

**VILLAGE OF ESSEX JUNCTION
MUNICIPAL CODE**

**CHAPTER 12.
REGULATION OF THE PLACEMENT OF NEWSRACKS
IN THE PUBLIC RIGHT-OF-WAY**

SECTION 1201. AUTHORITY:

This ordinance is enacted pursuant to 24 V.S.A., Section 2291 and the Village Charter. It shall constitute a civil ordinance within the meaning of 24 V.S.A., Chapter 59.

SECTION 1202. PURPOSE:

The purpose of this Ordinance is to permit the placement of newsracks within the public right-of-way, while controlling the interference with pedestrian or vehicular traffic and the danger to the public that could be caused by the unregulated placement of newsracks.

SECTION 1203. NEWSRACKS PROHIBITED:

(a) No person shall install, use or maintain any newsrack which in whole or in part rests upon, in or over any public right-of-way or parking space, when such installation, use or maintenance endangers the safety of persons or property, or when such site or location is used for public utility purposes, public transportation purposes or other governmental use or when such newsrack unreasonably interferes with or impedes the flow of pedestrian or vehicular traffic, including any legally parked or stopped vehicle, the ingress into or egress from any residence or place of business, or the use of poles, posts, traffic signs, signals, hydrants, mailboxes or other objects permitted at or near said location.

SECTION 1204. PERMITS:

(a) No person shall install or maintain any newsrack which in whole or in part rests upon, in or over any public right-of-way or parking space without obtaining a permit from the Village of Essex Junction.

(b) Applications shall be obtained from the Village of Essex Junction. The applicant shall be required to complete the application containing the following information:

(1) The proposed location of each newsrack to be installed, and

(2) The name, address and telephone number of the applicant.

(c) No more than one permit shall be required per applicant, regardless of the number of newsracks the applicant maintains in the Village. However, the application shall be promptly amended by the applicant prior to the installation of additional newsracks or the change in location of any existing newsracks.

(d) From the above information, the Village Manager or his/her designee shall review the application based upon the criteria set forth in Section 1205 below. Such application may be granted either in whole or in part when more than one location is proposed by the applicant, and in any event when denial is solely as to location, it shall be without prejudice to amend such application to state a different location or locations.

(e) Appeal of a denial of a proposed newsrack location may be made to the Village Trustees. All appeals must be submitted in writing within twenty calendar days from the date of the denial stating the basis of the appeal.

SECTION 1205. STANDARDS FOR INSTALLATION, MAINTENANCE AND OPERATION.

Any newsrack which in whole or in part rests upon, in or over any public right-of-way or parking space shall comply with the following standards:

(a) No newsrack that exceeds (30) inches in height shall be placed within the visibility triangle. The visibility triangle shall be determined as follows: Starting at the intersection of the property lines along the intersecting streets, measure away from the point of the intersection a distance of thirty (30) feet along both property lines. Connect these two points with an imaginary line. The visibility triangle shall be the triangle defined by the two property lines and the imaginary line. (*Amended 10/26/99*)

No newsrack that exceeds sixty (60) inches in height shall be placed outside the visibility triangle

(b) Newsracks shall be placed only near a curb or adjacent to the wall of a building. Newsracks placed near the curb shall be placed no less than eight inches nor more than eighteen inches from the edge of the curb. Newsracks placed adjacent to the wall of a building shall be placed parallel to such wall and not more than six inches from the wall.

(c) No newsrack shall be chained, bolted or otherwise attached to any property without the permission of the owner or person in possession of the property.

(d) No newsrack shall be chained or otherwise attached to any trees, shrubs, signs, poles, posts or other public amenity.

(e) Newsracks may be chained or otherwise attached to one another.

(f) No newsracks shall be placed, installed, used or maintained:

- (1) within five feet of any marked crosswalk or pedestrian push buttons;
- (2) within five feet of any facility designed for people with disabilities;
- (3) within five feet of any fire hydrant, fire call box, police call box or other emergency facility;
- (4) within ten feet of any driveway;
- (5) within five feet of any bus stop, bench or bus shelter;
- (6) at any location whereby the clear space for the passageway of pedestrians is reduced to less than five feet; or
- (7) on an area improved with lawn, flowers, shrubs or trees.

(g) Each newsrack shall be maintained in a clean, neat and attractive condition and in good repair at all times. The exterior of the newsrack shall not be a medium for general advertisements

Placement of Newsracks in Public ROW

THE EXTERIOR OF THE NEWSRACK SHALL NOT BE A MEDIUM FOR GENERAL ADVERTISEMENTS.

(h) No newsrack shall be placed in a location that creates a safety hazard or interferes with the maintenance of municipal infrastructure.

SECTION 1206. NEWSRACK IDENTIFICATION REQUIRED:

Within sixty days after this Ordinance becomes effective, every person or other entity which places or maintains a newsrack in the public right-of-way of the Village shall have his/her or its name, address and telephone number affixed thereto in a place where such information may be easily seen.

SECTION 1207. DAMAGE, VANDALISM, ETC.

Any person who places a newsrack in the public right-of-way does so at his/her own risk. The Village of Essex Junction shall not be responsible for any loss, theft or damage.

SECTION 1208. PROOF OF INSURANCE

Every person or other entity which places or maintains a newsrack in a public right-of-way or parking space in the Village shall provide proof that the applicant maintains public liability insurance for personal injury and property damage which names the Village as an additional insured. Proof shall be in the form of a Certificate of Insurance from an insurance company authorized to do business in this state, with the provision that such insurance shall be noncancellable except after ten days notice to the Village Manager. Such public liability insurance shall provide coverage of at least one million dollars (\$1,000,000) for personal injury to or death of any one or more persons in any one accident, and for damages to property in the amount of at least one million dollars (\$1,000,000) resulting from any one accident.

SECTION 1209. REMOVAL OF NEWSRACK

Without advanced notice to the owner, the Village Manager, Public Works or emergency management personnel may remove any newsrack that is not permitted under this Ordinance or is interfering with emergency management operations.

In order to undertake scheduled maintenance or construction, the Village of Essex Junction reserves the right, through the Village Manager or Public Works Director, to require the owner to temporarily remove a permitted newsrack within 48 hours of written notice. If the owner does not remove the newsrack within 48 hours, the Village of Essex Junction may remove the newsrack. *(Amended 10/27/98)*.