

Agenda Report

TO: CITY COUNCIL

DATE: JUNE 15, 1998

FROM: CITY MANAGER

SUBJECT: DISTRIBUTION OF UNSOLICITED WRITTEN MATERIAL TO
RESIDENCE AND BUSINESS ESTABLISHMENTS.

RECOMMENDATION:

This report is for information only. It responds to information requested by the City Council regarding handbill regulation enforcement and its fiscal impact on the General Fund.

DISCUSSION SUMMARY:

The purpose of this report is to provide the city council with information about other cities and their enforcement practice with regard to handbill regulation. This report also provides estimates/projections on the cost of enforcement if compliance with the ordinance exceeds or stays within certain compliance levels. Finally, the report answers questions raised by city council about the impact of the proposed ordinance amendments on neighborhood organizations and their distribution of flyers within their neighborhoods.

Comparison with Cities:

City staff obtained ordinances on handbill distribution from five cities: Anaheim, Berkeley, Glendale, San Bernardino and Torrance. Staff from each city was contacted to determine cost of enforcement and compliance with the ordinances. Four of the five cities reported a minimum number of complaints once the ordinances were implemented. One City reported that their ordinance was legally challenged and they cannot enforce their ordinance as written. Cities which are enforcing reported that some citations occur; however there has been general compliance with the intent of the law and few complaints have been reported. None of the five cities used the refusal list strategy as a means of regulation. Ordinances usually call for the property owner or occupant to post signs. Distributors are then cited if they deliver to any establishment with posted signs prohibiting

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distribution. The one City which was legally challenged had wording in their ordinance which discriminated according to the content of the written material.

Staff also contacted the City of Beverly Hills since their ordinance uses the refusal list strategy. Code enforcement staff in Beverly Hills reported that there have been only a few complaints since implementation of their ordinance and they have only issued one citation since November of 1995. None of the cities contacted reported additional costs related to handbill regulation enforcement.

Neighborhood Associations

Several concerns have been articulated from residents regarding neighborhood watch programs and other neighborhood organizations being required to obtain a business license in order to distribute their information. The city attorney has determined that since neighborhood organizations typically are not operated for a person's livelihood, the organizations do not have to obtain a business license. As such, neighborhood organizations will not be required to apply for a business license in order to distribute flyers. Neighborhood organizations will, however, be required to obtain a copy of the refusal list and they may not distribute to residents that have enrolled on the refusal list unless authorized to do so by the occupant of the premises. There will be a place on the refusal list application to indicate whether Neighborhood Association information is desired.

WORKLOAD IMPACT

Planning & Permitting has submitted a best guess estimate of the work load impact to maximize enforcement of the proposed Handbill ordinance. The estimates are based on the following assumptions:

- There are approximately 51,000 households in Pasadena.
- 20 percent of those households which enroll on the refusal list may make at least one complaint that handbills were distributed on or at their property.
- Citations for violations can be mailed (registered certified return receipt) directly to the business owner causing the distribution rather than having a code compliance officer go to the business address to serve the citation.
- There will be minimal marketing of the refusal list program. Neighborhood Associations will be informed of the ordinance

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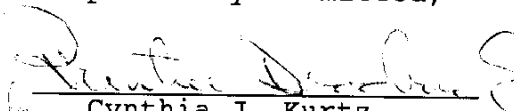
through the neighborhood connection office and the *In Focus* newsletter. Residents will be required to bring their signed enrollment form to the municipal services office to enroll.

Staff anticipates low enrollment (less than 5,000) on the refusal list and general compliance with the ordinance by distributors. If this is achieved, enforcement and licensing will not require additional staff. If 5,000 residents enroll on the refusal list within the first year, an additional code officer may be required. Additional staff may be required if enrollments increase to a maximum of 25,000 within one fiscal year. A maximum of 2 code enforcement officers could be required to enforce this ordinance if more than 25,000 residents enroll and 20% file complaints at least one time each year.

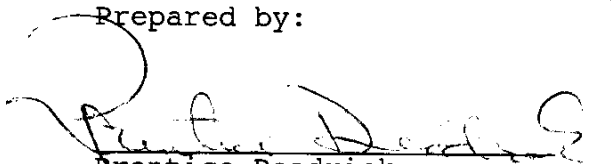
FISCAL IMPACT:

The proposed changes to the ordinance are not projected to have any fiscal impact on the general fund if there is low enrollment (less than 5,000 households) and general compliance. Enforcement cost could range from \$91,073 (1 FTE code officer plus .25 staff assistant and supplies) to \$206,836 (2 FTEs code officer plus .50 staff assistant and supplies) if enrollments reach a minimum of 5,000 or exceed 25,000 per year.

Respectfully submitted,


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