

(0-94-89)

ORDINANCE NUMBER O- 18068 (NEW SERIES)

ADOPTED ON MAY 02 1994

AN ORDINANCE AMENDING CHAPTER V, ARTICLE 7, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 57.16 AND BY ADDING SECTION 57.17 RELATING TO THE DISTRIBUTION OF ADVERTISING MATERIAL WHICH PROPOSES COMMERCIAL TRANSACTIONS ON HOTEL OR MOTEL PROPERTY.

WHEREAS, the unrestricted distribution of advertising material on hotel or motel property allows distributors access as a cover to engage in illegal activities; and

WHEREAS, innkeepers have a heightened duty to protect and safeguard their guests; and

WHEREAS, guests of hotels and motels can be subjected to health risks if unregulated and unsanitary food preparers are allowed to distribute materials advertising their wares; and

WHEREAS, the distribution of advertising material on hotel or motel property causes litter on private property, creating an eyesore and requiring private property owners to spend extra money removing the debris from their property; and

WHEREAS, the distribution of advertising material on hotel or motel property without consent gives distributors an unfair advantage in competing for the business of the guests; and

WHEREAS, the persons who distribute advertising material on hotel and motel property often move on and off the property with great stealth and speed, before the owner or agent of the property is aware of their presence; and

WHEREAS, the owner or agent of hotel or motel property has no certain means by which to directly revoke consent for the distribution of advertising materials; NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter V, Article 7, of the San Diego Municipal Code be and the same is hereby amended by amending Section 57.16, to read as follows:

**SEC. 57.16 HANDBILLS - DEFINED - DISTRIBUTION
 REGULATED**

For the purpose of this section and section 57.17, the term "handbill" means any handbill, dodger, commercial advertising circular, folder, booklet, letter, card, pamphlet, sheet, poster, sticker, banner, notice, or other written, printed or painted matter calculated to attract the attention of the public and containing commercial advertising matter.

(a) [No change in text.]

(b) [No change in text.]

Section 2. That Chapter V, Article 7, of the San Diego Municipal Code be and the same is hereby amended by adding Section 57.17, to read as follows:

**SEC. 57.17 HANDBILL REQUIREMENTS ON HOTEL OR MOTEL
 PROPERTY**

(a) It is unlawful for any person to throw into, leave upon or scatter onto the property of any hotel, motel or inn, any handbill solely for purpose of proposing a commercial transaction, unless such material clearly

indicates the name, address and telephone number of the entity being advertised.

(b) The owner or agent of any hotel, motel or inn may withdraw consent for the distribution of any handbill proposing a commercial transaction, by writing directly to the name and address listed on the material, stating clearly that consent is withdrawn for the distribution of the material.

Section 3. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By Meagan J. Beale
Meagan J. Beale
Deputy City Attorney

JMB:MJB:jp:mrh:mb
03/24/94
Or.Dept:PS&S
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OLD LANGUAGE - STRICKEN
NEW LANGUAGE - SHADED

(O-94-89)

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ADOPTED ON _____

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OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING
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RELATING TO THE DISTRIBUTION OF ADVERTISING
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TRANSACTIONS ON HOTEL OR MOTEL PROPERTY.

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booklet, letter, card, pamphlet, sheet, poster,
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painted matter calculated to attract the attention of
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(a) [No change in text.]

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94 APR -8 AM 9:21
CITY CLERKS OFFICE
SAN DIEGO, CA

MAY 02 1994

Passed and adopted by the Council of The City of San Diego on.....
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Harry Mathis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Christine Kehoe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Barbara Warden	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Juan Vargas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

.....
SUSAN GOLDING
Mayor of The City of San Diego, California.

(Seal)

.....
CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

By Blonda B. Barnes Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

APR 18 1994

MAY 02 1994

....., and on.....

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

.....
CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

(Seal)

By Blonda B. Barnes Deputy.

Office of the City Clerk, San Diego, California	
Ordinance Number.....	MAY 02 1994
0-18068 Adopted	

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SAN DIEGO, CA

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APR 18 1994
CITY CLERKS OFFICE
SAN DIEGO, CA

APR 18 1994

MAY 17, 1994

CERTIFICATE OF PUBLICATION

OFFICE OF THE CITY CLERK
2ND FLOOR
CITY ADMINISTRATION BLDG
202 C. STREET
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER V, ARTICLE 7....

ORDINANCE NUMBER 0-18068 (NEW SERIES)
AN ORDINANCE AMENDING CHAPTER V, ARTICLE 7, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 57.16 AND BY ADDING SECTION 57.17 RELATING TO THE DISTRIBUTION OF ADVERTISING MATERIAL WHICH PROPOSES COMMERCIAL TRANSACTIONS ON HOTEL OR MOTEL PROPERTY.
This ordinance adds section 57.17, entitled "Handbill Requirements on Hotel or Motel Property," to the San Diego Municipal Code. It requires persons distributing commercial handbills on motel or hotel property to list their name, address and telephone number on the handbill, and provides that owners of hotel or motel property can withdraw their consent for the distribution of commercial handbills by notifying, in writing, the person listed on the handbill.
A complete copy of the Ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 2nd Floor, City Administration Building, 202 C Street, San Diego, CA 92101.
INTRODUCED ON APR 18 1994. Passed and adopted by the Council of the City of San Diego on MAY 02 1994.
AUTHENTICATED BY:
SUSAN GOLDING
Mayor of The City of San Diego, CA
CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, CA
(SEAL) By RHONDA R. BARNES, Deputy
Pub. May 16 295225

I, Corey Donahue, am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NUMBER 0-18068 (NEW SERIES)

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

MAY 16

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 16th day of MAY, 1994.

Corey Donahue

(Signature)

25/8" x 2 = \$ 71.68