

## NEWSRACK ORDINANCE REQUIREMENTS

4/14/98

The following is a summary of the City of Mountain View newsrack ordinance requirements pertaining to the rack requirements and placement of newsracks. A copy of the entire ordinance is available from the Public Works Department.

### A. DEFINITIONS

Newsrack	"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 or distribution without charge of newspapers, periodicals or other publications. "Newsrack" shall include any coin-operated or slug-operated vending machine or mechanically or electronically controlled vending machine. (26.73.f)
Freestanding Newsrack	"Freestanding newsrack" is any newsrack which is not a modular newsrack. (26.73.c)
Modular Newsrack	"Modular newsrack" shall mean an assembly of two or more attached newsracks which is of a type, design or model permitted by this article and which contains self-service or coin-operated boxes, containers, storage units or other dispensers installed, used or maintained for the display and sale or the distribution without charge of newspapers, news periodicals or other news publications. (26.73.e)

### B. RACK REQUIREMENTS

Newsrack Dimensions	<u>Newsracks shall not exceed fifty inches (50") in height, including pedestal, measured from the ground to the top of the surface of the newsrack, and not more than 2 feet deep and not more than 30 inches wide. (26.75.f)</u>
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In the public parking lots operated by the Downtown Parking District, the director has the discretion to approve an increased height for newsracks and a greater number of modular newsracks than otherwise allowed by this article, in appropriate locations. (26.78.d.5)

Freestanding Newsracks	Freestanding newsracks may be of the same type allowed for modular installations or the following: <ul style="list-style-type: none"><li>- Sho-Rack HT-94</li><li>- Sho-Rack CT-33 (similar in style to Sho-Rack HT-94)</li><li>- Sho-Rack TK-80 (not allowed in downtown area)</li><li>- Sho-Rack TK-West (SJ Mercury) (not allowed in downtown area) *</li><li>- Sho-Rack Gansat (USA Today) (not allowed in downtown area)</li></ul> or a similar style as may be approved by the director. (26.75.c)
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Freestanding newsracks may be painted any color. (26.75.c)

Modular  
Newsracks

Modular-style newsracks shall be one of the following types:

- Sho-Rack K-49-16
  - Sho-Rack K-100
  - K-Jack KJ-50
  - K-Jack KJ-55F
  - National News Vend M-30
  - National News Vend M-33
  - National News Vend F-334 (similar in style to Sho-Rack K-49-16)*
- or a similar style as may be approved by the director. (26.75.b)

The compartments of modular racks shall be placed in such a manner as to provide up to two horizontal rows of up to eight compartments per row. (26.75.d)

Any compartment that is unused in a modular rack installation shall be kept empty and not used for advertising purposes. (26.75.d)

Modular-style newsracks shall be painted black. (26.75.b)

Chaining

Newsracks shall not be chained or otherwise attached to any structure, including, but not limited to, bus shelters, benches, streetlights, utility poles or sign poles, or to any tree, shrub or other plant. (26.77.a.2)

Attachment  
to Sidewalk

Newsracks may be affixed to the sidewalk, except on Castro Street or the Castro Street breezeways, where no newsracks shall be attached to the sidewalk. If attachment to the sidewalk is requested, the director shall impose conditions on the permit requiring the restoration of the sidewalk upon removal of the rack(s). (26.77.a.3)

City Permit  
Sticker

The city-issued permit sticker shall be affixed to the rack near the door handle. (26.79.c)

Signage  
and Graphics

Racks may contain identification graphics covering up to twenty-five (25) percent of each side of the rack. On the door side of a newsrack, the allowable graphic is either: (1) twenty-five percent (25%) of area; or (2) a standard placard (11 inches x 16 inches or similar size) plus the name of the publication in letters 1-1/2 inches or less. Graphics and placards shall not promote or advertise any product, business or service, other than the publication dispensed from the newsrack except when that product, business or service is being specifically promoted in the publication dispensed from the newsrack. (26.75.h)

Blinder  
Requirements

Newsracks located in public places, other than public places from which minors are excluded, and public property and city rights-of-way, and which display harmful matter to the public view, shall be equipped with devices commonly known as blinder racks in front of the material so that the lower two-thirds of the material is not exposed to public view. (26.81.a)

Newsracks located in public places, other than public places from which minors are excluded, and public property and city rights-of-way, and which display to the public view material depicting or describing specified sexual activities, as defined in this article, or which contain material depicting or describing specified anatomical areas, as defined in this article, where such picture, or illustration, or statement has as its purpose or effect sexual arousal, gratification of affront, shall be equipped with blinder racks in front of the material so that the lower two-thirds of the material is not exposed to public view. (26.81.b)

**C. LOCATION REQUIREMENTS**

Permitted  
Locations

Newsracks located in the public right-of-way shall only be placed upon the sidewalk or, in commercial areas, upon another surface approved by the director. (26.77.a.4)

Newsracks shall only be placed near a curb or adjacent to the wall of a building, or at the edge of sidewalk furthest from the curb. (26.77.a.1)

Newsracks on private property that are within 10 feet of, and visible from, the public right-of-way shall comply with the design and spacing requirements of this article. (26.75.i)

Residential  
Areas

Newsracks shall not be located in the public right-of-way adjacent to property developed for residential use. The director shall permit the placement of newsracks adjacent to property developed for residential uses if the director finds, based upon information provided in the application by the owner of the newsrack, that the newsrack cannot be alternatively placed in a commercial or industrial area within 2,000 feet of the proposed residential location and it meets the other requirements of this article. (26.78.f)

City Parks

Newsracks in the public right-of-way shall not be located on the sidewalk abutting a city park. (26.78.e)

Buildings

The back of newsracks placed adjacent to the wall of a building shall be placed parallel to such wall and not more than six inches (6") from the wall or edge of sidewalk. (26.77.a.1)

No newsrack shall be in such a manner as to impede or interfere with the reasonable use of any building, the activity of any business or residence or the use of any commercial window display or sidewalk café. (26.78.c.7)

- Roadways No person shall install, stock, use or maintain any newsrack which projects onto, into or over any part of the roadway of any public right-of-way, street, or which rests, wholly or in part, upon, along or over any portion of a roadway. (26.78.a)
- Planter Areas No newsrack may be placed on a parkway, planter strip or similar area designated for landscaping in a public right-of-way. (26.77.a.4)
- Curbs *Newsracks adjacent to the street curb shall be oriented away from the street.* The back of newsracks placed near the curb shall be placed parallel to the curb and no less than 18 inches, no more than twenty-four inches (24") from the edge of the curb, except on El Camino Real, where newsracks placed near the curb shall be placed no less than twenty-four inches (24") and no more than thirty inches (30") from the edge of the curb. (26.77.a.1)
- Sidewalks The backs of newsracks placed at the edge of sidewalk furthest from the curb shall be placed parallel to, and within six inches (6") of, the edge of such sidewalk. (26.77.a.1)
- No newsrack shall be at any location where the clear space or sidewalk space for the passage of pedestrians is reduced to less than 4 feet. (26.78.c.6)
- Driveways No newsrack shall be within 5 feet of any driveway. (26.78.c.3)
- Crosswalks and Corner Returns No newsrack shall be within 5 feet of any marked crosswalk or within 15 feet of any unmarked crosswalk as measured from the curb return, or within 5 feet of any wheelchair curb ramp not in a marked crosswalk. (26.78.c.1)
- Bus Stops No newsrack shall be within 5 feet of any bus bench. (26.78.c.4)
- No newsrack shall be within 15 feet ahead of, and 5 feet to the rear of any sign marking a designated bus stop, relative to the direction of bus travel. Newsracks 7 feet from the curb, measured perpendicular to the roadway, are exempt from this limitation. (26.78.c.5)
- Fire Hydrants and Emergency Facilities No newsrack shall be within 5 feet of any fire hydrant, fire call box, police call box or other emergency facility. (26.78.c.2)
- Proximity to Adjacent Newsracks No freestanding rack shall be allowed within 50 feet of a modular newsrack installation. (26.75.a)

No newsrack shall be placed or maintained on a sidewalk or parkway opposite another newsrack or kiosk which distributes newspapers, periodicals or other publications. (26.77.a.1)

Group of Newsracks

No group of newsracks placed along a curb shall extend for a distance of more than 16 feet (26.76.a)

No group of newsracks placed along a curb shall be no closer than 4 feet to another group of newsracks along a curb. (26.76.a)

Conversion to Modular Racks

When there are more than five freestanding newsracks in a given location, each shall be a modular-style rack, assembled and installed accordingly. (26.75.a)

#### **D. DOWNTOWN PRECISE PLAN AREA**

In the 100 through 300 blocks of Castro Street, newsracks may only be located in the breezeways connecting Castro Street to the parking lots. No newsrack may be located in the flexible zone or the primary sidewalk in these blocks. (26.78.d.1)

In the 400 through 900 blocks of Castro Street, newsracks are allowed only if the back of the newsrack is within 6 inches of where the edge of the sidewalk meets a building facade. No newsrack may be located in the flexible zone or near the curb in these blocks. (26.78.d.2)

On other streets within the Downtown Precise Plan area, newsracks are allowed to locate in the same manner as any other street in the City, except with respect to approved sidewalk café and vending operations. (26.78.d.3)

*On Castro Street and on the Castro Street breezeways, newsracks shall not be attached to the sidewalk. (26.77.a.3)*

*In the Downtown Precise Plan area, freestanding newsracks are not allowed. (26.75.c) A single modular type rack with safety pedestal base is allowed. Because newsracks in the Downtown Precise Plan area must be modular types, the newsracks must be painted black.*

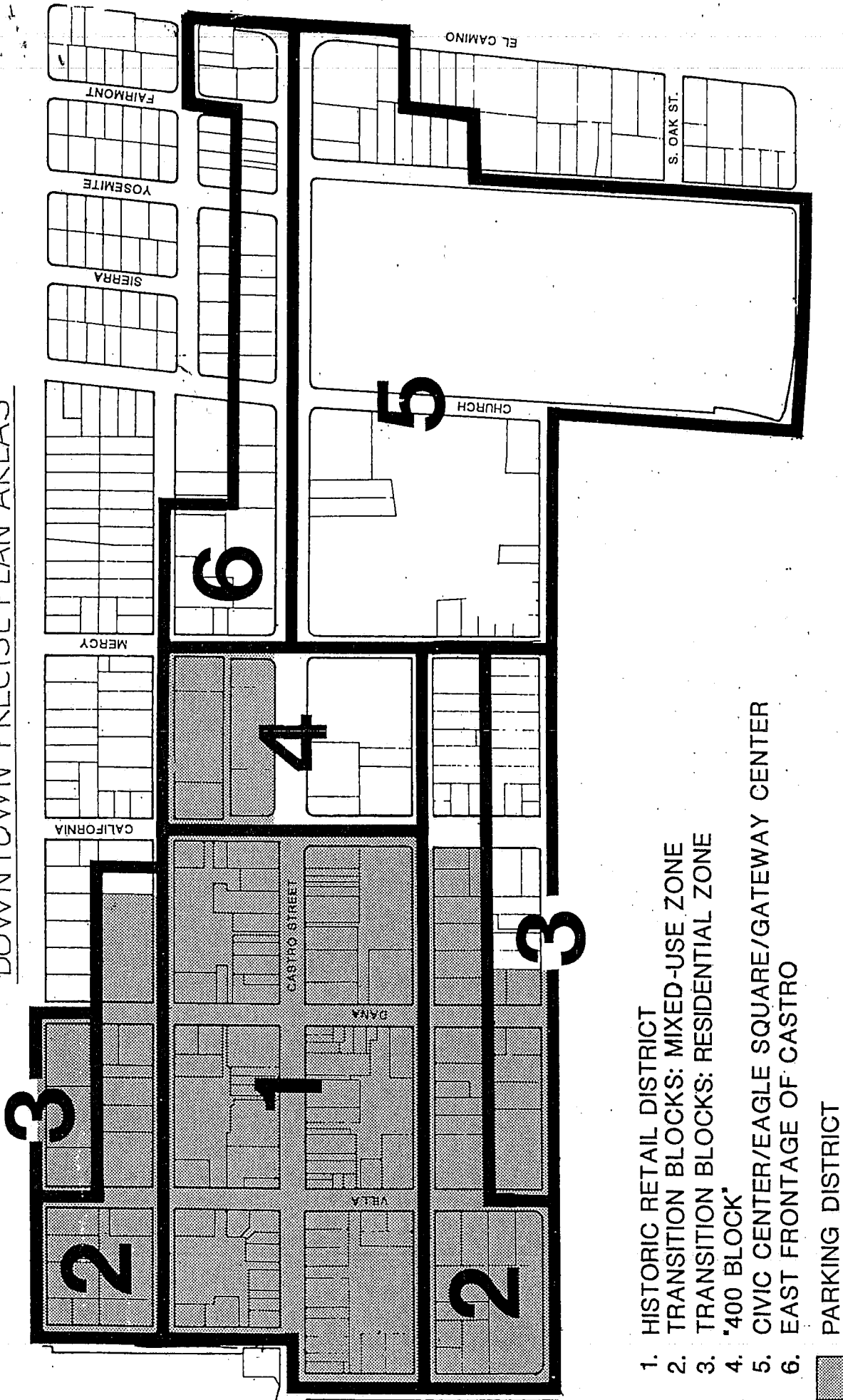
In the Downtown Precise Plan area, no newsrack shall be located within 15 feet of an approved sidewalk café or vending operation. (26.78.d.4)

#### **E. ENDANGERMENT TO PUBLIC**

No person shall install, stock, use or maintain any newsrack which, in whole or in part, rests upon, in or over any public sidewalk or parkway, when such installation, use or maintenance endangers the safety of persons or property or when such site or location is used for public facilities purposes, public

transportation purposes or other governmental use, or when such newsrack unreasonably interferes with or impedes the flow of pedestrian or vehicle traffic, including access for the disabled, bicycle access, the ingress into or egress from any residence, place of business or the use of poles, posts, traffic signs or signals, hydrants, postal service collection boxes or other objects permitted at or near said location. (26.78.b)

DOWNTOWN PRECISE PLAN AREAS



- 1. HISTORIC RETAIL DISTRICT
- 2. TRANSITION BLOCKS: MIXED-USE ZONE
- 3. TRANSITION BLOCKS: RESIDENTIAL ZONE
- 4. "400 BLOCK"
- 5. CIVIC CENTER/EAGLE SQUARE/GATEWAY CENTER
- 6. EAST FRONTAGE OF CASTRO

PARKING DISTRICT



Figure 2

DOWNTOWN ACTION AREAS AND PARKING DISTRICT