

Chapter 3

ADVERTISING*

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***Cross reference(s)**--Businesses, ch. 8.

State law reference(s)--Powers of home rule charter cities, Mo. Const. art. VI, § 19(a).

ST. JOSEPH CODE

ARTICLE I. IN GENERAL**Sec. 3-1. Carrying advertisements on streets or in parks.**

(a) No person shall, in or upon any street, sidewalk, public square or public park, carry, bear, support or place or cause to be carried, borne, supported or placed any banner, sign, transparency, framework, device or emblem.

(b) This section shall not be so construed as to prevent or prohibit any person from advertising his business or calling on any vehicle, provided such advertising is done in a manner not calculated to obstruct or interfere with the passage of vehicles or pedestrians.

(Code 1969, § 3-1)

Cross reference(s)--Park and recreation facility rules, § 21-51 et seq.; streets, sidewalks, and miscellaneous public places, ch. 25.

Sec. 3-2. Affixing advertisements to sidewalks, poles, trees, bridges, etc.

No person shall post, stick, stamp, paint or otherwise fix or cause such 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, flagstone or any other portion or part of any public way or public place or any lamppost, electric light, telegraph or telephone line pole or 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 or upon any pole, box or fixture of the fire alarm or police telegraph system, except such as may be authorized or required by the laws of the United States or the state and this Code.

(Code 1969, § 3-2)

Cross reference(s)--Tree board, § 2-846 et seq.

Sec. 3-3. Advertisements in parks or public grounds.

No person shall erect any signboard or posts or display any placard or advertisement of any kind upon or along any boulevard, street, parkway, park road or elsewhere in any park or other public grounds under the control and management of the director of parks, recreation & civic facilities.

(Code 1969, § 3-3)

Cross reference(s)--Park rules, § 25-266 et seq.

Sec. 3-4. Permits for advertising civic welfare or charitable enterprises.

Upon written application, with respect to such property under its jurisdiction and control, the director of public works and transportation or the director of parks, recreation & civic facilities may, in his discretion, grant written permission for placards, posters or signs used to advertise or promote civic welfare or charitable enterprises to be placed on posts, poles, buildings or other structures on such terms and conditions as may be prescribed in the permit.

(Code 1969, § 3-4)

Sec. 3-5. Posting without permission.

No person shall stick, paint, brand, stamp or put up or cause to be stuck, painted, branded, stamped or put up upon any house, wall, fence, walk or other public place in the city any printed, written, painted or other advertisement, bill, notice, sign or poster without first having obtained the written permission of the owner of such house, wall, fence, walk or other public place.

(Code 1969, § 3-5)

Sec. 3-6. Destroying lawful advertisements.

No person shall willfully or carelessly tear, pull or cut down any poster, handbill, card or other advertisement of any lawful business, trade or occupation posted upon any bulletin board, wall or other place, provided such poster, handbill, card or other advertisement is put up in accordance with the law and this Code.

(Code 1969, § 3-7)

Secs. 3-7--3-30. Reserved.**ARTICLE II. HANDBILLS AND CIRCULARS***

***Cross reference(s)**--Handbill distributors, § 8-286 et seq.; solid waste, ch. 24; distributing literature, throwing handbills or trash, etc., in off-street parking facilities, § 28-819.

Sec. 3-31. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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 which:

- (1) Advertises for sale any merchandise, product, commodity or thing;
- (2) Directs attention to any business or mercantile or commercial establishment or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales;
- (3) 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 gain or profit, but the terms of this subsection shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expense incident to such meeting, theatrical performance, exhibition or event of any kind when the meeting, performance, exhibition or event is held, given or takes place in connection with the dissemination of information or is promoting the interests of any nonprofit organization or is in the furtherance of a civic or patriotic undertaking; provided that nothing contained in this subsection shall be deemed 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 is or may be required by any law of this state or under any ordinance of this city; or
- (4) 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.

Handbill distributor means and includes any person engaging or engaged in the business for hire or gain of distributing commercial or noncommercial handbills, other than newspapers distributed to subscribers thereof or neighborhood newspapers containing current news and information as well as advertising matter distributed partly to subscribers and partly to the general public, and any person receiving compensation directly or indirectly for the distribution of such handbills.

Newspaper means and includes 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 or which has made or is making bona fide application for entry into the United States mails as second class matter or any neighborhood newspaper containing current news and information as well as advertising matter distributed partly to subscribers and partly to the general public and, in addition thereto, means and includes any periodical or current magazine regularly published with not less than four issues per year and sold to the public.

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.

Private premises means and includes any dwelling, house, building or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and includes any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

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, plazas, grounds and buildings.

(Code 1969, § 3-20)

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

Sec. 3-32. Purpose.

To protect the people against the nuisance of promiscuous distribution of handbills and circulars, particularly commercial handbills, with the resulting detriment and danger to public health and safety, the public interest, convenience and necessity requires the regulation thereof, and to that end the purposes of this article are specifically declared to be to:

- (1) Protect the people against the unlawful activities or operations of persons representing themselves as solicitors, canvassers or handbill distributors, by requiring the registration of all such solicitors, canvassers or handbill distributors, together with the names of their employers, and by regulating the business of handbill and advertising distribution through the imposition of reasonable license fees.
- (2) Protect local residents against trespassing by solicitors, canvassers or handbill distributors upon the private property of such residents if they have given reasonable notice that they do not wish to be solicited by such persons or do not desire to receive handbills or advertising matter.
- (3) Protect the people against the health and safety menace and the expense incident to the littering of the streets and public places by the promiscuous and uncontrolled distribution of advertising matter and commercial handbills.
- (4) Preserve to the people their constitutional right to receive and disseminate information not restricted under the ordinary rules of decency and good morals and public order, by distinguishing between the nuisance created by the promiscuous distribution of advertising and commercial circulars and the right to deliver noncommercial handbills to all who are willing to receive such handbills.

(Code 1969, § 3-19)

Sec. 3-33. Exceptions.

The provisions of this article shall not be deemed to apply to the distribution of mail by the United States or to newspapers.

(Code 1969, § 3-29)

Sec. 3-34. Compliance.

It shall be unlawful for any person to engage in the business of handbill distributor for hire or for any person to distribute commercial or noncommercial handbills without first complying with the terms of this article and all other applicable laws and regulations. Nothing contained in this section shall apply to any person advertising his business or activity upon his own premises, if such business or activity is regularly established at a definite location in the city and if a license has been obtained therefor, if such license is required under the terms of any applicable law or ordinance.

(Code 1969, § 3-28)

Sec. 3-35. Depositing commercial handbills in public places.

It shall be unlawful for any person to deposit, place, throw, scatter or cast or through his agents, employees or otherwise to cause to be deposited, placed, thrown, scattered or cast any commercial handbill in or upon any public place within the city.

(Code 1969, § 3-21)

Sec. 3-36. Distributing in public places.

It shall be unlawful for any person to hand out or distribute or sell any handbill in any public place; provided, however, that it shall not be unlawful for any person to hand out or distribute, without charge to the receiver thereof, any handbill in any public place to any person willing to accept the handbill.

(Code 1969, § 3-22)

Sec. 3-37. Placing in or on vehicles.

It shall be unlawful for any person to distribute, deposit, place, throw, scatter or cast or through his agents, employees or otherwise to cause to be distributed, deposited, placed, thrown, scattered or cast any commercial or noncommercial handbill in or upon any vehicle except in a manner that will prevent the handbill from being scattered by the wind or elements.

(Code 1969, § 3-23)

Sec. 3-38. Placing on uninhabited, vacant premises.

It shall be unlawful for any person to distribute, deposit, place, throw, scatter or cast or through his agents, employees or otherwise to cause to be distributed, deposited, placed, thrown, scattered or cast any commercial or noncommercial handbill in or upon any private premises which is temporarily or continuously uninhabited or vacant.

(Code 1969, § 3-24)

Sec. 3-39. Placing on premises contrary to request or notice.

It shall be unlawful for any person to distribute, deposit, place, throw, scatter or cast or through his agents, employees or otherwise to cause to be distributed, deposited, placed, thrown, scattered or cast any commercial or noncommercial handbill upon any premises, if requested by anyone in authority not to do so or if there is placed on the premises in a conspicuous position near the entrance thereof a sign bearing the words "no trespassing," "no peddlers or agents," "no advertisement" or any similar notice, indicating that the occupants of the 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.

(Code 1969, § 3-25)

Sec. 3-40. Manner of distribution on private premises.

No person licensed under the provisions of chapter 8 or any other person shall distribute, deposit, place, throw, scatter or cast any commercial or noncommercial handbill in or upon any private premises which is inhabited, except by handing or transmitting any such handbill directly to the owner, occupant or any other person then present in or upon such private premises. If the inhabited private premises is not posted as provided in this article, the licensee or other person, unless requested by anyone in authority not to do so, may place or deposit any such handbill in or upon such inhabited private premises if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or elsewhere, except that mailboxes may not be so used when so prohibited by federal postal laws or regulations.

(Code 1969, § 3-26)