

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO. 2341AN ORDINANCE OF THE CITY OF OXNARD
REGULATING NEWSRACKS

The City Council of the City of Oxnard does hereby ordain as follows:

PART 1. Chapter 19, Article VI, Section 19-61.1 to Section 19-61.8, inclusive, are hereby added to the Oxnard City Code to read as follows:

Section 19-61.1. Purpose.

The City Council hereby establishes a comprehensive set of regulations applicable to newsracks in the public right-of-way. These regulations are intended to ensure the preservation of the public health, safety and welfare while enhancing community aesthetics. The regulations are not intended to restrict the rights of freedom of the press or distribution of information.

Section 19-61.2. Findings.

The City Council makes the following findings:

A. Unregulated placement and size of newsracks in public right of ways can pose threats to the public health, safety and welfare.

B. These regulations provide ample opportunities for the siting of newsracks in locations that safeguard and encourage safe pedestrian and vehicular movements in the vicinity of newsracks.

C. Unregulated size and color of newsracks can contribute to a blighted street scape. A blighted street scape discourages economic investment and leads to a negative balance between government services necessary for an area and the ability to pay for such services.

D. These regulations provide clearly defined sizes and colors for newsracks which will help provide an aesthetic street scape that discourages blight.

Section 19-61.3. Definitions.

For purposes of these sections, the following words shall have the following meanings:

A. Newsrack shall mean any self-service or coin-operated box, container, storage unit or other dispenser installed, used or maintained for the display, distribution or sale of newspapers, periodicals, or magazines, whether currently installed, used, or

maintained or installed, used, or maintained hereafter.

B. Parkway shall mean that area between the sidewalk and the curb of any street, and where there is no sidewalk, that area between the edge of the roadway and the property line adjacent thereto.

C. Person shall mean any individual, company, corporation, association, business or other legal entity.

D. Right-of-way shall mean land which by deed, conveyance, agreement, easement, dedication, usage or process of law is reserved for and dedicated to the public for street, highway, alley, pedestrian walkway, sidewalk, roadway, parkway, bicycle path or other purposes.

E. Roadway shall mean that portion of a public street improved, designed, or ordinarily used for vehicular travel.

Section 19-61.4. Regulations for newsracks located on public property.

The following regulations shall apply to any newsrack located on public property:

A. No person shall install, use, or maintain any newsrack which rests upon or projects over any part of any roadway.

B. No person shall install, use, or maintain any newsrack if such newsrack exceeds forty-eight inches in height, thirty inches in width, or twenty-four inches in depth or weighs in excess of one hundred twenty-five pounds when empty.

C. No person shall install, use, or maintain any newsrack contrary to any of the following regulations:

1. Within six feet of any marked crosswalk;

2. Within six feet of any street or alley curb return without a marked crosswalk;

3. Within six feet of any driveway or curb cut;

4. Within an area twenty-five feet forward of a driveway, curb cut, or curb return ("forward of a driveway, curb cut, or curb return" shall mean parallel to and in the same direction as the traffic on the side of the roadway in which such driveway, curb cut, or curb return is located) and extending seventy-five feet to the rear of a driveway, curb cut, or curb return ("to the rear of a driveway, curb cut, or curb return" shall mean parallel to and against the direction of the traffic on the side of the roadway in which such driveway, curb cut, or curb return is located) except if

the newsrack is located at the back of a sidewalk and every portion of the newsrack is at least four feet six inches away from the curb face.

5. Within ten feet of any fire hydrant or fire department connection;

6. Within four feet of any fire call box, police call box or other emergency facility;

7. Within a two hundred and sixty-four feet area surrounding any sign marking a designated bus stop, such area described as follows: extending from the curb face or edge of pavement to a distance eight feet perpendicularly away from the roadway and beginning three feet forward of such sign ("forward of such sign" shall mean parallel to and in the same direction as the traffic on the side of the roadway in which such sign is located) and extending thirty feet to the rear of such sign ("to the rear of such sign" shall mean parallel to and against the direction as the traffic on the side of the roadway in which such sign is located).

8. Within four feet six inches from the edge of a curb face or, if no curb exists, the edge of pavement where parking is permitted; or, within one foot from the edge of a curb face or, if no curb face exists, the edge of pavement where parking is prohibited;

9. Within four feet of any bus bench or bus shelter;

10. Within five feet of any bicycle rack;

11. Within three feet of any manhole or catch basin access;

12. Within six feet of any lift station;

13. Within three feet of any utility or signal pull box or utility meter;

14. Within five feet of a traffic signal control cabinet, signal standard or signal pole;

15. Within two feet of any pole, post or other device on which a traffic sign is attached or mounted;

16. Within four feet of a pedestrian access ramp;

17. Within five feet of any utility pole;

18. Within one foot of any building, wall or fence;

19. At any location where the installation of the newsrack reduces the width of the pedestrian walkway to less than four feet.

D. No person shall install, use, or maintain any newsrack which endangers the safety of persons or property, or when the installation site is used for public utility purposes, public transportation purposes or other government use, or when such newsrack interferes with or impedes the flow of pedestrian or vehicular traffic, the ingress into or egress from any residence, place of business, or any legally parked or stopped vehicle, or when the newsrack interferes with the use of poles, posts, traffic signs or signals, hydrants, mailboxes, or other objects permitted at or near the installation site, or when such newsrack interferes with the cleaning of any sidewalk by the use of mechanical sidewalk cleaning.

E. No person shall chain, bolt or otherwise attach a newsrack to any privately owned property or to any permanently fixed, privately owned object unless the consent of the owner of such property or object is obtained in writing.

F. Each newsrack shall be installed on a single pedestal which shall be securely anchored to the sidewalk or a concrete pad through the use of bolts and sleeves.

G. Each newsrack shall be constructed, installed, and maintained in a safe and secure condition and in accordance with standards adopted by the City.

H. Except for the insertion of removable stock located on or inside the newsrack which is used for the purpose of promoting an upcoming civic event or special coverage in an upcoming issue of the newspaper, a newsrack shall not be used for advertising or publicity purposes other than to refer to the name of the newspaper, periodical, or magazine contained in the newsrack.

I. Each newsrack shall be maintained in a clean, neat, and attractive condition and in good repair at all times.

J. Except as noted in this subsection, each newsrack shall be painted one uniform color from the following list of colors as found in "The PANTONE Book of Color", International Standard Book Number 0-8109-3711-5.

Desert Palm - Pantone #19-0815
Bracken - Pantone #19-1015
Slate Black - Pantone #19-0814

The pedestal of the newsrack may be painted the same color as the newsrack or Slate Black, as noted above.

In addition to any one of the above colors, no more than twenty percent of the newsrack's metal surface may be painted or lettered with one of the following accent colors to display the vendor's logo or name:

Winter White - Pantone #11-0507
Sun Kiss - Pantone #12-0807
Cameo Rose - Pantone #14-1310
Shell - Pantone #13-1405
Bark - Pantone #16-1506
Lilac Gray - Pantone #14-3903
Dapple Gray - Pantone #16-3907
Ocean Wave - Pantone #14-5711
Spray - Pantone #13-6007
Gravel - Pantone #14-1014
Putty - Pantone #13-0711
Brick Red - Pantone #19-1543

Snow White - Pantone #11-0602
Pastel Parchment - Pantone #11-0603
Bone White - Pantone #12-0105
Ice - Pantone #11-4803

This subsection regulating colors shall apply to (1) all newsracks and pedestals eighteen (18) months after the effective date of this ordinance, (2) any newsrack or pedestal installed after the effective date of this ordinance, and (3) any newsrack that is removed and repaired after the effective date of this ordinance.

Section 19-61.5. Application for newsrack permit.

A. For any newsrack on public property which was in place on September 27, 1994, the owner of such newsrack shall obtain a newsrack permit from the Development Services Manager or designee within thirty days after the effective date of this section. Such permit shall be issued by the Development Services Manager or designee if the newsrack complies with the City standards.

B. For all other newsracks on public property, the owner of such newsrack shall obtain a newsrack permit from the Development Services Manager or designee within ten days after the installation of such newsrack. Such permit shall be issued by the Development Services Manager or designee if the newsrack complies with the City standards.

Section 19-61.6. Indemnity, insurance.

A. At the time of issuance of the newsrack permit, the permittee shall also execute a form, approved by the City Attorney, agreeing to hold the City, its officers, employees and agents, free and harmless from any claim, demand or judgment in favor of any person, arising out of the installation, use, maintenance or location of any newsrack.

B. At the time of issuance of the newsrack permit, the permittee shall submit to the City Clerk a certificate of insurance

confirming that a liability insurance policy in minimum amounts normally required by the City for encroachment permits has been issued naming the City as an additional insured. The certificate of insurance shall contain a provision which binds the insurance company to notify in writing the Finance Director or designee thirty days prior to cancellation of the liability insurance policy. If such liability insurance policy is canceled at any time, the City may remove the permittee's newsracks in accordance with the provisions of Section 19-61.8.

Section 19-61.7. Identification decal.

Together with the issuance of a newsrack permit, the Development Services Manager or designee shall issue an identification decal to the permittee. The permittee shall affix the decal to the newsrack. If the decal should be removed or defaced, the permittee shall notify the Development Services Manager or designee and another decal will be issued which the permittee shall affix to the newsrack.

Section 19-61.8. Newsrack removal.

A. Any newsrack installed, used or maintained in violation of the provisions of these sections may be removed and stored by the Development Services Manager or designee ten working days after mailing notice to the address given in the permittee's application for a newsrack permit that such newsrack will be removed. The notice shall give the permittee the opportunity to cure the violation or to be heard at an informal conference with the Development Services Manager or designee. The permittee shall be notified if the newsrack is removed and stored.

B. The Development Services Manager or designee may summarily remove any newsrack which poses a danger to pedestrians or vehicles, creates a health or safety hazard for pedestrians or vehicles, or otherwise unreasonably interferes with the safe use of public streets or sidewalks. The permittee shall be notified if the newsrack is removed. The notice shall give the permittee the opportunity to be heard at an informal conference with the Development Services Manager or designee.

C. The notice of removal or intended removal shall include a form for requesting an informal conference with the Development Services Manager or designee as to the reasons for the removal or intended removal of the newsrack. If the permittee wishes to contest the removal or intended removal of a newsrack, the permittee shall, within ten working days of the mailing of the notice return to the City such request for an informal conference with the Development Services Manager or designee as to the reasons for such removal or intended removal of the newsrack. Following such conference, a written decision shall be mailed to the permittee.

D. If within thirty days following a notice of removal of a newsrack, or, if a conference was requested and the removal was upheld, within thirty days following the mailing of the decision, the permittee fails to claim the newsrack and pay the expenses of removal and storage, the newsrack shall be deemed unclaimed property in possession of the City and may be disposed of pursuant to law.

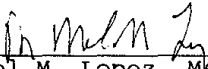
PART 2. The City Council of the City of Oxnard hereby expressly declares that it is its intention in enacting this ordinance that if any section, subsection, provision, or part of this ordinance shall be deemed unconstitutional, then such section, subsection, provision, or part may be severed from the ordinance while the remaining portions of the ordinance remain in full force and effect.

PART 3. Within fifteen days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation, published and circulated in the City. Ordinance No. 2341 was first read on September 20, 1994 and finally adopted on October 4, 1994 to become effective ninety days thereafter.

AYES: Councilmembers Lopez, Pinkard, Plisky, Herrera & Holden

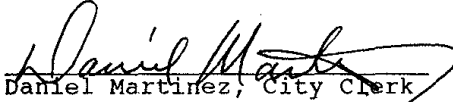
NOES: None

ABSENT: None



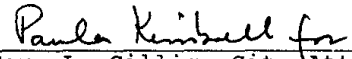
 Dr. Manuel M. Lopez, Mayor

ATTEST:



 Daniel Martinez, City Clerk

APPROVED AS TO FORM:



 Gary L. Gillig, City Attorney