

ORDINANCE NO. 3354

“AN ORDINANCE AMENDING THE STILLWATER CITY CODE, BY AMENDING CHAPTER 18, ENVIRONMENT, ARTICLE II, LITTER, TO AMEND SECTION 18-18, DEFINITIONS, AND TO REPEAL IN ITS ENTIRETY SECTIONS 18-27 THROUGH 18-31, REGARDING HANDBILLS; AND DECLARING AN EMERGENCY”

(AMENDMENTS HIGHLIGHTED BY STRIKETHROUGH AND UNDERLINING)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STILLWATER, OKLAHOMA THAT:

SECTION 1: That the Stillwater City Code, Chapter 18, Environment, Article II, Litter, Section 18-18, Definitions, be amended to read as follows:

Sec. 18-18. 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:

Aircraft means any contrivance used or designated for navigation or for flight in the air. The term "aircraft" includes helicopters and lighter-than-air dirigibles and balloons.

Authorized private receptacle means a litter storage and collection receptacle as required and authorized in chapter 41, article VI, division 2.

~~*Commercial handbill* means 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 of literature:~~

- ~~(1) Which advertises for sale any merchandise, product, commodity, or thing;~~
- ~~(2) Which 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) 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; 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 or given or takes place in connection with the dissemination of information. Nothing contained in this clause shall be deemed to authorize the holding, giving, or taking place of any meeting, theatrical performance, exhibition, or event of any kind without license where such license is or may be required by law of this state or under any ordinance of this city; or~~
- ~~(4) 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.~~

Garbage means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.

Litter means garbage, refuse, and rubbish and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety, and welfare.

Newspaper means 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 in addition thereto, means any periodical or current magazine regularly published with not less than four issues per year, and sold to the public.

~~*Noncommercial handbill* means any printed or written matter, any sample, device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet, or any other printed or other reproduced original or copies of any matter of literature not included in the definition of a commercial handbill or newspaper.~~

Park means a park, reservation, playground, beach, recreation center, or any other public area in the city, owned or used by the city and devoted to active or passive recreation.

Private premises means 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 any and all streets, sidewalks, boulevards, alleys, or other public ways, and any and all public parks, squares, spaces, grounds, and buildings.

Refuse means all putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes.

Rubbish means nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery, and similar materials.

Vehicle means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

SECTION 2: That the Stillwater City Code, Chapter 18, Environment, Article II, Litter, be amended to repeal in its entirety Sections 18-27 through 18-31.

~~Sec. 18-27. Throwing or distributing handbills in public places.~~

~~Except as provided herein, no person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street, or other public place within the city. No person shall hand out or distribute or sell any handbill in any public place on any sidewalk, street, or other public place to any person not willing to accept it. This prohibition shall not apply to City of Stillwater personnel distributing handbills for code enforcement or public safety purposes.~~

~~Sec. 18-28. Placing handbills on vehicles.~~

~~Except as provided herein, no person shall throw or deposit any commercial or noncommercial handbill in or upon any vehicle. It is unlawful in any public place for a person to hand out or distribute a handbill to any occupant of a vehicle who is not willing to accept it. However, it shall not be unlawful for business owners to place handbills upon employee vehicles requesting employees to refrain from parking in areas reserved for customer parking. This prohibition shall not apply to City of Stillwater personnel distributing handbills for code enforcement or public safety purposes.~~

~~Sec. 18-29. Depositing handbills on uninhabited or vacant premises.~~

~~No person shall throw or deposit any handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant.~~

~~Sec. 18-30. Posted premises.~~

~~No person shall throw, deposit, or distribute any handbill upon any private 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 privacy disturbed, or to have any such handbills left upon such premises.~~

~~Sec. 18-31. Distributing handbills at inhabited private premises.~~

- ~~(a) No person shall throw, deposit, or distribute any handbill in or upon private premises which are inhabited, except by handing or transmitting the handbill directly to the owner, occupant, or other person then present in or upon such private premises, provided, however, that in case of inhabited private premises which are not posted, as provided in this article, such person, unless requested by anyone upon such premises 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 sidewalks, streets, or other public places, and except that mailboxes may not be so used when so prohibited by federal postal law or regulations.~~
- ~~(b) The provision of this section shall not apply to the distribution of mail by the United States, nor 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.~~

SECTION 3. Emergency. It being immediately necessary for the preservation of the peace, health and safety of the citizens of the City of Stillwater, Oklahoma, an emergency is hereby declared to exist, by reason whereof this ordinance shall become effective from and after the date of publication, _____, 2016.

PASSED, APPROVED, AND ADOPTED THIS ____ DAY OF _____, 2016.

GINA J. NOBLE, MAYOR

(SEAL)
ATTEST:

ELIZABETH CHRZ, CITY CLERK

The Emergency Clause is hereby passed, approved and adopted this ____ day of _____, 2016.

GINA J. NOBLE, MAYOR

(SEAL)
ATTEST:

ELIZABETH CHRZ, CITY CLERK

APPROVED AS TO FORM AND LEGALITY THIS ____ DAY OF _____, 2016.

JOHN E. DORMAN, CITY ATTORNEY

First Reading: 11-7-16
Second Reading: