

**CHAPTER 113 ADVERTISING**

[HISTORY: Adopted by the City Council of the City of Rahway 7-9-1984 by Ord. No. A-12-84 as Ch. 60 of the 1984 Code. Amendments noted where applicable.]

**GENERAL REFERENCES**

Circulars dropped from aircraft — See § [117-3](#).

Political fund-raising — See Ch. [229](#).

Littering — See Ch. [277](#).

Peddling, soliciting and vending — See Ch. [311](#).

**ARTICLE I General Provisions (§ 113-1 — § 113-11)****§ 113-1 Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**COMMERCIAL ADVERTISING MATTER**

Any sample or device, dodger, bill or handbill, circular, pamphlet, paper, booklet, picture or any other written or printed or reproduced matter which:

**A.**

Advertises any merchandise, product, commodity, service or other thing for sale.

**B.**

Directs attention to any business or mercantile or commercial establishment or other activity for the purpose of either directly or indirectly promoting the interest thereof by sales.

**C.**

While containing reading matter other than advertising matter, is predominantly and essentially an 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.

**PRIVATE PREMISES**

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 to or appurtenant to such dwelling, house, building or other structure.

**§ 113-2 Permit required.**

No person shall distribute commercial advertising matter in the City without first obtaining a permit therefor from the City Clerk as hereinafter provided in this article. Nothing in this section shall be construed to require a permit for the distribution of commercial advertising matter on or in business premises by the proprietor thereof or his agents, servants or employees.

**§ 113-3 Compliance with regulations required.**

The permit issued under this article shall not be deemed to authorize the holder thereof to distribute commercial advertising matter, except in compliance with the regulations hereinafter set forth in this article.

**§ 113-4 Application for permit; required information; investigation.****A.**

Every applicant for a permit under this article shall file with the City Clerk, in duplicate, a written application signed and verified by him, on a form supplied by the City Clerk.

**B.**

The application shall state:

**(1)**

The name and permanent home address of the applicant.

**(2)**

The place of the applicant's residence or residences during and for each of the three years preceding the filing of the application.

(3)

The name and address of the business or commercial enterprise that has engaged the applicant to distribute the commercial advertising matter.

(4)

The number of days for which the applicant seeks a permit.

(5)

Such other information as the City Clerk may require.

C.

Upon the filing of the application, the City Clerk shall cause to be forwarded to the Chief of Police the duplicate copy of the application for his investigation. After due investigation and upon being satisfied that the applicant is of good moral character and that the business or commercial enterprise for which he proposes to distribute commercial advertising matter is free from fraud, the Director of Police shall endorse on such application his approval and return the application to the City Clerk, who shall thereupon issue the permit upon the payment of the permit fee prescribed in § 113-5 hereof. The permit shall specify the number of days for which it shall be effective. The permittee shall carry said permit with him while engaged in distributing any commercial advertising matter and shall exhibit it to any policeman or other person upon request.

**§ 113-5 Fee for permit.**

[Amended 5-12-2003 by Ord. No. O-27-03]

The fee for a permit shall be \$10 per day per person.

**§ 113-6 Distributing on private premises; exceptions.**

No person holding a permit issued under this article shall throw, deposit or distribute any commercial advertising matter in or upon private premises which are inhabited, except by handing or transmitting same directly to the owner, occupant or other person then present, except as hereinafter provided. A person, unless requested by anyone upon the premises not to do so, may place or deposit any such commercial advertising matter in or upon inhabited private premises if the premises is not posted as provided in § 113-7 and the commercial advertising matter is placed or deposited so as to secure or prevent it from being blown or drifted about the premises or sidewalks, streets or other public places. Mailboxes may not be so used when prohibited by federal postal law or regulations. The provisions of this section shall not apply to the distribution of mail by the United States nor to newspapers.

**§ 113-7 Distributing commercial matter where refused or sign posted.**

No person shall throw, deposit or distribute any commercial advertising matter in or upon any private premises if requested by anyone in or upon such premises not to do so or if there is placed on said 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 that the occupants of said premises do not desire to be molested or have their right of privacy disturbed or to have any such handbills left upon such premises.

**§ 113-8 Depositing commercial matter on vacant premises.**

No person shall throw or deposit any commercial advertising matter in or upon any private premises which are temporarily or continuously uninhabited or vacant.

**§ 113-9 Throwing commercial matter on or into vehicles.**

No person shall throw or deposit any commercial advertising matter in or upon any vehicle.

**§ 113-10 Distributing commercial material in public places.**

No person shall hand out or distribute or sell any commercial advertising matter in any public place; provided, however, that it shall not be deemed unlawful for any person to hand out or distribute, without charge to the receiver thereof, in any sidewalk, street or other public place any noncommercial handbill to any person willing to accept it.

**§ 113-11 Violations and penalties.**

Any person who violates any provision of this article shall, upon conviction thereof, be punished by a fine not exceeding \$500 or by imprisonment for a term not exceeding 90 days, or both.

**ARTICLE II Unsolicited Newspapers and Advertising Tabloids (§ 113-12 — § 113-13)**

[Added 8-8-1988 by Ord. No. A-10-88]

**§ 113-12 Manner of delivery.**

Henceforth, all deliveries of unsolicited newspapers and/or advertising tabloids within the City of Rahway shall be made to the front entrances of the premises.

**§ 113-13 Violations and penalties; enforcement.**

A.

Notwithstanding the provisions of § [113-11](#), failure to comply with the requirements of § [113-12](#) of this article shall constitute a violation and subject a violator to a penalty of not less than \$10 nor more than \$100 for the first offense; not less than \$25 nor more than \$200 for the second offense; and not less than \$50 nor more than \$300 for the third and subsequent offense.

B.

The provisions of this article shall be enforced by the Police Department of the City of Rahway.