



# CITY OF JERSEY CITY MUNICIPAL CODE

## CHAPTER 81 ADVERTISING MATERIALS ARTICLE I Handbills and Signs

*This Chapter is current through April, 2021.*

### **§ 81-1. - Title.**

This article shall be known and may be cited as the "Jersey City Anti-Litter Ordinance."

### **§ 81-2. - Intent and purpose.**

The Council finds that the promiscuous distribution of handbills and circulars contributes to the litter covering streets and sidewalks and to the degradation of the quality of life within the city. In order to control the proliferation of handbills, the purposes of this article are specifically declared to be as follows:

- A. To protect local residents against trespassing by canvassers or handbill distributors upon the private property of 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.
- B. 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 and noncommercial information.
- C. To improve traffic safety by reducing visual distractions from public facilities.

### **§ 81-3. - Definitions.**

The following terms, when used in this article, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**HANDBILL** - Any printed or written matter, any sample or device, circular, business card, calling card, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original or copies of any matter or literature.

**NEWSPAPER** - 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, and any newspaper filed and recorded with any recording officer as provided by general law; and, in addition, any periodical or current magazine regularly published and sold to the public.

PERSON - Any person, firm, partnership, association, corporation, company or organization of any kind.

PRIVATE PREMISES - Any dwelling, house, building, including any condominium or cooperative, or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited, uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

PUBLIC PLACE - Any and all streets, boulevards, avenues, lanes, alleys or other public ways and any and all public parks, squares, spaces, plazas, grounds and buildings.

**§ 81-4. - Throwing down handbills in public place prohibited.**

It shall be unlawful for any person to deposit, place or throw any handbill in or upon any public place within the city; provided, however, that it shall not be unlawful for any person to hand out or distribute without charge to the receiver any handbill in any public place to any person willing to accept the handbill.

**§ 81-5. - Posting handbills or signs on public property.**

- A. No person may paint, mark, write on, post or otherwise affix any handbill or sign to or upon any public property or structure without the authorization of the Traffic Engineer. Authorization shall be given only for the purpose of regulating, warning, identifying and guiding traffic.
- B. Property protected by this article includes but is not limited to traffic signal poles, traffic signal facilities, traffic signs, parking meters, utility poles, telephone pole trees, United States mail receptacles, letter receptacles, benches, bus shelters, vacant buildings, fences, bordering vacant lots, public buildings or any object affixed to or places thereon for public purposes or for the use of the public.
- C. Upon approval from the Traffic Engineer, construction contractors and utility companies may erect temporary signs at work sites to protect the public, equipment and workers.
- D. The City of Jersey City may post signs without notice to protect the public and/or employees from harm.

**§ 81-6. - Distribution of handbills on private property where prohibition properly posted.**

It shall be unlawful for any person to deposit, place or throw any handbill upon any premises, if requested by any resident thereof not to do so or if there is placed on the premises in a conspicuous position near the entrance a sign which can be seen from the street bearing the words: "No Trespassing," "No Advertisements" or any similar notice, indicating in any manner that the occupants of the premises do not wish to have their right of privacy disturbed or to have any handbills left upon their premises. With regard to premises which are multifamily dwellings, the posting of such a sign shall also conspicuously identify the unit in which the resident who has posted the sign resides.

**§ 81-7. - Liability for conduct of another; complicity.**

- A. A person shall be liable for a violation under this article if:

- (1) Such person's own conduct or the conduct of another person for whom he or she is legally accountable causes the violation.
- (2) He or she is an accomplice of another person whose acts cause a violation of this article.
- (3) He or she engages in a conspiracy to commit a violation of this article.

B. For the purpose of this section, the terms "legally accountable," "accomplice" and "conspiracy" shall be defined in accordance with N.J.S.A. 2C:2-6. To the extent relevant, all of the conditions of liability for the conduct of another in N.J.S.A. 2C:2-6 shall apply to any prosecution under this article.

**§ 81-8. - Affixing handbills or signs to vacant private property.**

Without the written consent of the owner or authorized agent for such property, no person may paint, write on, post or otherwise affix any handbill or sign to or upon any vacant private property. This shall include but is not limited to utility poles, telephone poles, private fences and private trees.

**§ 81-9. - Distributing handbills at private premises; exceptions.**

A. No person shall deposit, place or throw any handbill in or upon any inhabited private premises except by handing or transmitting any such handbill directly to the owner, occupant or other person then present on the premises; provided that, except where the premises are posted as provided in this article or where any resident of the premises requests otherwise, a person may place or deposit a handbill in or upon private premises if:

- (1) The handbill is contained in a plastic bag ventilated with airholes throughout the surface of the bag or unventilated plastic bag no greater than six inches in width; or
- (2) The handbill is so placed or deposited as to secure or prevent it from being blown or scattered about the premises or sidewalks, streets or other public places. Mailboxes may not be so used when so prohibited by federal postal law or regulations.

B. The provisions of this section shall not apply to the distribution of mail by the United States or to newspapers; except that newspapers shall be placed on private or public 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.

**§ 81-10. - Placing handbills in or upon vehicles prohibited.**

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

**§ 81-11. - Removal of signs and handbills, responsibility.**

Any handbill or sign found posted or otherwise affixed upon any public, or utility property contrary to the provisions of this section may be removed by any company, utility, organization or individual owning or responsible for maintaining that property or the Department of Public Works. When the property is not owned by the City of Jersey City, the City shall obtain written permission before removal of any sign or handbill.

**§ 81-12. - Removal of signs and handbills; costs of removal.**

- A. The Director of Public Works or an authorized agent may notify the individual or organization of the location of all unauthorized sign(s) and handbill(s) and require their removal. If the individual or organization, after notification, fails to remove the unauthorized signs and handbill within 10 days after receipt of such notice, the Director may authorize the removal and charge the cost of removal to the individual or organization.
- B. The individual or organization responsible for the unauthorized sign(s) and handbill(s) shall not be responsible for the cost of removal if notice is not given within the specified time.
- C. The Director of Public Works shall determine the reasonable costs to the City of Jersey City incurred in removing handbills and signs pursuant to this section. Such costs shall include but are not limited to direct labor, material and equipment costs, as well as departmental and general city overhead costs attributable to removal of signs.
- D. Notice under this section may be by registered or ordinary mail if an address is indicated on the sign or by phone if a telephone number is indicated or by any means reasonably intended to give notice to the unauthorized sign.

**§ 81-13. - Presumptions applicable in action seeking costs of removal.**

- A. For purposes of any civil action by the Director of Public Works under §§ 81-11 and 81-12 seeking to recover the costs of removal, there shall be a presumption that:
  - (1) The real estate agent, broker, brokerage firm or other person whose name or telephone number appears on the handbill or sign is the person responsible for posting a handbill or sign advertising property for sale, lease or rent;
  - (2) The organization whose name appears on a sign as the sponsor of a candidate seeking office is the organization responsible for posting a handbill or sign promoting the candidate for public office;
  - (3) The owner, or lessee if the property is leased, of property used for a yard or garage sale is the person responsible for posting a handbill or sign advertising a yard or garage sale;
  - (4) The owner, or lessee if the property is leased, of property used for a commercial activity or event is the person responsible for posting a handbill or sign advertising the subject commercial activity or event;
  - (5) The person whose name, telephone number or address appears as the sponsor for a sporting event, concert, theatrical performance or similar activity or event is the person responsible for posting a handbill or sign advertising the subject activity or event;
  - (6) The person whose name, telephone number or address appears as the person to contact on any handbill or sign posted is the person responsible for having posted the same; and
  - (7) The company's name appearing on a circular, flyer or advertisement promoting products or services is the responsible party for distribution of such material.
- B. For purposes of this section, the person presumed to be responsible for posting a handbill or sign on public or utility property may rebut such presumption by declaring under penalty of perjury or swearing under oath that the person did not cause, authorize, allow or permit the posting of the handbill or sign on public or utility property.

**§ 81-14. - Existing ordinances not affected.**

This article shall not be deemed to repeal, amend or modify any ordinance ever ordained, either prohibiting, regulating or licensing canvassers, hawkers, peddlers, transient merchants or any person using the public streets or places for any private business or enterprise, or for commercial sales, not covered herein.

**§ 81-15. - Severability.**

If any provision, or portion of a provision, of this article or its application to any person or circumstances shall be held invalid by a court of competent jurisdiction, the remainder of the article or the application of the provision to other persons or circumstances shall not be affected. Specifically, if a court finds that any or all of the presumptions in § 81-11 are invalid, it is the intent of this article that the presumptions be severed from the article.

**§ 81-16. - Violations and penalties.**

The person responsible for the unauthorized sign(s) or handbill(s) may be punished as provided in Chapter 1, General provisions, § 1-25. and the minimum fine for violating this Chapter shall be not less than one hundred dollars (\$100.00) except that in a civil claim by Public Works for restitution, no penal sanctions may be applied.

Any person who is convicted of violating this ordinance within one (1) year of the date of a previous violation and who was fined for the previous violation, shall be sentenced by a court to an additional fine as a repeat offender. The additional fine imposed by the court upon a person for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of the ordinance, but shall be calculated separately from the fine imposed for the violation of the ordinance.