

CODIFIED ORDINANCES OF BOLIVAR
PART SEVEN - BUSINESS AND TAXATION CODE

ARTICLE 711
Advertising

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| 711.01 | Distributing posters and handbills. | 711.07 | Advertising in manner indicating sale is by private party. |
| 711.02 | Attaching bills and posters to poles. | 711.08 | Secondhand merchandise to be identified. |
| 711.03 | Advertisements on vehicles. | 711.09 | Advertising sale as sheriff's sale, closing-out sale, etc. |
| 711.04 | Permit required for signs extending over streets. | 711.99 | Penalty. |
| 711.05 | Painting advertising matter on pavements. | | |
| 711.06 | Deceptive, untrue and misleading advertising prohibited. | | |

CROSS REFERENCES

Power to regulate - see W. Va. Code 8-12-5(10)
Littering - see GEN. OFF. 533.07

711.01 DISTRIBUTING POSTERS AND HANDBILLS.

It shall be unlawful for any person, by himself, his agents, servants or employees, to distribute any printed paper advertisement, advertising matter or thing, handbill or poster, or sample for advertising, by throwing, distributing or casting the same upon any street, public square, court, alley or park, and each article, paper or poster so distributed shall constitute a separate offense. The person authorizing or hiring the distribution of such printed advertisement, advertising matter, handbill, poster, sample or other thing for advertising, so distributed by casting or throwing the same upon any street, court, alley, public square or park, as well as the person distributing the same, shall be deemed guilty of a misdemeanor.
(1969 Code 2-1.)

711.02 ATTACHING BILLS AND POSTERS TO POLES.

It shall be unlawful for any person to post or cause to be posted, attached to or fastened upon any telephone or other pole for utilities, any bill, poster, sign or device used or intended to be used for advertising purposes.

(1969 Code 2-2.)

711.03 ADVERTISEMENTS ON VEHICLES.

It shall be unlawful for any person to stick, print, attach, stamp, hang, suspend upon or place in or about any vehicle, any printed, written, painted or other advertisement, bill, notice, sticker, sign or poster. (1969 Code 2-4.)

711.04 PERMIT REQUIRED FOR SIGNS EXTENDING OVER STREETS.

No person shall erect any advertising matter, sign, board or metal so as to extend in whole or in part over any portion of any street, without first applying to Council for a permit to do so. Upon such permit being granted, such person shall erect such sign or advertising matter in strict compliance with the terms and conditions of such permit.

(1969 Code 2-5.)

711.05 PAINTING ADVERTISING MATTER ON PAVEMENTS.

No theatrical or other advertising matter shall be painted, spread or fastened on any of the pavements of the Town.

(1969 Code 2-6.)

711.06 DECEPTIVE, UNTRUE AND MISLEADING ADVERTISING PROHIBITED.

Any person, his agents or employees, who, with intent to sell or in any way dispose of merchandise, securities, service or anything offered by such person, or by his agents or employees, directly or indirectly to the public for sale or distribution, or with intent to increase the consumption thereof, or to induce the public in any manner to enter into any obligation relating thereto, or to acquire title thereto, or an interest therein, causes directly or indirectly to be made, published, disseminated, circulated or placed before the public in a newspaper or other publication, or in the form of a book, notice, handbill, bill, poster, circular, pamphlet, or letter, billboard, sign of any sort, radio broadcast, by word of mouth or in any other way, an advertisement of any sort regarding merchandise, securities, service or anything so offered to the public, which advertisement contains any assertion, representation or statement of fact which is untrue or deceptive, shall be guilty of a misdemeanor.

(1969 Code 2-7.)

711.07 ADVERTISING IN MANNER INDICATING SALE IS BY PRIVATE PARTY.

It shall be deemed deceptive advertising and a violation of the provisions of the preceding section for any person, or his agents or employees, engaged in the business of buying and selling new or secondhand articles of merchandise, or other property, real or personal, or in the business of furnishing any kind of service, to advertise by means of "liner ads" in a newspaper or otherwise, such articles, property or service for sale in a manner indicating that the sale is being made by a householder or private party not engaged in such business; and every person engaged in any such business shall in advertising goods, property or service for sale, either through "liner ads", or otherwise, affirmatively and clearly indicate that the seller is engaged in such business and is not a private party.

(1969 Code 2-8.)

711.08 SECONDHAND MERCHANDISE TO BE IDENTIFIED.

It shall be deemed deceptive advertising and a violation of the provisions of Section 711.06 for any person or his agents or employees, in a newspaper or other publication, or in any other manner hereinafter set out, to offer to the public, for sale or distribution, any merchandise which is secondhand or used merchandise, or which consists of articles or units or parts known as "seconds" or blemished merchandise, or which has been rejected by the manufacturer thereof as not first class, unless there is conspicuously displayed in direct connection with the name and description of such merchandise and each specific article, unit or part thereof, an unequivocal statement, phrase or word, which will clearly indicate that such merchandise or each article, unit or part thereof so advertised is secondhand, used, defective or consists of "seconds", or is blemished merchandise, or has been rejected by the manufacturer thereof as not first class, as the fact may be. Such statement, phrase or word shall be printed or lettered, as the case may be, in type or lettering as large as that used in any other part of the advertisement, including the caption thereof. (1969 Code 2-9.)

711.09 ADVERTISING SALE AS SHERIFF'S SALE, CLOSING-OUT SALE, ETC.

It shall be deemed deceptive, untrue and misleading advertising for any person or his agents or employees, to advertise the sale of goods, wares or merchandise in any manner, as a sheriff's sale, constable's sale, United States Marshal's sale, or as a trustee's sale, administrator's sale, executor's sale, receiver's sale or the like, unless the person is a public official or is acting under an order or the direction of a court of competent jurisdiction. It shall also be deemed a violation of Section 711.06 for any person to advertise in any manner as an insurance sale, bankrupt sale, closing-out sale, going-out-of-business sale, quitting business sale, assignee's sale or a sale of goods, wares, or merchandise damaged by fire, smoke, water or otherwise, or any type of sale generally known in mercantile circles as a distress merchandise sale, if such advertiser shall subsequently add any goods, wares or merchandise to the stock on hand at the time any of the types of sales enumerated herein are first announced. For the purpose of this section, "sale" shall be construed to mean that any goods, wares, or merchandise offered to the public is to be sold for less than the prevailing regular retail price on the same or comparable goods, wares or merchandise. (1969 Code 2-10.)

711.99 PENALTY.

(EDITOR'S NOTE: See Section 101.99 for general Codified Ordinances penalty.)