

ORDINANCE 2025-_____

AN ORDINANCE DELETING CHAPTER 4, ADVERTISING, WHICH INCLUDES ARTICLE I, IN GENERAL, AND ARTICLE II, HANDBILLS, OF THE CODE OF ORDINANCES, CITY OF NAPLES, AS THERE ARE NO CODE PROVISIONS IN ARTICLE I AND PERMIT APPLICATIONS FOR DISTRIBUTION OF HANDBILLS ARE NOW INCLUDED IN ARTICLE II PEDDLERS AND SOLICITORS OF CHAPTER 10 OF THE CODE OF ORDINANCES, CITY OF NAPLES; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, CORRECTION OF SCRIVENER'S ERROR, CONSTRUCTION, PUBLICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of Naples adopted Ordinance 2022-14816 on March 23, 2022 relating to off-premises solicitation of pedestrians (hawking) which replaced Article II, Handbills, of Chapter 4 of the Code of Ordinances, City of Naples; and

WHEREAS, it is the desire of the City Council to remove Article II Handbills, of Chapter 4 of the Code of Ordinances, City of Naples to avoid any confusion;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA:

Section 1. That the above "Whereas" clauses are adopted into this ordinance as if they were fully set forth herein and the content of such clauses represents the legislative intent of this ordinance.

Section 2. That Chapter 4, Advertising, of the Code of Ordinances of the City of Naples, is hereby deleted:

~~Chapter 4 ADVERTISING~~

~~ARTICLE I. IN GENERAL~~

~~Secs. 4-1 - 4-30. Reserved.~~

~~ARTICLE II. HANDBILLS~~

~~DIVISION 1. GENERALLY~~

~~Sec. 4-31. 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 copy of any matter or literature that:~~

~~(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 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; 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, 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 United States Postal Service in accordance with federal statute or regulation, any newspaper filed and recorded with any recording officer as provided by general law and, in addition thereto, any periodical or current magazine regularly published with not less than 4 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 copy of any matter or literature not included in the definition 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 streets, any and all public parks, squares, spaces, plazas, grounds and buildings.~~

~~Sec. 4-32. Compliance required.~~

~~It shall be unlawful for any person to distribute commercial or noncommercial handbills without first complying with this article and all other relevant laws and regulations. However, Nothing in this article shall apply to any person advertising such person's business or activity upon such person's own premises, if such business or activity is regularly established at a definite location in such city and also if a license has been obtained therefor, if such license is required under any applicable law or ordinance.~~

~~Sec. 4-33. Exemptions.~~

~~This article shall not be deemed to apply to the distribution of mail by the United States or to newspapers, except as provided in section 4-36.~~

~~Sec. 4-34. Distribution of handbills prohibited.~~

~~It shall be prohibited for any person to distribute commercial or non-commercial handbills unless exempted in this section.~~

~~Sec. 4-34. Posting on structures or buildings.~~

~~It shall be unlawful for any person to post any bills or other advertising matter upon any permanent or temporary structure or building within the corporate limits of the city except as may be provided in the sign code.~~

~~Sec. 4-35. Distribution on uninhabited or vacant private premises.~~

~~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, except as may be provided in the sign code.~~

~~Sec. 4-36. Distribution prohibited upon request.~~

~~It shall be unlawful for any person to distribute, deposit, place, throw, scatter or cause to be distributed, deposited, placed, thrown or scattered any commercial or noncommercial handbill or newspaper upon any premises if requested in writing by the occupant thereof not to do so.~~

~~Secs. 4-37—4-60. Reserved.~~

~~DIVISION 2. PERMIT~~

~~Sec. 4-61. Required for distribution of noncommercial handbills.~~

~~Any person desiring to distribute noncommercial handbills for the purpose of selling goods or services, or to solicit the donation of money, shall apply to the chief of police for a permit. After registration and investigation of the person, the chief of police shall issue a permit to distribute noncommercial handbills under this article.~~

~~Sec. 4-62. Required for distribution of commercial handbills.~~

~~Any person desiring to distribute commercial handbills shall apply for a permit to the city council. The city council shall, after a thorough background investigation of the person, grant the permit to distribute commercial handbills under this article unless good cause is found why such permit should not be issued.~~

~~Sec. 4-63. Required for person distributing for another.~~

~~It shall be unlawful for any person to furnish commercial or noncommercial handbills to another for distribution until and unless the person so furnishing the handbills for distribution shall have ascertained that the distributing person has a permit as required under this article and has complied with this article.~~

- Section 3.** This Ordinance shall be codified in the Code of Ordinance of the City of Naples, Florida.
- Section 4.** All ordinances and parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with the Ordinance.
- Section 5.** The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance as they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.
- Section 6.** The City Attorney may correct scrivener's errors found in this Ordinance by filing a corrected copy of this Ordinance with the City Clerk.
- Section 7.** This Ordinance is to be liberally construed to accomplish its objectives.
- Section 8.** This Ordinance shall be published in accordance with the requirements of law.
- Section 9.** This Ordinance shall take effect immediately upon adoption at second reading.

APPROVED AT FIRST READING AND PUBLIC HEARING THIS 5TH DAY OF FEBRUARY 2025.

ADOPTED AT SECOND READING AND PUBLIC HEARING IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA THE ____ DAY OF _____ 2025.

Attest:

Patricia L. Rambosk, City Clerk

Teresa Lee Heitmann, Mayor

Approved as to form and legal sufficiency:

Matthew McConnell, City Attorney

Date filed with City Clerk:_____

Words stricken through shall be deleted. Words underscored constitute the amendment proposed. The symbol *** constitutes code sections not shown for purposes of brevity. Remaining provisions are now in effect and remain unchanged.