

EXPLANATORY COVER SHEET

COUNCILMAN'S BILL NO. CB-1528

SPONSOR: MAYOR NOVAK, COUNCIL MEMBERS CARLOW, CARNER, & TICHY

TITLE: A BILL FOR AN ORDINANCE REPEALING AND REENACTING SECTION 9-11-24(a) OF THE NORTHGLENN MUNICIPAL CODE RELATING TO THE POSTING OF HANDBILLS, POSTERS AND PLACARDS.

PURPOSE: THIS ORDINANCE WOULD REPEAL THE CURRENT PROHIBITION AGAINST DISTRIBUTING AND LEAVING HANDBILLS AND LEAFLETS ON PRIVATE PROPERTY. IT RETAINS THE EXISTING PROHIBITIONS AGAINST LEAVING HANDBILLS AND LEAFLETS ON AUTOS AND AGAINST POSTING PRINTED MATERIAL ON PUBLIC PROPERTY SUCH AS TELEPHONE POLES AND MEDIANS.

ADDITIONAL EXPLANATORY REMARKS:

THE CURRENT VERSION OF SECTION 9-11-24(A) PROHIBITS THE POSTING OF PRINTED MATERIAL ON PRIVATE PROPERTY IN ADDITION TO PUBLIC PROPERTY. THIS ORDINANCE PROHIBITS POLITICAL OR COMMERCIAL LEAFLETING OF RESIDENCES, A COMMON PRACTICE, AND IN RECOGNITION OF REALITY SHOULD PROBABLY BE REPEALED. SECTION 9-11-24(B) PROHIBITS THE POSTING OF PRINTED MATERIAL ON VEHICLES LOCATED ON BOTH PRIVATE AND PUBLIC PROPERTY. IT IS LIKELY THAT THIS PROHIBITION IS CONSTITUTIONAL, AND THEREFORE IT HAS NOT BEEN REVISED.

SPONSORED BY: MAYOR NOVAK, COUNCIL MEMBERS, CARLOW, GARNER & TICHY

COUNCILMAN'S BILL

ORDINANCE NO.

No. CB-1528
Series of 2005

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A BILL FOR AN ORDINANCE REPEALING AND REENACTING SECTION 9-11-24(a) OF THE NORTHGLENN MUNICIPAL CODE RELATING TO THE POSTING OF HANDBILLS, POSTERS AND PLACARDS.

WHEREAS, Section 9-11-24(a) of the Northglenn Municipal Code in part prohibits the posting of printed materials on private property without permission of the owner;

WHEREAS, such a prohibition could be interpreted to restrict constitutionally protected activity;

WHEREAS, the City desires to that its residents make their own decisions regarding what type of matter they shall receive or allow to be posted on their private property without prior restraint from the city; and

WHEREAS, this Ordinance is not intended to exempt any individual from other provisions of the Northglenn Municipal Code, including the sign code;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. Section 9-11-24(a) is amended to read as follows:

Any handbill, poster, placard, or painted or printed matter which shall be glued, stapled, nailed or otherwise fastened to or upon any PUBLIC PROPERTY, INCLUDING BUT NOT LIMITED TO A ~~or public~~ private dwelling, store, other building, fence, power pole, telephone pole, other structure, or lawful sign without the permission of the owner, ~~or occupant~~ of such property, shall be deemed a nuisance.

INTRODUCED, READ AND ORDERED POSTED this ____ day of _____, 2005.

KATHLEEN M. NOVAK
Mayor

ATTEST:

DIANA L. LENTZ, CMC
City Clerk

PASSED ON SECOND AND FINAL READING this ____ day of _____,
2005.

KATHLEEN M. NOVAK
Mayor

ATTEST:

DIANA L. LENTZ, CMC
City Clerk

APPROVED AS TO FORM:

HERBERT C. PHILLIPS
City Attorney