



Metropolitan Nashville and Davidson County, TN

Legislation Text

File #: BL2024-509, **Version:** 1

An ordinance amending Chapters 10.24 and 6.64 of the Metropolitan Code of Laws to restrict the solicitation or distribution of handbills on private property to daylight hours.

WHEREAS, Metropolitan Code of Laws Chapter 10.24 does not currently address the hours by which handbills may be distributed; and

WHEREAS, Metropolitan Code of Laws Chapter 6.64 limits the hours for commercial solicitation but does not address the hours for non-commercial solicitation; and

WHEREAS, private property owners do not wish to receive solicitors or handbills before dawn or after dusk; and

WHEREAS, Metropolitan Code of Laws Chapter 10.24 contains an exception allowing the distribution of newspapers; and

WHEREAS, this proposal balances the First Amendment rights of solicitors with the privacy, safety, health and welfare of the residents within the area of the metropolitan government.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Section 10.24.010 of the Metropolitan Code of Laws is amended by deleting the definition of "Newspaper" and replacing it with the following:

"Newspaper" means any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States, 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 thereto, shall mean and include any periodical or current magazine regularly published with not less than four issues per year, and sold or distributed to the public.

Section 2. That Chapter 10.24 of the Metropolitan Code of Laws is amended by adding a new section 10.24.180, as follows:

10.24.180 - Distribution restricted to daylight hours.

It shall be a violation of this chapter to distribute handbills on private property on any day (a) before sunrise or (b) after sunset or 7:00 p.m., whichever occurs later.

Section 3. That Chapter 10.24 of the Metropolitan Code of Laws is amended by adding a new section 10.24.190, as follows:

10.24.190 - Penalty for violation.

Any person who violates any of the provisions of this chapter shall be subject to a penalty of fifty dollars per day per violation. Each violation of this section shall be deemed a separate offense.

Section 4. That Section 6.64.020 of the Metropolitan Code of Laws is amended by adding a new definition, as follows:

“Door-to-door solicitation” means attempting to make personal contact with a resident at his or her residence, without prior specific invitation by or appointment with the resident, for (a) non-commercial purposes or (b) to distribute written or printed materials upon public or private premises.

Section 5. That Section 6.64.035 of the Metropolitan Code of Laws is amended by deleting the section in its entirety and replacing it with the following:

6.64.035 - Solicitation restricted to daylight hours.

It shall be a violation of this chapter to engage in door-to-door commercial solicitation or door-to-door solicitation on any day (a) before sunrise or (b) after sunset or 7:00 p.m., whichever occurs later.

Section 6. That Section 6.64.180 of the Metropolitan Code of Laws is amended by deleting the section in its entirety and replacing it with the following:

6.64.180 - Violations and penalties.

In addition to the revocation, suspension or denial of a permit or identification badge issued under this chapter, any person who violates any of the provisions of this chapter shall be subject to a penalty of fifty dollars per day per violation. Each violation of this section shall be deemed a separate offense.

Section 7. This Ordinance shall take effect from and after its final passage, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

Analysis

This ordinance proposes changes to Chapters 10.24 and 6.64 of the Metropolitan Code of Laws.

Chapter 10.24 regulates littering, including the distribution of handbills. The definition of “noncommercial handbill” in this Chapter includes a newspaper. The ordinance under consideration would amend the definition of “newspaper” to include a newspaper that is sold “or distributed” to the public. The ordinance would also make it a violation of the Chapter to distribute handbills on private property on any day (a) before sunrise or (b) after sunset or 7:00 p.m., whichever occurs later. It also clarifies that any person who violates the provisions would be subject to a penalty of \$50 per day, per violation. Each violation would be deemed a separate offense.

Chapter 6.64 regulates commercial door-to-door solicitors. The ordinance under consideration would add a definition for “door-to-door solicitation” to address non-commercial solicitations, which definition would mean “attempting to make personal contact with a resident at his or her residence, without prior specific invitation by or appointment with the resident, for (a) non-commercial purposes or (b) to distribute written or printed materials upon public or private premises.” This Chapter already contains a definition for “door-to-door commercial solicitation. In addition, door-to-door solicitation would be prohibited on any day (a) before sunrise or (b) after sunset or 7:00 p.m., whichever occurs later. This restriction already applies to door-to-door commercial solicitation. Finally, the provision regarding violations and penalties would be amended to provide that any person who violates the Chapter would be subject to a penalty of \$50 per day, per violation, with each violation deemed a separate offense.