

ORDINANCE NO. 2019

AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING THE CHULA VISTA MUNICIPAL CODE BY ADDING THERETO A NEW CHAPTER 12.30, SECTIONS 12.30.010 THROUGH 12.30.060, ALL RELATING TO THE REGULATION OF NEWS RACKS

The City Council of the City of Chula Vista does ordain as follows:

SECTION I: That the Chula Vista Municipal Code is hereby amended by adding thereto a new Chapter 12.30, Sections 12.30.010 through 12.30.060 to be, and to read as follows:

CHAPTER 12.30 STREETS - NEWS RACKS

Sec. 12.30.010 Purpose and Intent.

The Council of the City of Chula Vista finds and declares that:

(a) The uncontrolled placement of news racks in public rights of way presents an inconvenience and danger to the safety and welfare of persons using such right of way, including pedestrians, persons entering and leaving vehicles and buildings, and persons performing essential utility, traffic control, and emergency services.

(b) News racks so located as to cause an inconvenience or danger to persons using public right of way, and unsightly news racks located therein, constitute public nuisances.

(c) The general welfare requires that the aesthetic appearance of public rights of way in the City of Chula Vista, including the appearance of news racks, be improved.

(d) The provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public safety and general welfare of persons in the City of Chula Vista in their use of public rights of way.

Sec. 12.30.020 Prohibition.

No person shall knowingly place, install, use or maintain any news rack which rests in whole or in part upon, in, or on any portion of a public right of way or which projects onto, into, or over any part of a public right of way except in compliance with the provisions of this chapter.

Sec. 12.30.030 Definitions.

Whenever the following words and phrases are used in this chapter, they shall have the meaning ascribed to them in this section:

(a) "Distributor" shall mean the person responsible for placing and maintaining a news rack in a public right of way.

(b) "News rack" shall mean any self-service or coin-operated box, container, storage unit, or other dispenser installed, used or maintained for the display, sale or distribution of publications.

(c) "Parkway" shall mean the area between the sidewalk and the curb of a roadway, and where there is no sidewalk, that area between the edge of the traveled roadway and the edge of a public right of way. "Parkway" also includes any area within a roadway that is not open to vehicular travel.

(d) "Public Right of Way" shall mean any place of any nature which is dedicated to use by the public for pedestrian and vehicular travel, and includes, but it not limited to, a street, sidewalk, curb, gutter, crossing, intersection, parkway, highway, alley, lane, mall, court, way, avenue, boulevard, road, roadway, viaduct, subway, tunnel, bridge, thoroughfare, park square, and any other similar public way.

(e) "Roadway" shall mean that part of a public right of way that is designated and used primarily for vehicular travel.

(f) "Sidewalk" shall mean that part of a public right of way that is designated and ordinarily used for pedestrian travel.

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Sec. 12.30.040 Standards for News Racks Placed on Sidewalks.

No person shall install, use, or maintain any news rack:

- A. Within 5 feet of any marked crosswalk; or
- B. Within 5 feet of the curb return of any unmarked crosswalk; or
- C. Within 5 feet of any fire hydrant, fire call box or other emergency facility; or
- D. Within 5 feet ahead and 15 feet to the rear of any sign marking a designated bus stop; or
- E. In any location used, marked, or posted for public utility purposes, public transportation purposes, or government use; or
- F. Where placement unreasonably interferes with the use of poles, posts, traffic signs or signals, mail-boxes, mechanical sidewalk cleaning machinery; or
- G. Where placement interferes with the reasonable use or utility for display purposes of any display window of any building abutting the sidewalk or parkway, but in no event within 3 feet of such window; or
- H. Within 5 feet of any area improved with lawn, flowers, shrubs or trees; or
- I. Within 5 feet of any driveway; or
- J. Where placement unreasonably interferes with or impedes the flow of vehicular or pedestrian traffic, but in no event at any location where the clear space for the passageway of pedestrians is reduced thereby to less than 5 feet; or
- K. Where placement unreasonably obstructs, interferes with or impedes access to or the use of abutting property, including, but not limited to, residences, places of business, or legally parked or stopped vehicles.

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Sec. 12.30.050 Unlawful Use.

No news rack shall be used for advertising signs or publicity purposes other than that dealing with the display, sale, or purchase of the newspaper or other publication sold therein.

Sec. 12.30.060 Size, Appearance and Placement.


- A. Every news rack shall be maintained in a neat and clean condition and be in good repair at all times. Specifically, but without limiting the generality of the foregoing, each news rack shall be serviced and maintained so that: (1) it is reasonably free of dirt and grease; (2) it is reasonably free of chipped, faded, peeling and cracked paint in the visible painted areas thereof; (3) it is reasonably free of rust and corrosion in the visible unpainted metal areas thereof; (4) 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 discoloration; (5) the paper or cardboard parts or inserts thereof are reasonably free of tears, peeling or fading; and (6) the structural parts thereof are not broken or unduly misshapen.
- B. No news rack shall exceed 5 feet in height, 30 inches in width, and 2 feet in depth.
- C. News racks shall preferably be situated adjacent to the wall of a building or at the rear of the sidewalk rather than near a curb. However, if the news rack is placed near a curb, the back of said news rack shall be situated not less than 18 inches nor more than 24 inches from the edge of the curb. When the news rack is placed adjacent to the wall of a building, the back of said news racks shall be situated parallel to and not more than 6 inches from such wall. No news rack shall be installed, used, or maintained on any sidewalk or parkway opposite another newsstand or other news rack.
- D. No news rack shall be chained, bolted or otherwise attached to any property without the express permission of the owner of said property.

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- E. Not more than three news racks shall be placed immediately adjacent to each other, whether chained, otherwise attached, or freestanding. Any such group of up to three news racks shall be separated by a space of not less than 36 inches from any other individual news rack or group of news racks.
- F. No advertising signs or material, other than those with the name of the publication contained within the news rack, shall be displayed on the outside of any news rack.
- G. Each news rack shall be equipped with a coin-return mechanism to permit a person using the machine to secure an immediate refund in the event he is unable to receive the publication paid for. The coinreturn mechanism shall be maintained in good working order.
- H. Each news rack shall have affixed to it in a readily visible place so as to be seen by anyone using the news rack 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.

SECTION II: This ordinance shall take effect and be in full force on the thirty-first day from and after its adoption.

Presented and Approved as to form by



George D. Lindberg, City Attorney

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FIRST READ AT A REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF CHULA VISTA, CALIFORNIA, HELD January 18, 1983, AND
FINALLY PASSED AND ADOPTED AT A REGULAR MEETING THEREOF HELD January 25,
1983, BY THE FOLLOWING VOTE, TO-WIT:

AYES: Councilmen : Scott, Cox, Malcolm, Moore, McCandliss

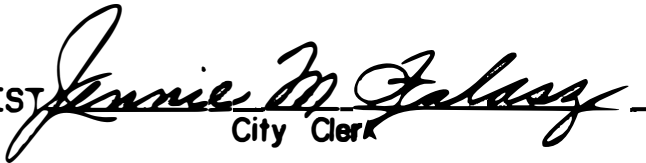
NAYES: Councilmen : None

ABSTAIN: Councilmen : None

ABSENT: Councilmen : None



Mayor of the City of Chula Vista

ATTEST 
City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.
CITY OF CHULA VISTA)

I, JENNIE M. FULASZ, CMC, CITY CLERK of the City of Chula Vista, California,
DO HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of
ORDINANCE NO. 2019, and that the same has not been amended or repealed.

DATED _____

(seal)

City Clerk

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By a unanimous vote on January 25, 1983, the City Council placed the ordinance on its second reading and adoption.

Specifically, the ordinance delineates the standards for the placement of news racks on sidewalks, the size, appearance and placement of the news racks and their unlawful use.

Copies of the ordinance are available at the office of the City Clerk, City Hall, 276 Fourth Avenue, Chula Vista, CA.

Dated: January 26, 1983


City Clerk