



City of Pittsburgh

510 City-County Building
414 Grant Street
Pittsburgh, PA 15219

Text File

Introduced: 7/19/2011

Bill No: 2011-1905, **Version:** 1

Committee: Committee on Public Safety
Services

Status: Passed Finally

Ordinance Repealing Title Six, Conduct, Article 1: Regulated Rights and Actions, Chapter 601: Public Order, §601.02 Distributing Handbills, Samples, and Other Materials.

WHEREAS, certain citizens filed a Federal lawsuit challenging the constitutionality of City of Pittsburgh Ordinance section 601.02 littering, and

WHEREAS, United States District Judge Cercone granted injunctive relief to those citizens enjoining enforcement of the ordinance, and

WHEREAS, the parties and the City engaged in settlement discussions to resolve the Federal lawsuit, and

WHEREAS, the parties agreed to the withdrawal of the lawsuit upon certain factors including the payment of attorneys fees and the repeal of section 601.02, and

WHEREAS, City Council approved this settlement per Resolution 382 of 2011, effective June 6, 2011:

THEREFORE, it is ordained as follows, the City of Pittsburgh code is modified to repeal, in its entirety, ordinance section 601.02.

BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF PITTSBURGH HEREBY ENACTS AS FOLLOWS:

SECTION 1: TITLE SIX, CONDUCT, ARTICLE 1: REGULATED RIGHTS AND ACTIONS, CHAPTER 601: PUBLIC ORDER, §601.02 DISTRIBUTING HANDBILLS, SAMPLES, AND OTHER MATERIALS, HEREIN SET OUT IN ITS ENTIRETY:

[§ 601.02 - DISTRIBUTING HANDBILLS, SAMPLES, AND OTHER MATERIALS.

(a) No person shall intentionally, recklessly or negligently distribute any handbill, advertisement, flyer, announcement or any sample merchandise on public and private property so as to cause litter or unreasonably interfere with pedestrians or traffic.

(b) No person shall distribute any unsolicited handbill, newspaper, advertisement, flyer, announcement or sample merchandise on private property, including walkways and lawns, so as to cause litter. Unsolicited

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materials must be securely deposited on porches and stoops

(c) No person shall deposit in, fasten to, or place on or cause to be deposited in, fastened to, or placed on any motor vehicle parked or standing upon or along any public street or public parking lot within the City, any unsolicited handbills, advertisements, cards, leaflets, signs, posters, or notices without obtaining prior consent from the owner of the vehicle.

(1) Nothing contained in this subsection (b) shall prohibit the attachment to a motor vehicle of a citation issued or published by or on behalf of the City or any other material authorized by law to be placed on a motor vehicle by an authorized official.

(2) The provisions of this subsection (b) shall not be deemed to prohibit the distribution of any handbill, advertisement, card, leaflet, sign, poster, or notice by hand-delivery to the owner or other occupant of any vehicle who is willing to accept the handbill, advertisement, card, leaflet, sign, poster, or notice.]

IS HEREBY REPEALED.