any printed or written matter, any sample or device, 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 commercial handbill or newspaper.

"OBSCENE." Material which depicts or describes sexual conduct that is objectionable or offensive to accepted standards of decency which the average person, applying contemporary community standards would find, taken as a whole, appeals to prurient interests or material which depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law, which, taken as a whole, lacks serious literary, artistic, political or scientific value.

"PRIVATE PREMISES." Any dwelling, house, building, or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited, uninhabited, or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building, or other structure.

"PUBLIC PLACE." Any and all streets, boulevards, avenues, lanes, alleys, or other public ways, and any and all public parks, squares, spaces, plazas, grounds and buildings.
(Ord. 8530, passed 2-6-07)

§ 110.02 PERMIT REQUIRED; FEE.

(A) No person shall post, tack, handout, deliver or otherwise engage in the distribution of commercial handbills within the city without first having obtained a permit therefore.

(B) No permit required by division (A) of this section shall be granted to any person under the age of 18.

(C) The fee for the permit required by division (A) of this section shall be \$25 per year for permittees who post, tack, handout, deliver or otherwise distribute commercial handbills once a week or less.

(D) The fee for the permit required by division (A) of this section shall be \$75 per year for permittees who post, tack, handout, deliver or otherwise distribute commercial handbills more than once a week.

(Ord. 8530, passed 2-6-07)

§ 110.03 PERMIT APPLICATION.

Any person or entity desiring to obtain the permit required pursuant to § 110.02 shall complete an application on such forms as provided by the City Clerk. The application shall contain the following information: name, address and phone number of the applicant; the name of the manufacturer or distributor of the article or service advertised; a statement as to the nature of the article(s), card(s); handbill(s) or advertisement(s) to be distributed; and, any such other information as requested. The applicant shall sign the application attesting to the truth and accuracy of the information contained therein.

(Ord. 8530, passed 2-6-07)

§ 110.04 POSTING NOTICE, PLACARD, BILL PROHIBITED.

No person shall post, stick, stamp, paint or otherwise affix, or cause the same to be done by any person, any notice, placard, bill, card, poster, advertisement or other paper or device calculated to attract the attention of the public, to or upon any sidewalk, crosswalk, curb or curbstone or any other portion or part of any public right-of-way or public place, or any utility pole, or any railway structure, hydrant, shade tree or tree-box, or upon the piers, columns, trusses, girders, railings, gates or other parts of any public bridge or viaduct, or other public structure or building.

(Ord. 8530, passed 2-6-07) Penalty, see § 10.99

§ 110.05 THROWING HANDBILLS IN PUBLIC PLACES PROHIBITED.

It shall be unlawful for any person to deposit, place, throw, scatter, or cast any commercial or non-commercial handbill in or upon any public right-of-way or other public place within the city. Provided, however, that it shall not be unlawful for any person to hand out or distribute, without charge to the receiver thereof, any commercial or non-commercial handbill in any public place to any person willing to accept such handbill.

(Ord. 8530, passed 2-6-07) Penalty, see § 10.99

§ 110.06 PLACING HANDBILLS IN OR UPON VEHICLES PROHIBITED.

It shall be unlawful for any person to distribute, deposit, place, throw, scatter or cast any commercial or non-commercial handbill in or upon any automobile or other vehicle. The provisions of this section shall not be deemed to prohibit the handing, transmitting, or distributing of any commercial or non-commercial handbill to the owner or other occupant of any automobile or other vehicle, who is willing to accept the same.

(Ord. 8530, passed 2-6-07) Penalty, see § 10.99

§ 110.07 DISTRIBUTION OF HANDBILLS WHERE PROHIBITION PROPERLY POSTED.

It shall be unlawful for any person to distribute, deposit, place, throw, scatter, or cast any commercial or non-commercial handbill upon any premises, if requested by anyone thereon not to do so, or if there is placed on said 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 of said premises do not desire to be confronted, accosted or otherwise have their right of privacy disturbed, or to have any such commercial or non-commercial handbills left on the premises.

(Ord. 8530, passed 2-6-07) Penalty, see § 10.99

§ 110.08 DISTRIBUTING HANDBILLS AT PRIVATE PREMISES; EXCEPTIONS.

(A) No person shall throw, deposit, or distribute any commercial or non-commercial handbill in or upon private premises except by handing or transmitting any such handbill directly to the owner, occupant, or other person present in or upon such private premises; provided, that, except where the premises are posted as provided in § 110.09 or where anyone upon the premises requests otherwise, a person may place or deposit any such commercial or non-commercial handbill in or upon such private premises, if such handbill is contained in a plastic bag ventilated with airholes throughout the surface of the bag, or unventilated plastic bag no greater than six inches in width, or if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets, or other public places. Mailboxes may not be so used when so prohibited by federal postal law or regulations.

(B) The provisions of this section shall not apply to the distribution of mail by the United States or to newspapers; except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk, or other public place or upon private property.

(Ord. 8530, passed 2-6-07) Penalty, see § 10.99

§ 110.09 DISTRIBUTION OF HANDBILLS ON UNINHABITED OR VACANT PRIVATE PREMISES PROHIBITED.

It shall be unlawful for any person to distribute, deposit, place, throw, scatter or cast any commercial or non-commercial handbill in or upon any private premises which are uninhabited or vacant.

(Ord. 8530, passed 2-6-07) Penalty, see § 10.99

§ 110.10 HANDBILLS DEPICTING CERTAIN MATTER PROHIBITED.

It shall be unlawful for any person to post, hand out, distribute or transmit any sign, or any handbill:

- (A) Which is reasonably likely to incite or to produce imminent lawless action; or,
- (B) Which is obscene or unlawful.

(Ord. 8530, passed 2-6-07) Penalty, see § 10.99

§ 110.11 HOURS OF DISTRIBUTION.

No person shall distribute or deposit any commercial or non-commercial handbill daily from 8:00 p.m. to 8:00 a.m. of the following morning.

(Ord. 8530, passed 2-6-07) Penalty, see § 10.99

§ 110.12 PERMIT REVOCATION.

(A) The Mayor may revoke any permit issued under this chapter for any of the following reasons:

- (1) Violation of any of the provisions of this chapter or related city ordinance;
- (2) Violation of any city ordinance or state statute relating to offenses against persons or property; or,
- (3) The willful making of any false statement as to a material fact in the application for a permit.

(B) No permit issued under this chapter shall be revoked except after a public hearing held before the Mayor. The permittee shall be given a three-day written notice of such hearing affording the permittee an opportunity to appear and defend.

(C) In lieu of, or in addition to, the revocation of the permit, the Mayor may impose a fine of not less than \$100 nor more than \$1,500 for a violation of this chapter.

(Ord. 8530, passed 2-6-07)

CHAPTER 115.03 EXEMPTIONS TO TRANSIENT MERCHANT/ITINERNANT VENDOR LICENSING REQUIREMENTS

F) Any person who, without compensation, solicits contributions to or sells goods, wares or merchandise for any civic, patriotic, fraternal, educational, religious or benevolent organization; provided, however, that the organization on whose behalf such person is acting shall register such activities with the city clerk as provided in Chapter 115.07 below.

CHAPTER 115.07 REGISTRATION OF CERTAIN EXEMPT PERSONS

A) Any person who claims an exemption from the license requirements of this chapter under § 115.03(E) or (F), shall register such exempt activities with the city clerk and shall disclose in writing the following: name, social security number, date of birth, and residence street address of the registrant; name and street address of the organization on whose behalf he is engaged in the exempt activities; description of the activities claimed to be exempt; the dates and times of day during which the registrant intends to engage in the activities claimed to be exempt; the area or areas within the city in which the registrant intends to engage in the activities claimed to be exempt; and the number, description, and license plate numbers, if applicable, of any vehicle, trailer or other means of transportation of goods the registrant intends to use while engaging in such activities in the city. The city clerk shall submit such registration to the police department for investigation.

(B) The chief of police, or his designee, shall investigate the registration for exemption and, upon being satisfied that the information is true and correct and that the applicant is not a prohibited person under § 115.06 or otherwise prohibited from obtaining a license under § 115.08, shall so inform the city clerk, who shall issue a certification of exemption.

§ 93.17 DUMPING OR DEPOSITING OF LITTER PROHIBITED; EXEMPTIONS.

No person shall dump, deposit, drop, throw, discard, leave, cause, or permit the dumping, depositing, dropping, throwing, discarding, or leaving of litter upon any public or private property in this City, or upon or into any river, lake, pond, or other stream or body of water in this City unless:

(A) The property has been designated by the City or any of its agencies for the disposal of litter, and the litter is disposed of on that property in accordance with the applicable rules and regulations of the state pollution control board;

(B) The litter is placed into a receptacle or other container intended by the owner or tenant in lawful possession of that property for the deposit of litter;

(C) The person is the owner or tenant in lawful possession of the property or has first obtained the consent of the owner or tenant in lawful possession, or unless the act is done under the personal direction of the owner or tenant and does not create a public health or safety hazard, a public nuisance, or a fire hazard;

(D) The person is acting under the direction of proper public officials during special cleanup days; or

(E) The person is lawfully acting in or reacting to an emergency situation where health and safety is threatened, and removes and properly disposes of any litter when the emergency situation no longer exists.

(Ord. 7334, passed 6-7-88; amend. Ord. 8381, passed 9-7-04)