

ORDINANCE
GILFORD, NEW HAMPSHIRE
AN ORDINANCE RELATIVE TO THE DISTRIBUTION
OF ADVERTISING MATERIALS

Section 1. DECLARATION OF PURPOSE

It is hereby declared that the distribution of advertising materials without regulation in the Town of Gilford unreasonably interferes with the safety of persons and property in the Town in that such materials as may be placed in the entrances, doorways and porches of buildings or on posts and structures erected in front of any buildings situated in the Town may become a source of litter by being thrown about by windstorms, animals running at large, and vandals; and may facilitate the activities of burglars and vandals by identifying those structures not occupied for a protracted period of time.

Section 2. REGISTRATION OF DISTRIBUTORS

A. REGISTRATION REQUIRED

Any person, firm, partnership, trust or corporation who shall distribute advertising materials in the Town of Gilford without first having registered with the Chief of Police as hereinafter provided, shall be fined not more than one hundred dollars.

B. DEFINITIONS

1. Advertising materials means any and all kinds of flyers, posters, circulars, magazines, books, newspapers and advertisements intended to promote the sale of any product, goods or services, which materials have not been requested by the owner or occupant of the premises where the same are delivered.
2. Distribute means to deliver, other than through the United States Postal Service, to any building in the Town of Gilford.
3. Distributor means any person, firm, partnership, trust, or corporation which by itself or by employees, agents, or independent contractors, distributes advertising materials.

C. MANNER OF REGISTRATION

1. Individual Registration

Every distributor who desires to distribute advertising materials shall register annually on a form prescribed by the Chief of Police, setting forth the name and address of the registrant; the nature of the material to be distributed; whether it is proposed to distribute such material throughout the Town or in a particular section thereof; and the frequency with which such material is expected to be distributed.

2. Group Registration

Every distributor who is in the business of distributing advertising materials either by employees, agents, or independent contractors shall file a single registration annually as provided in Paragraph 1 of this subsection setting forth the names of all persons who will accomplish the physical delivery of the materials.

Section 3. REGULATION

A. UNOCCUPIED STRUCTURES

Whenever advertising materials are distributed to any building where the owner or occupant is not present to receive the same, and where the owner or occupant has not made provisions whereby said materials may be left in a place where their presence cannot be observed from outside the building, it shall be the duty of the distributor to remove or cause to have removed, all such materials as may be observed from outside the building within forty-eight hours after said materials have been distributed. Any distributor who fails to remove said materials as provided for herein shall be fined not more than twenty-five dollars and each building where said materials are allowed to remain in violation of this subsection shall be deemed to constitute a separate offense.

B. AUTHORIZATIONS

It shall be an affirmative defense to any prosecution under subsection A of this section that the distributor has received written authorization, signed by the owner or occupant of any building to leave advertising materials in excess of the time limited in said subsection.

C. REQUESTS NOT TO DELIVER

The occupant of any building in the Town may request in writing addressed to the Chief of Police that he does not desire to have advertising materials delivered to said building. The Chief of Police shall give notice to all such requests to all distributors registered at the time said request is received. Any distributor who shall distribute advertising materials to any building after receiving notice from the Chief of Police as provided herein shall be fined not more than twenty-five dollars.

Section 4. TAKES EFFECT

This ordinance shall take effect upon its passage and shall apply to the distribution of all advertising materials distributed after April 30, 1973.

Adopted at Adjourned Town Meeting
March 7, 1973