



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Amendment of Chapter 9.08 of the Municipal Code by Adding §9.08.015, Relating to Advertising Matter Distribution

MEETING DATE: July 20, 1994

PREPARED BY: City Attorney

RECOMMENDED ACTION: Council consideration and possible introduction of Ordinance No. 1598 adding Lodi Municipal Code §9.08.015.

BACKGROUND INFORMATION: On many occasions over the last several years it has come to the attention of staff that certain businesses have advertised by means of attaching bags of stones to flyers and throwing the flyers from a moving vehicle.

There have been numerous complaints by citizens regarding the hazard these flyers present to the public and their property. The draft ordinance attached would provide a means of preventing this form of advertising directly without interfering with other direct delivery methods.

FUNDING: The proposed ordinance would have little or no fiscal impact.

Respectfully submitted,



Bob McNatt
City Attorney

BM:pn

CCADVERT.MT/TXTA.01V

APPROVED _____

THOMAS A. PETERSON
City Manager



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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI
AMENDING CHAPTER 9.08 OF THE LODI MUNICIPAL CODE
BY ADDING A NEW SECTION THERETO RELATING TO
ADVERTISING MATTER DISTRIBUTION - DELIVERY METHODS

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. Chapter 9.08 - Offenses Against Property - is hereby amended by adding thereto a new Section 9.08.015 relating to advertising matter distribution - delivery methods, to read as follows:

9.08.015 Advertising Matter Distribution - Delivery Methods:

Declaration of Public Nuisance.

- A. The Council hereby declares that the throwing, depositing or procuring of another to throw or deposit circulars, handbills, pamphlets, advertisements or other written materials by attaching to such materials a bag or bags of stones or other heavy object or objects is a public nuisance because said stones or other similar objects may cause serious injury to persons and/or property when struck, picked-up or propelled by power lawnmowers, edgers, leaf blowers, string trimmers or other lawn and/or garden care equipment or when thrown from moving vehicles and shall therefore be abated pursuant to procedures set forth herein. These procedures for abatement are not exclusive and shall not in any manner limit or restrict the City from enforcing other City ordinances or regulations or abating public nuisances in any other manner provided by law.

Nuisances Prohibited:

B. It is unlawful and an infraction for any person to throw, deposit or to procure another to throw or deposit a circular, handbill, pamphlet, advertisement or any other written material onto any public or private property when said circular, handbill, pamphlet, advertisement or other written material has attached to it a bag containing stones or other heavy object or objects or otherwise has been rolled, wrapped or packaged with a heavy object or objects enclosed with or affixed onto said circular, handbill, pamphlet, advertisement or other written material.

SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this day of

JACK A. SIEGLOCK
Mayor

Attest:

JENNIFER M. PERRIN
City Clerk

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State of California
County of San Joaquin, ss.

I, Jennifer M. Perrin, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1598 was introduced at a regular meeting of the City Council of the City of Lodi held July 20, 1994 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held _____, 1994 by the following vote:

Ayes: Council Members -
Noes: Council Members -
Absent: Council Members -
Abstain: Council Members -

I further certify that Ordinance No. 1598 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

JENNIFER M. PERRIN
City Clerk

Approved as to Form



BOBBY W. McNATT
City Attorney

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