

Chapter 81 ADVERTISING MATERIALS

ARTICLE I Handbills and Signs [Adopted 5-4-1971 as Ch. 3, Art. II, of the 1971 Jersey City Code, as readopted 9-19-1978 by Ord. No. S-128; amended in its entirety 10-9-1996 by Ord. No. 96-095]

§ 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, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original or copies of any matter or literature. **[Amended 2-24-1999 by Ord. No. 99-023]**

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.*

*** Editor's Note: The former definition of "noncommercial handbill," which immediately followed this definition, was repealed 2-24-1999 by Ord. No. 99-023.**

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. **[Amended 1-12-2005 by Ord. No. 04-150]**

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.

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§ 81-4. Throwing down handbills in public place prohibited. [Amended 2-24-1999 by Ord. No. 99-023]

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.

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§ 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.

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§ 81-7. Liability for conduct of another; complicity. [Added 2-24-1999 by Ord. No. 99-023]*

*** Editor's Note: This ordinance also repealed former § 81-7, Depositing handbills on vacant premises.**

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.*

*** Editor's Note: N.J.S.A. 2C:2-6 defines criminal liability for the conduct of another person.**

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§ 81-10. Placing handbills in or upon vehicles prohibited. [Amended 2-24-1999 by Ord. No. 99-023]

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.

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§ 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.

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§ 81-12. Removal of signs and handbills; costs of removal. [Amended 2-24-1999 by Ord. No. 99-023]

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. [Amended 2-24-1999 by Ord. No. 99-023]

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.