

5.50.030 Privately owned newspaper dispensing device permit conditions

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A city permit allowing the placement of privately owned newspaper dispensing devices shall be subject to, and granted upon, the following conditions, restrictions, and requirements:

- A. Newspaper dispensing devices shall not be placed in the central business district. The central business district is delineated on the map attached as Exhibit A. However, newspapers, fliers, handbills, or other printed materials may be placed in uniform newspaper dispensing devices in the central business district pursuant to Section 5.50.040. The location of the uniform newspaper dispensing devices is depicted on the maps attached as Exhibit B, collectively.
- B. Newspaper dispensing devices shall be placed adjacent and parallel to building walls not more than six inches distant therefrom, or near and parallel to the curb not less than 18 inches and not more than 24 inches distant from the curb.
- C. No newspaper dispensing device shall be placed, installed, located, used or maintained:
 1. Within twenty feet of any electric utility pole, fire hydrant, Fire Department Station, Police Department Station, or Medical Building driveway.
 2. Within twenty feet of any intersecting driveway, alley, or street.
 3. Adjacent to parallel parking spaces or on the curb in front of angle parking spaces.
 4. At any location where the width of paved (or other suitable hard surface) clear space in any direction for the passage of pedestrians is reduced to less than five feet.
 5. So as to be chained or otherwise secured to any tree, utility pole, light pole, parking meter, traffic control post, street signpost, or other public property.
 6. Within three feet of any bicycle tie-up racks, bus benches, area improved with landscaping, or window displays.
 7. On or within any median within any public right-of-way.
 8. So as to project into any part of the public right-of-way or along the streets, thoroughfares, parkways and sidewalks within the City, as authorized by a properly issued City permit.
- D. The permittee shall pay an administrative processing fee of \$25.00 for each location where a newspaper dispensing device is installed. The initial administrative processing permit fee shall be applicable to the initial license year, or any part thereof. The permittee shall pay a renewal administrative processing permit fee of \$25.00 per year for each location where a newspaper dispensing device is installed. The permittee will also pay for the cost of a template placed upon the box to identify the publication and the permittee will also pay any yearly maintenance costs associated with the box.
- E. The permittee shall maintain the device in good working order, in a safe and clean condition, in such a manner that:
 1. It is reasonably free of dirt and grease;
 2. It is reasonably free of chipped, faded, peeling and cracked paint in the visible painted areas thereof;
 3. It is reasonably free of rust and corrosion in the visible unpainted metal areas thereon;
 4. The clear plastic or glass parts thereof, if any, through which the publications therein are viewed are unbroken and reasonably free of cracks, dents, blemishes and discoloration;
 5. The paper or cardboard parts or inserts thereof are reasonably free of tears, peeling or fading;
 6. The structural parts thereof are not broken or unduly disfigured;
 7. The device shall display a telephone number for refund in case of malfunctioning of the device.
- F. The permittee shall not use a newspaper dispensing device for advertising signs or publicity purposes other than that dealing with the display, sale, or purchase of the materials sold or distributed therein.
- G. Permits shall be for a term of one year and shall not be assignable. Permits for the City fiscal year 2002-03 will be filed with the City Administrator (or his/her designate) no later than June 3, 2002; these permits will be valid through April 30, 2003. For all years thereafter, permits shall expire on the 30th day of April of each year; applications for renewal of permits shall be filed with the City Administrator (or his/her designate) no later than the 1st day of April of each year.
- H. A permit shall allow the installation of a newspaper dispensing device only at the exact location described in the application for the permit. The permit shall contain a description of the authorized location. Permits shall not be transferable from one location to another.
- I. The permittee, upon removal of the newspaper dispensing device, shall restore the property of the City to the same condition as when the device was initially installed, ordinary wear and tear excepted.
- J. As an express condition of the acceptance of a permit hereunder, the permittee thereby agrees to indemnify and hold harmless the City, its officials, both elected and appointed, its employees and agents against any loss or liability or damage, including expenses and costs for bodily or personal injury, and for property damage sustained by any person as the result of the installation, use or maintenance of a device within the City.

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(2002-M-24 : § 1)