



City of Casselberry

95 Triplet Lake Drive, Casselberry, Florida, 32707 • Telephone: (407) 262-7700, Ext. 1101
Fax: (407) 262-7763 • E-mail: communitydev@casselberry.org • Website: www.casselberry.org

HANDBILL DISTRIBUTION LICENSE APPLICATION

BUSINESS INFORMATION: (Please Print)

Business Name: _____

Applicant's Name: _____ Phone #: _____

E-mail Address: _____ Fax #: _____

Business Address: _____

CORPORATE INFORMATION:

Name: _____

Mailing Address: _____

Brief description of the nature of the business: _____

Number of agents/employees to distribute handbills: _____

Length of time requested for permit: (select one)

1 Year, \$50.00 Fee 3 Months, \$25.00 Fee 1 Week or less, \$15.00 Fee

I, _____ (Print), being duly authorized to sign for the business named above, hereby make application for a Handbill License to distribute commercial or noncommercial handbills within the city limits of Casselberry, Florida. I certify that I have read and understand the City Code, Chapter 6 Advertising available at www.casselberry.org/advertising and that I will provide that information to persons participating in handbill distribution. I certify that the information provided by me is true and correct to the best of my knowledge.

(NOTE: DO NOT SIGN this application until a notary is present)

Applicant's Signature

Date

STATE OF FLORIDA
COUNTY OF _____

Sworn to (or affirmed) and subscribed before me this _____ (date) by _____,
who is personally known to me or has produced _____ as identification.

Signature of Notary Public

Name of Notary Typed, Printed, or Stamped

Internal Use:

Reviewers Signature

Date

Expiration of Handbill License



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Casselberry City Code, Chapter 6 ADVERTISING*

***Cross references:** Amusements, Ch. 14; advertising adult entertainment establishments, § 14-79; businesses, Ch. 26; solid waste, Ch. 70.

State law references: Outdoor advertising, F.S. ch. 479.

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ARTICLE I. IN GENERAL

Sec. 6-1. Definitions.

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

Billposter means any person engaging in the activities, whether for hire or not, of posting, fastening, nailing or otherwise affixing any written, painted or printed matter of any kind, form or reproduction, referred to in this Chapter as a sign, containing a message or information of any kind whatsoever, to any outdoor billboard, or to or upon any bridge, fence, pole, post, sidewalk or tree or upon the exterior of any other structure. The terms of this definition shall not apply to or include any sign mounted on, fastened to or suspended from the outside of any building or other structure in accordance with and authorized by any provisions of an ordinance or statute, either for any public convenience or use, or regulating the construction or use of so-called outdoor display signs, whether the display signs are illuminated or not.

Commercial handbill means any printed or written matter, sample or device, dodger, circular, leaflet, pamphlet, paper, booklet or 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, mercantile or commercial establishment or other activity for the purpose of either directly or indirectly promoting the interests 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 private 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 expenses incident to the meeting, theatrical performance, exhibition or event of any kind when the event is held, given or takes place in connection with the dissemination of information which is not restricted under ordinary community standards of decency, good morals, public peace, safety and good order as shall be determined by the City

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Commission. 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 a license is or may be required by any law of this state or under any ordinance of the City;

(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; or

(5) Is not covered by the definition of sign which is contained in the definition of billposter in this Section.

Handbill distributor means any person engaged in or engaging in the activities, whether for hire or not, of distributing commercial or noncommercial handbills, other than newspapers distributed to subscribers thereof, and any person receiving compensation directly or indirectly for the distribution of the handbills.

Newspaper means any newspaper of general circulation, as defined by general law and judicial definitions and interpretations of general law; any newspaper duly entered, registered and recognized by the United States Postal Service in accordance with federal statute or regulation; and any newspaper filed, registered and recorded with any recording officer as provided by general law; and, in addition, shall mean and include any periodical or current magazine regularly published with not less than four issues per year and actually sold for a consideration to the public. This definition shall specifically exclude newspapers and advertising publications not qualified for legal advertising pursuant to general law and judicial interpretations of general law, which are distributed within the City not in response to solicitation.

Noncommercial handbill means any printed or written matter, sample or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper or booklet, or any other printed or otherwise reproduced original or copies of any matter or literature not included in the definition of a commercial handbill, a newspaper or a sign as defined in the definition of billposter in this Section.

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

Public place means 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 1982, § 110.01)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 6-2. Purpose of Chapter.

To protect the people against the nuisance of the 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 require the regulation thereof, and to that end the purposes of this Chapter are specifically declared to be as follows:

(1) To protect the people against the unlawful activities or operations of dissolute persons of criminal habits or tendencies representing themselves as solicitors, canvassers or handbill distributors, by requiring the registration of all 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) To protect local residents against trespassing by solicitors, canvassers or handbill distributors upon the private property of the 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) To 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) To preserve for the people their constitutional right to receive and disseminate information not restricted under the ordinary rules of decency, 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 them.

(Code 1982, § 110.02)

Sec. 6-3. Interpretation of Chapter; exemptions from Chapter.

This Chapter shall not be deemed to repeal, amend or modify any provision of this Code or any other ordinance either prohibiting, regulating or licensing canvassers, hawkers, peddlers, transient merchants or any

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other person using the public streets or places for any private business or enterprise or for commercial sales not covered in this Chapter. The provisions of this Chapter shall not be deemed to apply to the distribution of mail by the United States, or to newspapers.

(Code 1982, § 110.03)

Sec. 6-4. License for billposters and handbill distributors.

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

(b) *License required; application.* Any person desiring to engage, as principal, either in the business of a billposter for hire or in the business of distributing commercial or noncommercial handbills for hire, shall make application and receive from the City Clerk, or other officer empowered to issue such licenses, who shall act whenever the City Clerk is referred to in this Section, a license in the manner and for the period prescribed by the terms of this Section and by all relevant provisions of this Code. The applicant shall make written application to the City Clerk upon a form provided for that purpose by the City Clerk. The form shall contain, among other things that may be required, the name and the business address of the applicant and a brief description of the nature of the business to be conducted by the applicant and the probable number of agents and employees to be so engaged, together with a request for a license for the period for which the applicant seeks to engage in the business.

(c) *Revocation; transfer; refund of fee.* Without excluding other just grounds for revocation, the City Commission, or the official so empowered by law, may revoke any license obtained under an application containing a false or fraudulent statement knowingly made by the applicant with intent to obtain a license by means of false or fraudulent representations, or for a violation of this Chapter, or on any other grounds specified by law. The application shall be accompanied by the fee provided for in this Section. No license issued under this Section shall be transferable, and if any license is surrendered by the licensee therein named, or revoked for cause, neither the licensee named in the license nor any other person shall be entitled to any refund of any part of the fee.

(d) *Amount of fee.* License fees under the terms of this Section, and for any such purpose, shall be as follows:

- (1) For a period of one year, the sum of \$50.00.
- (2) For a period of three months, the sum of \$25.00.
- (3) For a period of one week or less, the sum of \$15.00.

(e) *Agents or employees.* Persons acting for licensees as agents or employees in the posting or distributing of any signs or handbills shall not be required to obtain a license or pay a fee, but such persons shall comply with each and all of the other provisions of this Chapter.

(Code 1982, § 110.15)

Sec. 6-5. Offensive materials.

It shall be unlawful for any person to post, hand out, distribute or transmit any sign or any commercial or noncommercial handbill which will tend to incite violence or any unlawful conduct, or which is offensive to the community standards of public morals or decency.

(Code 1982, § 110.06)

Sec. 6-6. Penalty.

Violations of this Chapter will be subject to a penalty as provided in Section 1-13.
Secs. 6-7--6-25. Reserved.

ARTICLE II. POSTING OF ADVERTISING MATERIALS

Sec. 6-26. Posting in public places.

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(a) No person shall post, stick, stamp, paint or otherwise fix, or cause to be posted, stuck, stamped, painted or otherwise fixed by any person, any notice, placard, bill, card, poster or 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 other portion or part of any public way or public place, or any lamppost, electric light, telegraph or telephone line pole, hydrant, shade tree or tree box, plant, or upon the piers, columns, trusses, girders, railings, gates or other parts of any public bridge, viaduct or other public structure or building, or upon any pole, box or fixture of the fire alarm or police telegraph system, except as required by the laws of the United States or the state and the ordinances of the City.

(b) Any advertisement displayed in violation of this Section which bears a business address or business phone number thereon shall be introduced as prima facie evidence of violation of this Section by the owner/operator of the business identified thereon by business address or business phone and require punishment accordingly.

(Code 1982, § 110.05)

Sec. 6-27. Posting on private premises.

It shall be unlawful for the owner, lessee, occupant or agent of private premises to permit any person, whether licensed or acting under the terms of this Chapter or otherwise, to post, affix or otherwise attach to any building, structure or fixture located upon the premises, whether the fixture is natural or artificial, any poster or handbill containing any matter prohibited by the terms of this Chapter.

(Code 1982, § 110.07)

Secs. 6-28--6-50. Reserved.

ARTICLE III. HANDBILLS

Sec. 6-51. Identification of sponsor to be printed on handbills.

It shall be unlawful for any person to distribute, deposit, scatter, hand out or circulate any commercial or noncommercial handbill in any place under any circumstances which does not have printed on the cover, on the front or back thereof, the name and address of the person who caused it to be distributed. In the case of a fictitious person or club, in addition to the fictitious name, the true names and addresses of the owners, managers or agents of the person sponsoring the handbill shall also appear printed thereon.

(Code 1982, § 110.16)

Sec. 6-52. Distribution in public places.

It shall be unlawful for any person to deposit, place, throw, scatter or cast any commercial handbill in or upon any public place within the City. It shall also be unlawful for any person to hand out, distribute or sell any commercial handbill in any public place unless approval is received from the City Commission prior to the distribution. It shall not be unlawful for any person to hand out or distribute, without charge to the receiver thereof, any noncommercial handbill in any public place to any person willing to accept the noncommercial handbill.

(Code 1982, § 110.17)

Sec. 6-53. Placing on vehicles.

It shall be unlawful for any person to distribute, deposit, place, throw, scatter or cast any commercial or noncommercial 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 noncommercial handbill to the owner or occupant of any automobile or other vehicle who is willing to accept it.

(Code 1982, § 110.18)

Sec. 6-54. Distribution on private property.

(a) *Generally.*

(1) It shall be unlawful for any person to distribute, deposit, place, throw, scatter or cast any commercial or noncommercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant.

(2) No person licensed under the provisions of this Chapter, or any other person, shall distribute, deposit, place, throw, scatter or cast any commercial or noncommercial handbill in or upon any private premises which are inhabited except by handing or transmitting the handbill directly to the owner, occupant or other person then

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present in or upon the private premises. In case of inhabited private premises which are not posted as provided in Subsection (b) of this Section, the licensee or other person, unless requested by anyone upon the premises not to do so, may place or deposit the handbill in or upon the inhabited private premises, if the handbill is so placed or deposited as to secure or prevent the handbill from being blown or drifted about the premises or elsewhere; however, mailboxes shall not be so used when so prohibited by federal postal laws or regulations.

(b) *Posted property.* It shall be unlawful for any person to distribute, deposit, place, throw, scatter or cast any commercial or noncommercial handbill upon any premises if requested by anyone thereon 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 in any manner that the occupants of the premises do not desire to be molested or have their right of private property disturbed or have any handbills left upon the premises.

(Code 1982, §§ 110.19, 110.20)