



City of New Port Richey
 5919 Main Street
 New Port Richey, Florida 34652
 (727) 853-1016
 www.citynpr.org

Handbill License Application

BUSINESS INFORMATION

Business or Fictitious Name: _____

Owner/Manager's Name: _____ FEIN or SSN*: _____

Mailing Address: _____ Business Location: _____

City/State/Zip: _____ Business Phone: _____

*Restricted – Not for public information

APPLICANT INFORMATION

Applicant Name: _____ Title: _____

Home Address: _____ Phone: _____

City/State/Zip: _____ Alternate Phone: _____

Florida Driver's License No: _____ (Need Copy)

Pasco Co. Occup. License No: _____ (Need Copy)

Other Required Licenses: _____ (Need Copy)

ORGANIZATION AND LICENSE INFORMATION

_____ Temporary/Special Event Application Date: _____

_____ Sole Proprietor Dates of Distribution: _____

_____ Partnership License Fee/Full/Part: _____

_____ Corporation License Year: _____

_____ Non-Profit Organization

Term of License: _____ One Year \$100.00

_____ Three Months \$50.00

_____ One Week \$25.00

I understand the approval or issuance of a handbill license does not constitute the right to operate without meeting all land development, life/safety, building and other applicable codes.

Owner/Manager's Signature

_____ Date: _____

For Office Use Only:

Application Taken By: _____

Copies to:

Customer _____ Development Department _____ City Clerk _____ Finance _____ Police Department _____

Special Notes or Exceptions: _____

ORDINANCE NO. 2013-2001

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA AMENDING THAT PORTION OF THE CODE OF ORDINANCES OF THE CITY OF NEW PORT RICHEY, FLORIDA WHICH PERTAINS TO HANDBILL LICENSE FEES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of New Port Richey wishes to update that portion of the New Port Richey Code pertaining to handbill license fees to more accurately reflect contemporaneous and similar rate structures;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW PORT RICHEY, FLORIDA:

Section 1. The New Port Richey City Code known as Part II Code of Ordinances, Chapter 19, Signs and Advertising, Article III, Handbills, Sec. 19-63 (d), is amended as follows:

~~License fees under the terms of this article and for any such purpose shall be as follows:~~

Term of license	Fee
1 year	\$50.00
3 months	25.00
1 week	10.00
1 day	5.00

License fees under the terms of this article and for any such purpose shall be established via a resolution of the City Council.

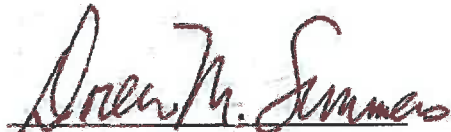
Section 2. Severability: if any phrase or portion of this Ordinance, or the particular application thereof, shall be held invalid or unconstitutional by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases and their application shall not be affected thereby.

Section 3. This Ordinance shall become effective immediately upon enactment.

Section 4. The above and foregoing Ordinance was read and approved on first reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida, the 4th day of December, 2012.

The above and foregoing Ordinance was read and approved on second reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida, this 18th day of December, 2012.


ATTEST:


Doreen M. Summers, CAP-OM
City Clerk


Bob Consalvo
Mayor-Council Member

(Seal)

APPROVED AS TO LEGAL FORM AND CONTENT

By: 
Michael S. Davis, City Attorney

RESOLUTION NUMBER 2013-6

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW PORT RICHEY, FLORIDA ESTABLISHING HANDBILL LICENSE FEES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has previously charged fees for the distribution of handbills within City limits; and

WHEREAS, the New Port Richey City Code known as Part II Code of Ordinances, Chapter 19, Signs and Advertising, Article III, Handbills, Sec. 19-63 (d) provides that the City Council may establish those amounts by resolution; and

WHEREAS, in order to cover the increased costs of providing for the distribution of handbills within City limits, the City Council deems it necessary to establish new fee amounts; and


WHEREAS, the City Clerk's Office has recommended the modified fee amounts as follows:

Term of license	Fee
1 year	\$100.00
3 months	50.00
1 week	25.00

NOW, THEREFORE, be it resolved, by the City Council of the City of New Port Richey, that the proposed fee amounts are adopted.

DONE AND RESOLVED this 18th day of December, 2012.

ATTEST:


Doreen M. Summers, CAP-OM
City Clerk


Bob Consalvo
Mayor-Council Member

(Seal)

APPROVED AS TO LEGAL FORM AND CONTENT

By: 
Michael S. Davis, City Attorney

to the owner, occupant or any 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, the aforesaid licensed or other 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 elsewhere, except that mailboxes may not be so used when so prohibited by federal postal laws or regulations.

(Code 1964, § 17B-49)

Sec. 19-65. - Same—In public places.

It shall be unlawful for any person to deposit, place, throw, scatter or cast any commercial handbill in or upon any public place within this city and it shall be also unlawful for any person to hand out or distribute or sell any commercial handbill in any public place; provided, however, that it shall not be unlawful for any person to hand out or distribute, without charge to the receiver thereof, any noncommercial handbill in any public place to any person willing to accept such noncommercial handbill.

(Code 1964, 17B-45)

Sec. 19-66. - Same—In or on automobiles or other vehicles.

It shall be unlawful for any person to distribute, deposit, place, throw, scatter or cast any commercial or noncommercial handbill in or upon any automobile or other vehicle. The provisions of this section shall not be deemed to prohibit the handling, transmitting or distributing of any noncommercial handbill to the owner or other occupant of any automobile or other vehicle who is willing to accept the same.

(Code 1964, § 17B-46)

State Law reference— Similar provisions, F.S. § 316.2055.

Sec. 19-67. - Same—On vacant 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.

Any person desiring to engage, as principal, in the business of distributing commercial or noncommercial handbills for hire shall make application to and receive from the city clerk or other officer empowered to issue the same, who shall act whenever the city clerk is referred to in this section, a license in the manner and for the period prescribed by the terms of this article and by all relevant provisions of the Code. Such applicant shall make written application to the city clerk upon a form or forms provided for such purpose by the city clerk. Such form shall contain, among other things that may be required, the applicant's name and business address, a brief description of the nature of the business to be conducted by the applicant, the names and addresses of agents and employees to be engaged, together with a request for a license for the period for which the applicant seeks to engage in such business. Notice of any subsequent change during the licensing period in the names and addresses of the agents and employees shall be provided in writing to the city clerk or other appropriate municipal officer. Any person desiring to distribute commercial handbills, if not acting as an agent or employee of a licensee, shall make application for a license in the manner provided in this subsection.

- (c) Without excluding other just grounds for revocation, the city council or official so empowered by law may revoke any license obtained under an application containing a false or fraudulent statement knowingly made by the applicant with intent to obtain a license by means of false or fraudulent representations or for violation of this article or any other grounds specified by law. Such application shall be accompanied by the fee provided for in this section. No license issued under this article shall be transferable and if any such license shall be surrendered by the licensee therein named or shall be revoked for cause, neither the licensee named in such license nor any other person shall be entitled to any refund of any part of such fee.
- (d) License fees under the terms of this article and for any such purpose shall be established via a resolution of the city council.
- (e) Persons acting for licensees, as agents or employees, in the posting or distributing of any such handbills shall not be required to obtain a license or pay a fee but each such person shall comply with each and all of the other provisions in this article and be subject thereto.

(Code 1964, § 17B-42; Ord. No. 2001, § 1, 12-18-2012)

Sec. 19-64. - Distribution—Generally.

No person licensed under the provisions of this article or any other persons shall distribute, deposit, place, throw, scatter or cast any commercial or noncommercial handbill in or upon any private premises which are inhabited except by handing or transmitting any such handbill directly

Newspaper shall mean and include any newspaper of general circulation as defined by F.S. sections 50.011 and 50.031 and any newspaper duly entered or qualified to be admitted and entered as second class matter with the United States Post Office in accordance with federal statute or regulation.

Noncommercial handbill shall mean and include 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 copies of any matter or literature not included in the definitions of commercial handbill and not a newspaper.

Private premises shall mean and include 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 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 shall mean and include any and all streets, boulevards, avenues, lanes, alleys or other public ways and any and all public parks, squares, spaces, plazas, grounds and buildings.

(Code 1964, § 17B-41)

Sec. 19-62. - Applicability.

The provisions of this article shall not be deemed to apply to the distribution of mail by the United States Post Office nor to newspapers.

(Code 1964, § 17B-44)

Sec. 19-63. - License.

(a) It shall be unlawful for any person to engage in the business of a handbill distributor for hire or for any person to distribute commercial or noncommercial handbills without first complying with the terms of this article and all other relevant laws and regulations; provided, that nothing contained in this article shall apply to any person advertising his business or activity upon his own premises if such business or activity is regularly established at a definite location in the city and also if a license has been obtained therefor, if such license is required under the terms of any applicable law or ordinance.

(b)

ARTICLE III. - HANDBILLS

Sec. 19-61. - 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 shall mean and include 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 or literature:

- (1) Which advertise for sale any merchandise, product, commodity or thing;
- (2) Which direct attention to any business, mercantile or commercial establishment or other activity for the purpose of either directly or indirectly promoting the interests thereof by sales;
- (3) Which direct attention to or advertise 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; but 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, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order; provided that 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 with a license, where such license is or may be required by any law of this state or under any ordinance of this city;
- (4) Which, while containing reading matter other than advertising matter, is predominantly and essentially 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 shall mean and include any person engaging or engaged in the business for hire or gain or 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.

(Code 1964, § 17B-47)

Sec. 19-68. - Distributing where requested not to do so or posted by signs.

It shall be unlawful for any person to distribute, deposit, place, throw, scatter or cast any commercial or noncommercial handbill upon any 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 to have their right of privacy distributed or to have any such handbills left upon such premises.

(Code 1964, § 17B-48)