

## 5.50.080 Removal of newspaper dispensing devices

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### 5.50.080 – Removal of newspaper dispensing devices

- A. If any newspaper dispensing device is placed or remains within the central business district as delineated in the map at Exhibit A or within any public right-of-way, street, thoroughfare, parkway, or sidewalk without a permit therefor being issued, or after the expiration or revocation of a previously issued permit, or is deemed abandoned or unclaimed, or in violation of any other provision of this Article, the City Administrator (or his/her designate) shall send, by certified mail, with return receipt requested, a written notice to the address of the owner or user of the newspaper dispensing device. The notice shall state the address and telephone number of the City Administrator (or his/her designate), a description of why the newspaper dispensing device is in violation of the requirements of this Article; that the owner or user is ordered to cause immediate removal of the newspaper dispensing device from the public property; and that the newspaper dispensing device shall be removed by the City after a date designated in the notice. The date shall be no less than ten calendar days after the date the notice is mailed or first posted, as the case may be, unless the owner or user requests a hearing before the Government Operations Committee by filing a written appeal with the City Administrator (or his/her designate) on or before the designated removal date.
- B. If any materials are placed in a uniform newspaper dispensing device without a permit therefor being issued, or after the expiration or revocation of a previously issued permit, or the materials are deemed abandoned or unclaimed, or in violation of any other provision of this Article, the City Administrator (or his/her designate) shall send, by certified mail, with return receipt requested, a written notice to the address of the permitted user. The notice shall state the address and telephone number of the City Administrator (or his/her designate), a description of why the materials are in violation of the requirements of this Article; that the user is ordered to cause immediate removal of the materials; and that the materials shall be removed by the City after a date designated in the notice. The date shall be no less than ten calendar days after the date the notice is mailed or first posted, as the case may be, unless the user requests a hearing before the Government Operations Committee by filing a written appeal with the City Administrator (or his/her designate) on or before the designated removal date.
- C. When any appeal is filed pursuant to this section, the City Council shall set a hearing on the appeal at its next regularly scheduled Council meeting and notice of such time and place shall be given in the manner as specified in this section. Any newspaper dispensing device or materials located in a City owned newspaper dispensing device may remain in place during the appeal period. In making its determination, the Government Operations Committee shall only consider the standards set forth in this Article. Its decision shall be rendered on the same day as the hearing. The decision of the Government Operations Committee shall be final.
- D. If any newspaper dispensing device is still on public property after the ten-day period described in subsection (1) of this section, or if an appeal is made and denied after hearing before the Government Operations Committee, the City Administrator (or his/her designate) shall cause removal of the newspaper dispensing device. Similarly, if any materials located in a City owned newspaper dispensing device remain in the City owned newspaper dispensing device after the ten-day period described in subsection (2) of this section, or if an appeal is made and denied after hearing before the Government Operations Committee, the City Administrator (or his/her designate) shall cause the removal of the materials.
- E. The owner of any newspaper dispensing device removed in accordance with the terms of this Article shall be responsible for all the expenses of the removal, storage and disposal of such newspaper dispensing device. Likewise, the owner of any materials placed in a City owned newspaper dispensing device removed in accordance with the terms of this Article shall be responsible for all the expenses of the removal, storage and disposal of such materials. Should the newspaper dispensing device or materials fail to be claimed or should the owner fail to pay any money due the City, such newspaper dispensing device or materials shall be unclaimed property and may be disposed of pursuant to law.

(2002-M-24 : § 1)