

NEWSRACK ENCROACHMENT PERMIT

_____ -PE
APPLICATION NO.

DATE RECEIVED: _____ - _____ - _____

PUBLICATION NAME: _____

JOB SITE ADDRESS:

Various locations see list below.

DISTRIBUTOR INFORMATION:

CONTACT NAME

MAILING ADDRESS

CITY, STATE, ZIP CODE

TELEPHONE NO.

FAX NUMBER

BUSINESS OWNER INFORMATION:

NAME

MAILING ADDRESS

CITY, STATE, ZIP CODE

TELEPHONE NO.

SITE LOCATION (S) :

City staff approvals required:

Business registration verified:

Permit Issued By:

PERMIT FEE: \$ 290.00

(receipt no.)

Proof of Insurance:
Coverage: \$ _____
Company: _____
Policy No.: _____
Expiration Date: _____

NEWSRACK ENCROACHMENT PERMIT PROCEDURE

- 1) Submit completed application & pay applicable permitting fees.
- 2) Submit site plan(s) for approval, including all locations of newsracks, dimensions & placement relative to the curb.
- 3) Submit Current Proof of General Liability Insurance to the Engineering Department, listing the City of Encinitas as "Additionally Insured."
- 4) Submit proof of current Business Registration.

Notes to permittee:

- Permit term will be limited to dates insurance is valid. Violations, including no permit or an invalid permit, may subject the permittee to a double fee assessment. Please ensure insurance is kept valid.

I have reviewed and agree to comply with the above terms and conditions of this Encroachment Permit.

(signature of business owner / distributor)

(date)

(print name)

(title)

Community Development Department; Current Planning Division:

Site Plan/Parking approved by:

(signature)

(date)

(print name)

(title)

Fire Department; Fire Prevention Bureau:

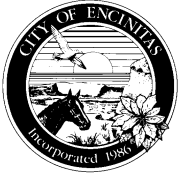
Fire safety approved by:

(signature)

(date)

(print name)

(title)



MUNICIPAL CODE CHAPTER 6.25 OPERATIONS PERMIT: NEWSRACK

03-94

6.25.010

CHAPTER 6.25

OPERATIONS PERMIT: NEWSRACK

6.25.010 Purpose.

- A. The purpose of this Chapter is to establish regulations relating to newsracks located within public rights-of-way. (Ord. 92-08)
- B. No person shall place, install, use, or maintain a newsrack which rests in whole or in part upon, in, or on a portion of a public right-of-way or which projects onto, into or over any part of the public right-of-way without having first obtained an Operations Permit: Newsrack, together with any other license or permit required by this Code.
- C. Notwithstanding the provisions of this Chapter, proposed activities shall be subject to Zoning Regulations and Coastal Development requirements, pursuant to Title 30 of this Code. (Ord. 94-06)

6.25.020 Definitions.

"Newsrack" is any device for distributing publications which are coin operated, requires the deposit of money at the newsrack site, or dispenses such publications at no charge. Newsrack does not include a device which displays publications which require payment at some location other than at the site of the device.

6.25.030 Issuing Authority

The City Engineer is the issuing authority for Operations Permit: Newsrack.

6.25.040 Issuance of Permit

- A. The Issuing Authority shall render a final determination within seven days on an application that is submitted in accordance with this Chapter.
- B. A single permit will be prepared for each distributor, but covering all publications sold from newsracks and specifying locations where they are to be installed and maintained.
- C. A permit is not transferable, but upon application may be amended to show different locations. A new distributor needs a new permit.

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6.25.050

6.25.050 Newsrack Standards.

- A. A newsrack shall not exceed 60 inches in height, 30 inches in width, and 24 inches in depth. A stacked assembly of modular units also shall not exceed 60 inches in height.
- B. If the deposit of money is required the newsrack shall be equipped with a coin return mechanism to permit persons using the machine to secure an immediate refund in the event they are unable to receive the publication paid for. The coin return mechanism shall be maintained in good working order.
- C. The newsrack shall have affixed at a place readily viewable to anyone using the newsrack a telephone number of a working telephone service to be used to report a malfunction, obtain a refund, or to give any notice provided for in this Code.
- D. The design shall not create a danger to the persons using the newsrack in a reasonably foreseeable manner.
- E. No newsrack shall be placed in such a manner that:
 - 1. It is directly in front of any display window abutting a sidewalk, except near the curb;
 - 2. It is within ten feet of the curb return of any intersection;
 - 3. It is 5 feet ahead or 15 feet to the rear of any sign marking or designated bus stop;
 - 4. It is in any location which reduces to less than 4 feet the clear space for a pedestrian passageway;
 - 5. A total length of 8 feet is exceeded from the first to the last newsrack in a group. One group of newsracks shall be no closer than 4 feet to another group of newsracks.
- F. Each newsrack shall be maintained in a neat and clean condition and shall be kept in good repair at all times. The newsrack shall be kept reasonably free of chipped, faded, peeling or cracked paint, be reasonably free of rust and corrosion, have no broken or cracked plastic or glass parts, and have no broken structural parts.
- G. Allowing a newsrack to remain empty for a period of 30 consecutive days establishes a rebuttable presumption of abandonment and provides a basis for revoking a permit.
- H. When placed on public right-of-way, newsracks shall only be located adjacent to property zoned General Commercial, Light Industrial, or Visitor Serving Commercial.