

NEWS RACK

Definition: For purposes of this chapter the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with context, words used in the present tense include the future, words in the plural number include singular number words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

"Affected party" means any person having any proprietary interest in any news rack, newsstand and/or similar device. "Applicant" or "permittee" means the publisher or distributor, or custodian, clerk, employee, officer or other person who, as an agent of the publisher or distributor, has applied for (applicant) or been granted (permittee) a placement permit pursuant to the provisions of this chapter.

"Blinder rack" means a device attached to a publication vending machine which shields from view the lower two-thirds of any material contained in the publication vending machine. "Director" means the City Engineer of the city of El Monte, or the official exercising the duties of that office as it now exists, or the designee of such official.

"Harmful matter" or "material harmful to minors" means matter, taken as a whole, which, to the average person applying contemporary statewide standards, appeals to the prurient interest and is matter which, taken as a whole, depicts or describes in a patently offensive way, sexual conduct and which, taken as a whole, lacks serious literary, artistic, political, educational or scientific value for minors. "Minor" means any natural person under eighteen (18) years of age.

"Parkway" means that area between the property line and the curb of any street and, where there is no curb, that area between the edge of the roadway and the property line adjacent thereto. Parkway also includes any area within a roadway which is not a sidewalk and is not open to vehicular traffic. "Person" means any individual, firm, partnership or other local entity.

"Publication vending machine" means any self-service or coin-operated box, container, storage unit or other dispenser installed or used for printed material, including, but not limited to, newspapers, news periodicals, magazines, books, pictures, photographs and records.

"Roadway" means that portion of the street generally used for public use for public vehicular traffic.

"Sidewalk" means that portion of the street provided for the exclusive use of pedestrians.

"Street" means all that area dedicated to public use for public street purposes and shall include, but not be limited to, roadways, parkways, alleys and sidewalks

Requirements:

1. Certificate of Liability

- Insurance must not expire during term on the Permit (no exceptions)
- Policy must include and endorsement naming the City of El Monte, its officers, agents and employees as additional insured.
- Policy must include and Endorsement which provides that 30 days written notice for cancellation of the policy for any reason will be provided to the City of El Monte

2. List of the News Rack address location

3. Color scheme or design of News rack (photo)

PERMIT & LICENSE FEES

PERMIT FEES

New \$128.00

LICENSE FEES

Business License Tax Schedule (1)

City of El Monte
Permit Committee

NEWSPAPER RACKS
Standard Conditions

PUBLIC WORKS DEPARTMENT

168. Any Publication vending machine which rests in whole or in part upon, in or over any public sidewalk or parkway shall comply with the following standards.
- A. No Machine shall be used for advertising signs or publicity purposes, except that each machine may have attached to it a single sign panel no wider than the machine and no more than twelve inches in height upon which advertising or other information may be displayed.
 - B. Each machine shall be maintained in a clean and neat condition and in good repair at all times.
 - C. No machine shall be abandoned. A machine shall be deemed to be abandoned when no new publication has been placed in such machine for a period of sixty (60) days.
 - D. Any person removing or owner of vending machine causing the removal of a machine shall be responsible of any resulting condition, including the filling in of any holes left in the sidewalk or parkway, such work to be done to the satisfaction of the Director at no cost to the city. (ord. 2538 * 2(part), 2001)
169. Any publication vending machine which results in whole or in part upon, in or over any public sidewalk or parkway shall comply with the following standards:
- A. Each machine shall have display case(s) with a plastic window;
 - B. Each machine shall be constructed of sturdy, corrosive-resistant metallic materials. The mount, cabinet, tray, body, and frame of a news rack, newsstand and/or similar devices shall not be constructed of any plastic materials unless otherwise authorized under subsection 176 of this section;
 - C. No news rack, newsstand and/or similar device, itself, shall exceed fifty-four(54) inches in height, thirty (30) inches in width and twenty (20) inches in thickness;
 - D. News racks, newsstand and/or similar devices shall be painted olive green unless otherwise authorized under subsection 176 of this section;
 - E. New racks, newsstands and/or similar devices shall be limited to the following models and makes unless otherwise authorized under subsection 176 of this section:
 1. National News-vend Models:
 - a. M-20, M-30, M-33, M-34 and M-84.
 - b. F-153, F-301, F-841, and F-901.
 - c. M-10 is permitted so long as the news rack is mounted and securely fastened to the ground or permanent structure in a manner as prescribed by the Permit Committee.
 1. K-Jack Engineering Models:
 - a. KJ-50, KJ-100, and KJ-150 are permitted so long as these news racks are mounted and securely fastened to the ground or permanent structure in a manner as prescribed by the Permit Committee.
 - b. KJ-825, KJ-850, KJ-860, KJ-940, and KJ-2000.

170. News racks, newsstands and/or similar devices shall only be permitted on a sidewalk and shall be placed such that they are along the edge of the sidewalk which is furthest away from the curb and facing the street, parallel to the street or adjacent to the wall of a building, parallel to the wall, facing the street. News racks, newsstands and/or similar devices shall be placed no more than three (3) inches from the edge of the sidewalk or wall of a building;
All news racks, newsstands and/or similar devices must be mounted and/or securely fastened to the ground or permanent structure in a manner as prescribed by the Permit Committee.
Unless expressly authorized in writing by the Director, no news rack, newsstand and/or similar device shall be chained, bolted or otherwise attached to any property or to any permanently fixed object not owned by the owner of the news racks, newsstands and/or similar device, including, but not limited to, other news racks, newsstands and/or similar devices owned by another, nor shall any news rack, newsstand and/or similar device be chained or attached to loose objects including, but not limited to, bricks, rocks, cinder blocks, pipes or other such objects;
Stacking of news racks, newsstands and/or similar devices shall be permitted to the extent allowed in accordance with the size and weight restrictions provided in this chapter, however, in no event shall the aggregate height of such stacked news racks, newsstands and/or similar devices exceed sixty-four (64) inches above the surface or platform upon which they rest;

171. Notwithstanding the provisions of subsection 169 of this section, no news rack, newsstand and/or similar device shall be placed, installed, used or maintained:

1. Within five (5) feet of any marked crosswalk
2. Within fifteen (15) feet of the curb return of any unmarked crosswalk
3. Within fifteen (15) feet of any fire hydrant, fire or police call box, or other emergency facility
4. Within five (5) feet of any driveway
5. Within five (5) feet ahead of, and twenty-five (25) feet to the rear of any sign marking a designated bus stop;
6. Within six (6) feet of any bus bench or bus shelter
7. at any location whereby the clear space for the passageway of pedestrians is reduced to less than six (6) feet
8. Within three (3) feet of any area improved with lawn, flowers, shrubs or trees or three (3) feet of any display window of any building abutting the sidewalk or in such manner as to impede or interfere with the reasonable use of such window for display purposes.
9. At any location whereby the news rack, newsstand and/or similar device obstructs motorists vision of regulatory or advisory traffic and parking signage or any other location whereby the news rack, newsstand and/or similar device obstructs motorists vision of pedestrians
10. Within fifty (50) feet of any other news rack, news stand and/or similar device containing the same publication except where there are less than eight news racks, newsstands and/or similar devices in any location, in which case additional/duplicate news racks, newsstands and/or similar devices containing the same publications shall be permitted for each available space up to the maximum of eight at any one location. The Permit Committee in assigning such additional/duplicate news rack, newsstand and/or similar device at a location where there exists more than one news rack, newsstand and/or similar device containing the same publication, shall be guided solely by the criteria set forth under subsection 174 of this section

11. Within five (5) feet of any underground or above ground utility structure
 12. Where placement unreasonably interferes with the use of poles, posts, traffic signs or signals, mailboxes or government use.
 13. Within five hundred (500) feet of an elementary school, junior high or high school site.
 14. With five (5) feet of a curb painted blue, pursuant to the provisions of California Vehicle Code Section 21458
 15. Where placement unreasonably obstructs, interferes with or impedes access to or the use of abutting property, including, but not limited to, residences, places of business or legally parked or stopped vehicles and
 16. No news rack, newsstand and/or similar device shall interfere with the cleaning of any sidewalk by the use of mechanical sidewalk cleaning machinery.
172. News rack, newsstand and/or similar device shall be used for advertising signs or publicity purposes other than that dealing with the display, sale or purchase of the newspaper, publication or news periodical sold therein.
173. No more than eight (8) news racks, newsstands and/ or similar devices shall be located on any street within a space of two hundred (200) feet in any direction within the same block of the same street; provided, however, that no more than sixteen (16) news racks shall be allowed on any one block. As used herein, "block" shall mean one side of a street between two (2) consecutive intersecting streets. In determining which news racks, newsstands and/or similar devices shall be authorized, the Permit Committee shall be guided solely by the following criteria:
1. First priority shall be given to applicants who are able to provide verification that they are publishers or owners of adjudicated publications or newspapers of general circulation in Los Angeles County, pursuant to the procedures set forth in the California Government Code
 2. Second priority shall be given to news racks, newsstands and/or similar devices used for the sale of daily publications (those published of five (5) or more days in a calendar week) which have not been adjudicated to be newspapers of general circulation in Los Angeles County
 3. Third priority shall be given to news racks used for the sale of weekly publications (those published on at least one but less than five (5) days in a calendar week) which have not been adjudicated to be newspapers of general circulation in Los Angeles County and;
 4. Fourth priority shall be all other publications. In the event there is a conflict between publications within the same priority seeking the same location, and there are insufficient news rack spaces remaining to accommodate the conflicting publications after first filling as many spaces as possible by utilizing the criteria set forth above, then the Permit Committee shall assign the remaining space or spaces at random by placing the names of all applicants for the remaining spaces at a location into a container form which the names shall be drawn, one at a time, until the particular location's remaining number of unfilled news rack, newsstand and/or similar device spaces have been filled. Such drawing shall be open to the public and conducted at a time and date designated by the Director
174. Each machine shall conform to the Director's as well as the Permit Committee's rules and regulations, including, without limitation, reasonable design standards.
175. In the event that applicant does not comply with the standards set out in subsections 169 of this section, the Director may recommend issuance of a permit to the Permit Committee. The Director shall base his or her decision on health, safety, public welfare, and aesthetic considerations. (Ord 2538 § 2 (part), 2001)

181. A thirty (30) day notice prior to the addition of any newsracks is required of the vendor.

FIRE DEPARTMENT

182. Newspaper racks may not block any fire hydrant usage, business exits or sidewalks.
245. Newsracks may not be placed within five (5) feet of any fire protection device(s).

LICENSE DEPARTMENT

42. Applicant must provide proof of insurance which meets the standards set forth in **EMMC Section 3.24.160**. This insurance must be in effect throughout the term of the permit. Expiration / cancellation of a policy during the term of the permit shall be cause for immediate revocation of the permit.
51. Pursuant to **EMMC Section 5.12.260**, all other City fees and taxes must be paid in full as a prerequisite to the issuance of this permit. Should the permit holder default on the payment of any fee or tax due the City by any provision of law or of this Code, this permit shall become invalid.

CODE ENFORCEMENT

178. No newsrack shall display or exhibit any material which is harmful to minors unless a device commonly known as a "blinder rack" is placed in front of the materials or the material is otherwise displayed or exhibited so that the lower two-thirds thereof is not exposed to public view. For the purposes of this condition "harmful matter" is as defined in California Penal Code Section 313 as currently in effect and as may be amended. Such term shall also include any display prohibited by **EMMC Section 12.28.200**.
884. All racks have to be bolted to the sidewalk with at least 2" depth.
887. Location of all newspaper racks has to be submitted to the Permit Committee for approval.

PLANNING DEPARTMENT

1139. Newsracks shall be permitted only on Garvey Avenue, Peck Road, Valley Boulevard, and Durfee Avenue within the MMU Mixed/Multiuse zone, C-2 Retail Commercial zone, C-3 General Commercial zone, and C-4 Heavy Commercial zone as specified in the Newsracks Ordinance No. 2896 as adopted by the City Council. Newsracks, newsstands and/or similar devices are prohibited in all other zones and portions of Garvey Avenue, Peck Road, Valley Boulevard, and Durfee Avenue. All Newsracks located outside of the specified streets and zones shall be removed within 60 days.
1140. The Newsrack Vendor shall work with the City's Public Works Department to comply with the newsracks design standards (modular newsrack bins) by December 31, 2018.