

Application for Newsracks

Applicant Name: _____

Applicant Address: _____

Applicant Phone: _____

Contact Person of Newspaper: _____

Proposed Location of Newsrack #1: _____

Proposed Location of Newsrack #2: _____

Proposed Location of Newsrack #3: _____

Proposed Location of Newsrack #4: _____

Proposed Location of Newsrack #5: _____

Proposed Location of Newsrack #6: _____

Proposed Location of Newsrack #7: _____

Proposed Location of Newsrack #8: _____

Proposed Location of Newsrack #9: _____

Proposed Location of Newsrack #10: _____

Disclaimer

I, _____, the undersigned, am familiar with the requirements of Chapter 241, Newsracks.

Name of Applicant/Newspaper

Date

* * * * *

FOR TOWNSHIP USE ONLY

- Application (Date _____)
- Sent to Police Department (Date _____)

Approved by Police Department: Signature _____ Date _____

Denied by Police Department: Signature _____ Date _____

Reason for Denial: _____

Decal Number(s): _____

Chapter 241, NEWSRACKS

[HISTORY: Adopted by the Township Council of the Township of Franklin 11-25-1986 by Ord. No. 1308 (Ch. 165 of the 1990 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Streets and sidewalks -- See Ch. 333.

§ 241-1. Definitions.

As used in this chapter, the following terms shall have meanings indicated:

DISTRIBUTOR -- The person responsible for placing and maintaining a newsrack on a public right-of-way.

NEWSPAPER -- Any newspaper of general circulation as defined by general law any newspaper duly entered with the United States Postal Service in accordance with federal statute or regulation and any newspaper filed and recorded with any recording officer as provided by general law.

NEWSRACK -- Any self-service coin-operated box, container, storage unit or other dispenser installed used or maintained for the display and sale of newspapers only.

ROADWAY -- That portion of a street improved, designated or ordinarily used for vehicular travel.

SIDEWALK -- That portion of a highway intended for the use of pedestrians, between the curbline or the lateral line of a shoulder or, if none, the lateral line of the roadway and the adjacent right-of-way line.

STREET -- All that area dedicated to public use for public street purposes, and shall include but not be limited to roadways, parkways, alleys and sidewalks.

§ 241-2. Permit required. [Amended 4-8-1998 by Ord. No. 2071]

It shall be unlawful for any person firm, or corporation to erect, place, maintain or operate on any public street or sidewalk or in any other public way or place in the Township of Franklin any newsrack without first submitting a completed application to the Township Clerk, receiving approval from the Franklin Township Police Department, obtaining a decal from the Township Clerk and affixing that decal to the newsrack. Any newsracks being operated without such decal shall be in violation of this chapter. No fee shall be required for such decal.

§ 241-3. Approval procedure. [Added 4-8-1998 by Ord. No. 2071]

Within two days of receipt of the application, the Township Clerk shall forward the application to the Franklin Township Police Department. Within 15 days of receipt of the application from the Township Clerk, the Franklin Township Police Department shall approve the application, and shall direct the Township Clerk to give the applicant a decal, if the application meets all requirements of this chapter, including but not limited to the location of the newsrack. If the application does not meet all requirements of this chapter, the Franklin Township Police Department shall send to the applicant, via certified and regular mail, written notice of such denial, listing the reason(s) for denial. Applicants whose applications were denied may file a new application, with the appropriate changes, at any time.

§ 241-4. Form of application.

The application for a newsrack permit shall require the following information from the applicant: name, address, phone number and contact person of the newspaper, proposed location of the newsrack, and a disclaimer to be signed by the newspaper that it is familiar with the requirements of this chapter. There shall be no fee to file this application.

§ 241-5. Standards for installations and maintenance.

Any newsrack which, in whole or part, rests upon or over any public sidewalk or parkway shall comply with the following standards:

- A. No newsrack shall exceed 60 inches in height, 24 inches in width or 20 inches in thickness.
- B. No newsrack shall be used for advertising signs or publicity purposes other than that dealing with the display, sale or purchase of the newspaper sold therein.
- C. Each newsrack shall be equipped with a coin-return mechanism to permit a person using the machine to secure an immediate refund in the event that he is unable to receive the publication paid for. The coin-return mechanism shall be maintained in good working order.
- D. Each newsrack shall have affixed to it, in a readily visible place so as to be seen by anyone using the newsrack, a notice setting forth the name and address of the distributor and the telephone number of a working telephone service to call to report a malfunction or to secure a refund in the event of a malfunction of the coin-return mechanism or to give the notices provided for in this chapter.
- E. Each newsrack shall be maintained in a neat and clean condition and in good repair at all times. Specifically, but without limiting the generality of the foregoing, each newsrack shall be serviced and maintained so that:
 - (1) It is reasonably free of chipped, faded, peeling and cracked paint in the visible painted areas thereof.
 - (2) It is reasonably free of rust and corrosion, in the visible unpainted metal areas thereon.
 - (3) 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 discolorations.
 - (4) The paper or cardboard parts or inserts thereof, if any, are reasonably free of tears, peelings or fading.
 - (5) The structural parts thereof are not broken or unduly misshapen.

§ 241-6. Location and placement.

Any newsrack which rests, in whole or in part, upon or on any portion of a public right-of-way or which projects onto, into or over any part of public right-of-way shall be located in accordance with the provisions of this section.

- A. No newsrack shall be used or maintained which projects onto, into or over any part of the roadway of any public street or which rests, wholly or in part, upon, along or over any portion of the roadway of any public street.
- B. No newsrack shall be permitted to rest upon, in or over any public sidewalk when such installation, use or maintenance:
 - (1) Endangers the safety of persons or property.
 - (2) Unreasonably interferes with or impedes the flow of pedestrians or vehicular traffic, including any legally parked or stopped vehicle.
 - (3) Unreasonably interferes with the ingress or egress from any residence or place of business.
 - (4) Unreasonably interferes with the use of traffic signs or signals, hydrants or mailboxes permitted at or near said location.

- C. Newsrack or newsracks shall be chained, bolted or otherwise secured so as to prevent their being blown down or around the public right-of-way.
- D. Newsracks may be placed next to each other, provided that no group of newsracks shall extend for a distance of more than six feet along a curb.
- E. No newsrack shall be placed, installed, used or maintained:
 - (1) Within three feet of any marked crosswalk.
 - (2) Within 12 feet of a curb return of any unmarked crosswalk.
 - (3) Within five feet of any fire hydrant, fire call box, police call box or other emergency facility.
 - (4) Within five feet of any driveway.
 - (5) Within three feet of or on any public or other area improved with lawn, flowers, shrubs, trees or other landscaping. However, newsracks shall be allowed within three feet of or on public grass area between the curb and the sidewalk. [Amended 4-8-1998 by Ord. No. 2071]
 - (6) Located in such a manner as to obstruct the line of sight of motorists.
 - (7) Located adjacent to a roadway unless there is adequate shoulder area to allow motorists to park while using the newsrack without impeding traffic on the roadway.

§ 241-7. Violations and penalties.

Any person or persons, firm, partnership, association or corporation or employee thereof who shall violate any of the provisions of this chapter shall, upon conviction thereof, be subject to the penalties as provided in Chapter 1, Article II, General Penalty.