



CITY of CALABASAS

Department of Public Works

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Public Works Policy Number 107

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Approved By:

Robert Yalda - Public Works Director

“NEWSRACKS WITHIN CITY RIGHT-OF-WAY”

PURPOSE

The purpose of this policy is to establish a comprehensive set of guidelines applicable to the installation of newsracks in the public rights-of-way. In order to advance, improve and promote aesthetic concerns as well as public health, safety and welfare of the City of Calabasas, it is necessary to control the number, size, construction, placement and appearance of such newsracks. This policy is intended to accomplish these goals, without restricting the free dispersal of information guaranteed by the Constitutions of the United States and the State of California, through guidelines of the placement, appearance, and servicing of newsracks in the public rights-of-way so as to:

1. Provide sufficient clearance and visibility for safety and convenience of the pedestrian and driving public.
2. Avoid the unreasonable interference with the flow of pedestrian or vehicular traffic, including ingress from any residence or any place of business or from the street to the sidewalks by persons crossing or exiting/entering parked or standing vehicles.
3. Provide reasonable access for the use and maintenance of utility poles, posts, traffic signs or signals, hydrants and mail boxes, and access to locations used for benches and public transportation purposes.
4. Eliminate poorly maintained news racks which have resulted in a visual blight on the public rights-of- way, or which may unreasonably detract from the aesthetics of existing structures.
5. Maintain and protect the values of the surrounding properties.
6. Reduce the unnecessary exposure of the City to personal injury and property damage claims.
7. Provide for and maintain the freedom of speech for newspapers or news periodicals using newsracks for distribution purposes.

PERMIT REQUIRED

No person shall place, construct or maintain a newsrack on or projecting onto a public right-of-way, highway, parkway, roadway or sidewalk unless and until an encroachment/construction permit for newsracks has been obtained from the City's Public Works Department.

PERMIT APPLICATION

A written application for a newsrack permit shall be filed with the Public Works Department on the City's Encroachment/Construction Permit form and shall include, without limitation:

1. The name, address and telephone number of the applicant, or the distributor.
2. The name, address and telephone number of a representative of the applicant or other responsible person whom the City may notify or contact at any time concerning the applicant's newsracks.
3. Proof that the type or brand of newsrack is consistent with requirements of Ordinance No. 2000-155 and these guidelines including a photograph of the newsrack and mount.
4. A picture map showing and identifying the number of newsracks, the exact proposed location of each newsrack (hereinafter "site"), and the order of all newsracks at that location.
5. The name of the newspaper, publication or periodical to be contained in each newsrack.
6. A written statement agreeing to hold harmless and indemnify the City of any newsrack(s) to be installed or maintained over any public sidewalk or parkway in accordance with this policy.
7. An application fee and inspection and enforcement costs, in an amount set by the City of Calabasas Fee Schedule.

APPLICATION REVIEW; ISSUANCE, CONDITIONS AND TERM FOR PERMIT

1. The Public Works Department shall have the authority to process, review and approve or deny permits for the installation of newsrack(s) in the public right-of-way. In issuing a permit or rejecting sites, the Public Works Department shall be guided solely by the standards and criteria set forth in the Calabasas Municipal Code and by any guidelines and policies which may be adopted by resolution of the City Council.
2. Permits may be issued for the installation of newsracks only after City inspection of the proposed sites, and the installation, use or maintenance thereof shall be conditioned upon compliance with the provisions of this policy.
3. If an application or a proposed site is denied, the applicant shall be notified in writing of the specific reason for such denial. In any case where the Public Works Department disapproves of a

particular location, such disapproval shall be without prejudice to the applicant who may designate a different site or location.

4. Applicant shall provide the insurance and indemnification required by this policy at the time the permit is issued for the newsrack(s).
5. A single permit may include up to ten proposed sites for newsracks to be installed within the City.
6. Each permit shall expire on June 30th of each year, and may be renewed at the discretion of the Public Works Department.

INSURANCE AND INDEMNIFICATION

As part of the permit application, every person who places or maintains a newsrack on public property or the public right-of-way shall indemnify, defend and hold the City, its officers, employees and agents free and harmless from any claim, damage, liability, demand or judgment in favor of any person or entity, arising out of the location, operation and use of any newsrack(s) located upon, in or over a public right-of-way or other public property. The applicant shall provide the City with a certificate of insurance or other documentation, as required by the City Attorney, evidencing that a liability insurance policy in the minimum amounts set by the City Attorney has been issued, naming the City as an additional insured, and containing a provision that the policy cannot be canceled except upon 30 days' written notice to the City of the fact of such cancellation. If such insurance is canceled at any time during the time the newsrack is installed or maintained on public property, said newsrack shall be removed at permittee's cost in accordance with the provisions of City Ordinance 2000-155.

PERMIT STICKER

Upon permit approval, the Public Works Department shall issue a sticker or stickers evidencing the permit, which shall be affixed to each newsrack in the manner specified by the Public Works Department.

NEWSRACK REQUIREMENTS

Any newsrack placed, in whole or part, upon, in or over any public right-of-way, shall comply with each of the following standards:

1. Newsracks shall be of the type that can be mounted on a permanently fixed single pedestal (or multi pedestal for groupings of newsracks) mount bolted to the paved area. No newsracks with mount or stand shall exceed 48 inches in height, 30 inches in width or 24 inches in thickness.
2. The name, address and telephone number of a responsible person who may be contacted at any time concerning the newsrack shall be displayed on the newsrack in such a manner as to be readily visible and readable to a prospective customer thereof.

3. All opaque surfaces of the newsrack and the mounts shall be painted the same color.

Each newsrack shall be maintained in a clean, painted, neat and attractive condition and in good repair at all times. Specifically, but without limiting the generally of the foregoing, each newsrack shall be serviced and maintained so that:

1. It is reasonably free of dirt.
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 free of cracks, dents, blemishes and discolorations.
5. The paper or cardboard inserts are free of tears, peeling or fading.
6. The structural parts thereof are not broken or misshapen.
7. Any and all graffiti, unauthorized stickers or decals are immediately removed.

LOCATION, PLACEMENT AND NUMBER RESTRICTIONS

No proposed site and no newsrack shall be placed, installed, used or maintained in the following locations:

1. Within 5 feet of any marked crosswalk.
2. Within 15 feet of the curb return of any unmarked crosswalk.
3. Within 5 feet of any fire hydrant, fire call box, police call box or other emergency facility.
4. Within 5 feet of any driveway.
5. Within 5 feet ahead of and 15 feet to the rear of any sign or pavement marking for a designated bus stop measured parallel to the flow of traffic.
6. Within 5 feet of any bus bench.
7. At any location where the newsrack causes, creates, or constitutes a line of sight problem or a traffic hazard.

8. At any location where the newsrack unreasonably obstructs or interferes with the pedestrian access to abutting property.
9. No newsrack shall be placed or maintained on a sidewalk or parkway opposite a newsstand or another newsrack.
10. Within 3 feet of any area improved with lawn, flowers, shrubs, or trees within 3 feet of any display window of any building abutting the sidewalk or highway or in such a manner as to impede or interfere with the reasonable use of such window for display purposes as determined by the City.
11. Where the newsrack will endanger persons using the sidewalk or property.
12. Where the newsrack will unreasonably interfere with or obstruct the safe flow of pedestrian or vehicular traffic on the public right-of-way.
13. At any location which creates less than a 4-foot wide path of travel as required by Title 24 of the California Code of Regulations and the Americans with Disabilities Act.
14. Facing another newsrack when separated or divided only by the width of a sidewalk or pedestrian walk.
15. On any access ramp or curb cut for disabled persons.

PLACEMENT

The applicant shall submit a detailed plan for review and approval by the Public Works Department. These plans shall follow guidelines noted in this policy.

1. All newsracks on sidewalks or walkways adjacent to or paralleling a street shall be placed away from the street 18 inches behind the curb face of the sidewalk parallel to a roadway. Newsracks shall be located in such a manner as necessary to maintain a clear pedestrian path of travel of at least four feet wide.
2. At any site where more than one newsrack is to be located and maintained, a grouping can be established for mounting all newsracks on a permanently fixed single, double or triple pedestal multi-mount of a type approved by the City and bolted to the pavement.
3. If eight or more (maximum ten) newsracks are placed at a single site, they shall be grouped in groups of five and each shall be separated from the next group by at least 48 inches.