

ORDINANCE NO. 26-05

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, MARICOPA COUNTY, ARIZONA, AMENDING TOWN CODE SECTION 10-2-1 DEFINITIONS AND SECTIONS 10-2-8 AND 10-2-9 RELATING TO HANDBILLS.

WHEREAS, The Town desires to protect the safety of its residents by limiting the possible accumulation of unwanted materials in and around the street facing yards of their properties; and

WHEREAS, The Town desires to maintain streets and sidewalks free of litter and debris; and

WHEREAS, The Town recognizes and desires to protect free speech and lawful commercial activities;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, as follows:

SECTION 1. The recitals above are hereby incorporated as if fully set forth herein.

SECTION 2. The Council adopts the amendments as contained in Exhibit A.

SECTION 3. If any provision of this Ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed separate, distinct and independent of all other provisions and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. In accordance with Article II, Sections 1 and 2, Constitution of Arizona, and the laws of the State of Arizona, the City/Town Council has considered the individual property rights and personal liberties of the residents of the City/Town and the probable impact of the proposed ordinance on the cost to construct housing for sale or rent before adopting this ordinance.

SECTION 6. This ordinance shall become effective thirty (30) days after its passage and adoption by the Town Council of the Town of Fountain Hills, Arizona, and its approval by the Mayor and attestation by the Town Clerk.

PASSED AND ADOPTED by the Mayor and Council of the Town of Fountain Hills, Arizona, this 19th day of May, 2026.

TOWN OF FOUNTAIN HILLS, ARIZONA

ATTEST:

Gerry M. Friedel, Mayor

Bevelyn Bender, Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:

Rachael Goodwin, Town Manager

Jennifer J. Wright, Town Attorney

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EXHIBIT A

Chapter 10, Health and Sanitation

Article 10-2 Litter; Nuisances

Section 10-2-1 Definitions

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"HANDBILL" MEANS ANY TYPE OF COMMERCIAL OR NONCOMMERCIAL HANDBILL AS DEFINED HEREIN.

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Section 10-2-8 Deposit of ~~Commercial~~ Handbills on Public Property.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street or other public place within the Town; ~~nor shall any person hand out or distribute or sell any commercial handbill in any public place,~~ but ~~nothing~~ **NOTHING** in this section shall be deemed to prohibit any person from handing out or distributing on any sidewalk, street or other place within the Town, without charge to the receiver thereof, any ~~noncommercial~~ handbill to any person willing to accept it.

Section 10-2-9 Handbills: ~~Commercial and Noncommercial~~

A. No person shall throw or deposit any ~~commercial or noncommercial~~ handbill in or upon any vehicle, but it is not unlawful on any public place for a person to hand out or distribute without charge to the receiver thereof, a ~~noncommercial~~ handbill to any occupant of a vehicle who is willing to accept it.

B. No person shall throw or deposit any ~~commercial or noncommercial~~ handbill in or upon any private premises which are known, or should be known, to such person to be temporarily or continuously uninhabited or vacant.

C. No person shall throw, deposit or distribute any ~~commercial or noncommercial~~ handbill upon any private 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 said premises do not

desire to be molested or have their right of privacy disturbed, or to have any handbill left upon such premises.

~~D. No person shall throw, deposit or distribute any commercial or noncommercial handbill in or upon private premises which are inhabited unless the handbill is so placed or deposited as to secure or prevent the handbill from being blown or drifted about the premises or sidewalks, streets or other public places, and except that mailboxes may not be so used when so 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 of newspapers as defined by this article.~~

~~D.~~ No person shall throw, deposit or distribute any commercial handbill in or upon private premises which are inhabited except upon the acceptance thereof, or the express consent therefor, by an occupant of such premises. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO THE DISTRIBUTION OF MAIL BY THE UNITED STATES NOR OF NEWSPAPERS AS DEFINED BY THIS ARTICLE.