

# NEVADA STATE JOURNAL

## PROOF OF PUBLICATION

STATE OF NEVADA }  
COUNTY OF WASHOE } ss.

SUSAN KLEBINOW

being first duly sworn, deposes and says: That she is the legal clerk of THE NEVADA STATE JOURNAL, a daily newspaper published at Reno, in Washoe County, in the State of Nevada.

That the notice /391.....

of which a copy is hereto attached, was first published in said newspaper in its issue dated the

3d day of August, 1974 and August 10

the full period of 2 days, the last publication thereof being in the issue dated the 10th day of August, 1974...

Signed Susan Klebinow..

Subscribed and sworn to before me this

12th day of August, 1974

Hugh E. Robinson  
Notary Public.



HUGH E. ROBINSON  
Notary Public — State of Nevada  
Washoe County  
My Commission Expires Dec. 1, 1976

NOTICE OF COUNTY CLERK  
Notice is hereby given that Bill No. 391, adopting Ordinance No. 235, entitled "An Ordinance regulating the distribution of commercial handbills; defining terms; providing that it is unlawful to distribute commercial handbills in certain places under certain circumstances; providing penalties; and providing other matters properly relating thereto", was adopted on July 25, 1974 by Commissioners Nelson, Fagni and Grow all voting aye, with Commissioners Rust and Scott being absent.  
Typewritten copies of the Ordinance are available for inspection by all interested persons at the office of the County Clerk  
H.K. BROWN, County Clerk  
Aug 3-10  
334900 391

**SUMMARY:** Regulates distribution of commercial handbills.

BILL NO. 391

ORDINANCE NO. 236

AN ORDINANCE REGULATING THE DISTRIBUTION OF COMMERCIAL HANDBILLS; DEFINING TERMS; PROVIDING THAT IT IS UNLAWFUL TO DISTRIBUTE COMMERCIAL HANDBILLS IN CERTAIN PLACES UNDER CERTAIN CIRCUMSTANCES; PROVIDING PENALTIES; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, No person has an inherent right to conduct his private business upon the public streets, sidewalks and other public places of Washoe County; and

WHEREAS, Washoe County desires to regulate the distribution of handbills equitably and without interfering with constitutional guarantees of free speech, press and religion in order to control the littering of public streets, sidewalks and other public places within its jurisdiction and to protect the property of the county and its inhabitants.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DO ORDAIN:

Section 1. Definitions. The words and terms set forth in sections 2 to 6, inclusive, as used in this ordinance, have the meanings ascribed to them in such sections, except where the context clearly indicates a different meaning.

Sec. 2. "Commercial handbill" defined. "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 not distributed by the United States Postal Service which:

1. Advertises for sale any merchandise, product, commodity or thing; or
2. Directs attention to any business, or to any mercantile or commercial establishment, or to any other commercial activity for the purpose of either directly or indirectly promoting the interests thereof by sales; or
3. 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.

Sec. 3. "Newspaper" defined. "Newspaper" means and includes:

1. 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; and

2. Any periodical or current magazine regularly published with not less than four issues per year, and sold to the public.
3. A newspaper as defined in this section is not a handbill.

Sec. 4. "Noncommercial handbill" defined. "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.

Sec. 5. "Person" defined. "Person" means every natural person, firm, copartnership, association or corporation.

Sec. 6. "Public place" defined.  
 1. "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, sidewalks, plazas, grounds and buildings.  
 2. "Public place" does not include a privately owned parking facility, a parking facility leased to any private person, or any other property which is owned by or leased to any private person, notwithstanding the fact that such a parking facility or property is open to public view and use.

Sec. 7. Depositing and distributing commercial handbills in public places prohibited.

1. It is unlawful for any person to:
  - (a) Deposit, place, throw, scatter or cast any commercial handbill in or upon any public place within Washoe County.
  - (b) Hand out or distribute or sell any commercial handbill in any public place.
2. It is not unlawful for any person to hand out or distribute any noncommercial handbill in any public place to any person willing to accept such noncommercial handbill.

Sec. 8. Placing commercial handbills in vehicles prohibited. It is unlawful for any person to distribute, deposit, place, throw, scatter or cast any commercial handbill in or upon any automobile or other vehicle parked in any public place. The provisions of this section do not prohibit the handing, transmitting or distributing of any commercial handbill to the owner or other occupant of any automobile or other vehicle who is willing to accept it.

Sec. 9. Distribution on uninhabited or vacant private premises of commercial handbills prohibited. It is unlawful for any person to distribute, deposit, place, throw, scatter or cast any commercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant.

Sec. 10. Distribution of commercial handbills on private premises prohibited without prior consent.

1. It is unlawful for any person to distribute, deposit, place, throw, scatter or cast any commercial handbill upon any premises, if requested by anyone thereon not to do so, or if there is placed on such 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 or such 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.
2. Any person distributing a commercial handbill upon any such premises is required to identify clearly on the container or package, or the handbill, the name of the distributor, person, agency or company, with address and phone number.

Sec. 11. Penalty. Any person violating any of the provisions of this ordinance is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$500.

Sec. 12. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Sec. 13. If any section, paragraph, clause or provision of this ordinance shall for any reason be held to be invalid or unenforcible, the invalidity or unenforcibility of such section, paragraph, clause or provision shall in no way affect any remaining provisions of this ordinance.

Sec. 14. This ordinance shall be in full force and effect from and after its passage, approval and publication as prescribed by NRS 244.100.

Proposed on the 5th day of July, 1974.  
Proposed by Commissioners Rusk, Nelson, Pagni, Scott and Grow.  
Passed on the 25th day of July, 1974.

Vote:

Ayes: Commissioners: Nelson; Pagni and Grow.  
Nays: Commissioners: None.  
Absent: Commissioners: Rusk and Scott.

*Dwight A. Nelson* - Vice Chairman  
Chairman of the Board

ATTEST:

*H. K. Brown* CLERK  
*B. Wood* Chief Deputy  
County Clerk

This Ordinance shall be in force and effect from and after the 10th day of August, 1974, except as otherwise specifically provided herein.