



City of Sea Isle City

MUNICIPAL SERVICES - 2ND FLOOR

233 JOHN F. KENNEDY BLVD.

SEA ISLE CITY, NJ 08243

609-263-4461

Date Received _____ Date Issued _____

Block: _____ Lot: _____

Work Site Location _____ Contractor _____

_____ Address _____

Owner In Fee _____

Address _____ State license # _____ phone _____

Phone _____ Construction Trailer license # _____

Is Hereby Granted Permission to perform the following work:

* () Construction Trailer - Not Permitted on Street ** () Micro-Optic Receiver

** () Flagpole ** () Newspaper Rack (see note below)

* \$10.00 for each trailer (permit must be renewed in 30 days at no additional cost)

** \$25.00 Zoning Review Fee

Fee \$ _____ Paid ck# _____ Date _____

_____ Date _____

Cornelius R. Byrne
Construction Official/Zoning Officer

Items needed for Newspaper Rack Permit:

- 1) List of locations by property address
- 2) Permission letter from property owner approving newspaper box location

#25 Zoning Review
Fee Charged

15-4 NEWSRACKS.

15-4.1 Policy Statement; Criteria for Regulation.

The purpose of this section is to promote the public health, safety and welfare through the regulation of the placement, appearance, servicing and insuring of newsracks in accord with N.J.S.A. 40:67-1(c) so as to:

- a. Regulate newsracks in public rights-of-way without in any way infringing on the First Amendment to the Constitution of the United States, which prohibits the banning of newsracks;
- b. Provide for pedestrian and driver safety and convenience;
- c. Restrict unreasonable interference with the flow of pedestrian or vehicular traffic, including ingress or egress from any residence or place of business, or from the street to sidewalk by persons exiting or entering parked or standing vehicles;
- d. Provide reasonable access for the use and maintenance of poles, posts, traffic signs or signals, parking meters, and access to locations used for public transportation purposes;
- e. Encourage well-designed and aesthetically compatible newsracks;
- f. Reduce unnecessary exposure of the City to personal injury or property damage claims; and
- g. Provide for and maintain freedom of speech and of the press for newspapers.

Nothing in this section is, however, to be construed as the City's acquiescence in, liability for, or assuming the risks of the placement of newsracks in the City, whether conforming to the provisions herein or not.

(Ord. No. 872 § 1)

15-4.2 Definitions.

As used in this section:

Distributor shall mean the person responsible for placing and maintaining a newsrack in a public right-of-way.

Newsrack shall mean any self-service or coin operated box, container, storage unit or other dispenser installed, used or maintained for the display and sale of newspapers or other news periodicals. The use of the singular herein shall include the plural.

Person shall mean any corporation, association, operation, firm, partnership, trust or other form of business association as well as natural person.

Sidewalk shall mean any surface provided and intended for the exclusive use of pedestrians.

Street or *roadway* shall mean that portion of a street designed for, or ordinarily used for, vehicular traffic.

(Ord. No. 872 § 2)

15-4.3 Regulations.

No person shall place, install, or maintain a newsrack on any sidewalk, Promenade, or ramp leading to the Promenade, except in strict accordance with the rules and regulations set forth as follows:

- a. No newsrack shall exceed fifty (50") inches in height, twenty-four (24") inches in width or twenty (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 or news periodical offered for sale therein.
- c. Each newsrack shall be equipped with a coin return mechanism in good working order so as to permit a person inserting a coin to secure an immediate refund in the event the newspaper or news periodical offered for sale therein is not received by that person for any reason.
- d. Each newsrack shall have affixed to it in a permanent manner a visible, legible notice in substantially the following form:

IN CASE OF A MALFUNCTION OF THIS NEWSRACK OR AN ACCIDENT INVOLVING IT OR TO SECURE A REFUND THE DISTRIBUTOR WHO HAS PLACED AND MAINTAINS IT IS:

Name of Distributor

Number, Street or P.O. Box

Post Office, Zip Code

Telephone number, including Area Code

e. Each newsrack shall be maintained in a neat, clean and attractive condition, reasonably free of chipped, cracked or peeling paint, reasonably free of rust or corrosion, free of any cracked glass or plastic, free of any trash, and in good repair at all times.

f. No newsrack shall be placed or allowed to remain in any location so that it interferes with the removal of snow or ice or the removal of leaves or debris, whether the removal is a public or private duty.

g. No newsrack shall be placed or maintained projecting onto, into or over, or resting wholly or partly upon, any portion of the roadway of a public street.

h. No newsrack shall be affixed or attached to any tree, fixture, parking meter, parking meter stand, or other property owned or maintained by the City, or by any transportation or utility company or authority, which property is not suitable for such attachment, including but not limited to street lighting poles, traffic signal equipment, telephone poles and poles erected for the placement of traffic regulatory signs, parking meters and parking meter stands. No newsrack shall be affixed or attached to any other fixture upon, in, or over any public sidewalk or Promenade unless:

1. The attachment is rigid and secure and prevents the newsrack from swiveling, turning or otherwise moving while so attached; and

2. Such newsrack, as so attached, does not violate any other provision of this section. If any newsrack is not affixed or attached to any fixture, it must be securely and rigidly bolted to that portion of the sidewalk or Promenade on which it stands. Prior to installing the hardware or mount upon which such newsrack is attached to the sidewalk or Promenade, the distributor shall obtain from the City Construction Official the necessary permit for making such installation.

- i. No newsrack shall be placed on any sidewalk or Promenade whereby the clear space for the passage of pedestrians is reduced to less than six (6') feet.
- j. No newsrack shall be placed within:
 - 1. Any crosswalk;
 - 2. Five (5') feet of any driveway;
 - 3. Five (5') feet of any fire hydrant;
 - 4. Fifteen (15') feet of any corner, a corner being the point at which the curblines extended would meet;
 - 5. One hundred (100') feet of any other newsrack holding the same newspaper within the same block. As used herein, *block* shall mean one (1) side of the street between two (2) consecutive intersecting streets;
 - 6. Any area designated as a bus stop, bus shelter or loading area.
- k. Each newsrack must be twelve (12") inches from the curb of any sidewalk and must face inwardly to pedestrians on the sidewalk or Promenade and not to the street or beach. All newsracks shall be in a straight line with the depth of only one (1) newsrack.
(Ord. No. 872 § 3)

15-4.4 Registration of Newsracks; Renewal.

- a. No person shall install or maintain any newsrack which in whole or in part rests upon, in or over any public sidewalk or Promenade without first notifying the Construction Official of the following:
 - 1. The location of each newsrack to be installed or maintained in the City by the applicant; and
 - 2. The name, address and telephone number of the applicant.
- b. No more than one (1) notification shall be required per applicant, regardless of the number of newsracks the applicant maintains in the City.
- c. All registrations shall be renewed on or about May 1 of each year.
- d. A statement must be filed with the Construction Official that the person who installs, places or maintains a newsrack or newsracks on the sidewalks or Promenade of the City will defend, indemnify and hold harmless the City against any liability for any and all claims for damage to property or injury or death of persons arising out of or resulting from the installation, ownership or maintenance of such newsrack or newsracks.
(Ord. No. 872 § 4)

15-4.5 Enforcement.

Instruction and enforcement of this section shall be the primary duty of the Construction Official and enforcement of violations of this section shall be the duty of the Police Department. (Ord. No. 872 § 5)

15-4.6 Violations and Penalties; Hearings; Removal of Newsracks.

a. It shall be the duty of the Construction Official to determine whether a violation of this section has occurred and thereafter notify the distributor to correct the violation within ten (10) days. The notification and direction shall be in writing, shall specify the nature of the violation and whether it warrants removal of the newsrack. The notice shall be sent by certified mail, return receipt requested, at the address designated by the distributor and as shown on the newsrack. During the ten (10) day period, the distributor shall have a right to a hearing before the Director of Public Safety or his duly designated representative to determine whether the violation has occurred and whether the nature of the claimed violation warrants removal prior to final determination. At the hearing, the distributor shall have the right to counsel, the right to examine the evidence upon which the Construction Official acted, to cross-examine any witnesses who may appear, and to offer any evidence which may tend to show that the subject newsrack does not violate any provisions of this section, and that the claimed violation is not of a nature which warrants removal prior to final determination. The Hearing Officer shall promptly review the evidence, notify the distributor of its decision with respect thereto, and afford the distributor a reasonable opportunity to comply with the determination.

b. If the violation is not corrected within the ten (10) day period, or such further reasonable period as is contained in the superseding notice by the Director of Public Safety, the Director of Public Works shall be notified and requested by the Director of Public Safety to remove the newsrack and place it in storage in a secure place. The cost of the removal and storage shall be billed to the distributor and, in the event of nonpayment, a civil suit for money damages may be brought by the City Attorney's office.

c. If the newsrack is not claimed within sixty (60) days of the date of the original notification, it shall be disposed of by the City.

d. In the event a distributor desires to abandon a newsrack, he/she shall completely remove the newsrack and mount, and restore the public right-of-way to a safe and sightly condition, leaving no hole or projection in the pavement. If a newsrack has no publication in it for a period of seven (7) consecutive days, the distributor shall be notified to properly remove the same, and if he/she does not do so within ten (10) days after the notification, the City shall do so and charge the costs thereof to the distributor.

e. Any distributor or other person aggrieved by a finding, determination, notice or action taken under the provisions of this section may appeal. An appeal shall be made in writing and must be within ten (10) days after receipt of written notice of any protested decision or action by filing with the City Attorney a letter of appeal stating therein the basis for such appeal. A hearing thereon shall be scheduled to be held on a date not more than twenty (20) days after receipt of the letter. The appellant shall be given at least five (5) days notice of the time and place of the hearing. The Board of Commissioners shall give an appellant, or any other interested person, a reasonable opportunity to be heard in order to show cause why the determination or action appealed from should not be upheld. The burden of proof shall be upon the appellant to show that such determination or action was not supported by substantial evidence. The Board shall make a final determination at the conclusion of the hearing or as soon thereafter as is practicable. In the event a distributor is successful in reversing a determination that the claimed violation was of a nature warranting removal pending a final determination, no fee shall be imposed for removal and storage of the newsrack which was the subject of the appeal and failure to comply with such determination shall not serve as a basis for further prosecution. Any determination of the Board shall be subject to judicial review by a Court of competent jurisdiction.

f. Any person, firm or corporation violating any provision of this ordinance shall be liable, upon conviction, for the penalty stated in Chapter I, Section 1-5. Every day that a violation of this ordinance exists shall constitute a separate offense.

g. Nothing contained in this section shall be interpreted to limit or impair the exercise by the City of its Police power, in the event of an emergency, to remove any newsrack which presents a clear and present danger of imminent personal injury or property damage to users of the public streets, sidewalks or Promenade of this City.

(Ord. No. 872 § 6)

15-4.7 Applicability.

The provisions of this section shall apply to all newsracks whether installed and maintained prior to or after the effective date of any of the provisions herein. Those newsracks installed prior to the effective date of any provision herein shall be brought into compliance with the provisions within six (6) weeks of the effective date thereof. (Ord. No. 872 § 8)

15-5 OBSTRUCTION OF STREETS AND OTHER PUBLIC PLACES.

15-5.1 Obstruction Prohibited.

No person or persons, association or corporation, their employees or agents shall obstruct, excavate, dig into, change the grade of, or in any way disturb, impede or injure any street, alley, public square, sidewalk or passageway, laid out, mapped or dedicated to the public, whether in actual use or not, or shall place, leave or deposit in any such street, alley or public place within the City, any ashes, stone, shells, brick, gravel, brush, or impediment or obstruction whatever. This limitation applies to the above properties or any property in which the City has a public right of way, easement or property interest in any form. (Ord. No. 1077 § 1)

15-5.2 Exceptions.

This section shall not apply:

a. Where the obstruction is caused by the loading or unloading of goods, wares or merchandise to and from vehicles in such a manner as to cause a minimum of obstruction which is necessary and unavoidable.

b. To receptacles for garbage, or refuse lawfully placed on or in sidewalk areas for collection.
(Ord. No. 1077 § 2)

15-5.3 Penalty.

Any person or persons, association or corporation, their agent or employees, violating the provisions of this section shall be liable, upon conviction, for the penalty stated in Chapter I, Section 1-5. (Ord. No. 1077 § 3)