

NEWSRACK APPLICATION



DECAL NO: _____

DATE: _____

APPLICANT: _____
(Owner or Record)

ADDRESS: _____

CITY _____ STATE: _____ ZIP CODE: _____

PHONE: () _____

TYPE OF NEWSRACK: (circle one) Single Modular

IS THIS APPLICATION FOR ONE OR MULTIPLE LOCATIONS? _____

LOCATION OF NEWSRACK(S) Please attach map/survey depicting the location(s).

STREET ADDRESS: _____

SIZE OF NEWSRACK: Height _____ Width _____ Depth _____

DISTANCE FROM OTHER NEWSRACKS _____

Applicant Signature _____ Date _____

NOTE: Applicant to sign hold harmless agreement on next page.

NOTE: Section numbers refer to the Indian Rocks Beach Code of Ordinances

Application Permit Fees (Section 15-15)

- | | |
|--|--------------|
| • <u>Single newsrack</u> | \$40.00 each |
| Each additional location included in an application | \$40.00 |
| • <u>Modular newsrack</u> (two or more compartments) | \$40.00 |
| Each additional location included in an application | \$20.00 |
| • Removal fee | Actual cost |
| • Storage fee, per day | \$10.00 |

A CITY ISSUED, NUMBERED STICKER SHALL BE ATTACHED TO EACH NEWSRACK PERMITTED IN THE CITY OF INDIAN ROCKS BEACH.

Modular newsracks shall be pedestal-mounted and permanently attached to the ground.

Single newsracks shall be permanently attached to the ground.

INDEMNIFICATION HOLD HARMLESS AGREEMENT

This agreement between the City of Indian Rocks Beach and the person, individual, corporation, association, firm, company, organization or any other legal entity that owns, places or maintains a single and/or modular newsrack within the City limits of Indian Rocks Beach hereby relieves the city, its employees, and boards from any and all threat of damages, costs and liability whatsoever arising from, growing out of or incident to or in any manner connected with the installation, maintenance or operation of each newsrack, owned or maintained by the owner, together with all costs and attorney's fees, incurred by the City in defending any claim or suit brought against it, either as sole defendant or joined as a defendant with the owner, with regard to the owner's newsrack and specifically including any claim or suit alleging liability based on the failure to properly enforce or administer the provisions of this division.

This indemnification and save-harmless agreement shall also provide that the owner shall receive prompt notice of any such cause of action and shall be afforded the opportunity to defend same. If the owner fails to defend the same, the owner will pay to the city upon demand all reasonable costs, charges and fees incurred in connection therewith.

Please sign _____
Owner of Record

Date _____

City of Indian Rocks Beach _____

Title _____

Date _____

City staff shall review the application and registration and inspect the installation of each newsrack to ensure compliance with the provisions of . No permit shall be issued until the newsrack meets the requirements of this ordinance.



**PROPERTY OWNER'S LETTER AUTHORIZING THE LOCATION AND
INSTALLATION OF NEWSRACK(S) ON PRIVATE PROPERTY IN
THE CITY OF INDIAN ROCKS BEACH**

TO THE INDIAN ROCKS BEACH CITY COMMISSION:

I, _____, owner of property located at
_____ and legally described as:
_____, do hereby authorize

to apply for a newsrack permit to locate and install a newsrack(s) on my property. For purposes of this application, the person or entity so authorized, shall be the *owner of record* with respect to the newsrack(s). I understand that I, as owner of the property, am ultimately responsible for the actions or inactions the person (s) or entity authorized by me to make this application.

PROPERTY OWNER'S SIGNATURE _____

MAILING ADDRESS: _____

CITY _____ STATE _____ ZIP _____

PHONE _____

DATE: _____

NEWSRACK OWNER OF RECORD: _____

SIGNATURE: _____

ADDRESS: _____

CITY, STATE, ZIP CODE: _____

TELEPHONE NUMBER: _____

- **Where can Newsracks be placed through the City?**

Section 110-603

A. Location on private property: Newsracks may be allowed in the following zoning districts subject to the requirements of this ordinance:

1. Business (B)
2. Commercial Tourist (CT)
3. Neighborhood Mixed-Use (NMU)
4. Professional Office (P-1)
5. Medium Density Residential (RM-2)

B. Location on public property: Upon application and approval, modular newsracks may be allowed on public property, provided that abutting property owners sign an affidavit stating that they have no objection to the newsrack and its location relative to their property.

Provided, however, that the city manager, or designee, may approve newsracks at covered bus stop locations on either side of Gulf Boulevard, beach accesses, public parks or city-owned property, without the approval of the abutting property owners and/or not withstanding the six hundred (600) foot distance standard in Section 110-603(c) (2), and after review and approval by the city manager, or designee, in accordance with the standards established by this ordinance.

C. Location Standards.

1. The location and installation of all newsracks shall comply with local, state and federal regulations, including Americans With Disabilities Act requirements;
2. No more than two (2) modular newsracks shall be allowed for every six hundred (600) feet of east or west side frontage on Gulf Boulevard.
 - (a) Not more than one newsrack may be placed on private property at the edge of the property line provided that a distance of five (5) feet from the edge of the street pavement is maintained and said newsrack shall be required to be separated by a radial distance of 600' from any other newsrack.
 - (b) No newsrack shall be placed on a sidewalk or handicapped access ramp;
 - (c) No newsrack shall be placed, installed, used or maintained:
 - (1) Within five (5) feet of any marked or unmarked crosswalk or school crossing;
 - (2) Unless specified elsewhere in this ordinance, no newsrack may be installed within any right-of-way, roadway, sidewalk, access easement or clear zone of the roadway as established by the current edition of the Florida Department of Transportation's Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways;
 - (3) Within fifteen (15) feet of any fire hydrant, fire or police call box;
 - (4) Within fifteen (15) feet of any driveway;
 - (5) Within fifteen (15) feet of any police station driveway, fire station driveway, ambulance station driveway, hospital emergency room driveway or other emergency facility driveway;
 - (6) Within two (2) feet of any bus bench, plaza bench or bus shelter;
 - (7) Directly adjacent to or within two (2) feet of signs, parking meters, street lights, traffic signal poles or utility poles;
 - (8) At any location where the modular newsrack causes or creates a traffic hazard, blocks the visibility of motorists or otherwise obscures traffic signs, fire hydrants or mailboxes;
 - (9) Within the median of a divided road.
 - (10) Within 25 (twenty-five) feet of Gulf Boulevard and Walsingham Road, except that, no more than two single newsracks may encroach within this setback, provided that the single newsrack is located immediately adjacent to a building.

- **Does the City have Design Specifications?**

Section 110-604

Each single and modular newsrack installed within the city shall be designed to withstand the stresses

associated with ordinary use for sale and distribution of publications, and environmental exposure, and shall comply with the following standards:

- (a) **Modular Dimension and type:** The modular newsrack shall be either single or multi-pedestal with all external dimensions, including any attachments, of not more than sixty (60) inches in height, six (6) feet in width, and twenty-four (24) inches in depth.
- (b) **Modular color:** Exterior color, including pedestals, sides, door and coin box of all modular newsracks shall be of uniform gloss hunter green color.
- (c) **Modular Label:** Modular newsracks shall carry no advertising, but may provide a rack card holder containing information concerning a publication in the unit, the name(s) of the publication(s) being dispensed, and other information required by law with respect to coin-operated vending machines.
- (d) **Single newsrack - Dimension and type:** The single newsrack, with all external dimensions including any attachments, shall measure no greater than sixty (60) inches in height and twenty-four (24) inches in width and depth.
- (e) **Single newsrack - Color:** Exterior color, including pedestals, sides, door and coin box of shall be of uniform gloss hunter green.
- (f) **Single newsrack - Label:** Single newsracks shall carry no advertising, but may provide a rack card holder containing information concerning a publication in the unit, the name(s) of the publication(s) being dispensed, and other information required by law with respect to coin-operated vending machines.

- **Does the City Have Installation Standards?**

Section 110-605

All newsracks in the city shall be installed in a safe and secure manner and shall comply with the following standards:

- (a) Each modular newsrack on a single pedestal or a multiple post shall be bolted to a level, concrete base set flush with the ground or otherwise securely fastened to meet applicable safety and stability standards. The newsrack will be directly bolted into the base in accordance with the following standards:
 - (1) No newsrack shall be bolted directly into a public sidewalk.
 - (2) Foundation shall be 3000 psi Class I concrete, four (4) inch minimum thickness with wire mesh reinforcement.
 - (3) Four (4) bolts per pedestal, one each on the four corners of the newsrack support.
 - (4) Anchor bolts must be located not closer than two inches from the edge of the pedestal, each bolt to be a one half (1/2) inch minimum diameter stainless steel hex bolt mounts, two-and-one-quarter (2-1/4) inches.
 - (5) A water-soluble, paint-able, ten-year caulk shall be applied and wiped to seal around the base plate and the mounting surface.
- (b) Each single newsrack shall be securely fastened to meet applicable safety and stability standards. The single newsrack shall be of sufficient weight, the materials of which it is fabricated shall be of sufficient strength and its installation shall be such that the newsrack will remain stable and un-moving.
- (c) Newsracks shall not be chained to any tree, traffic control device, sign, bench, bus shelter or pole.

- (d) No newsrack or base shall be used or maintained in such a way that it rests on or projects onto, into or over any part of the roadway, sidewalk or median of any public street or any part of a drainage grate or manhole.
- (e) Any base installed or used shall remain the responsibility of the owner who installs or uses the base and shall be removed by said owner immediately upon abandonment, returning the underlying surface to its original condition.
- (f) Any damage to private and public property or public right-of-way at the time of installation shall be the responsibility of the owner to repair within 30 days from the date the damage is reported.

- **Are there any Maintenance Standards?**

Section 110-606

Each newsrack shall be maintained in a neat, clean condition and kept in working condition at all times, by ensuring:

- (1) It is free of graffiti, dirt, grease, chipped, faded, peeling or cracked paint;
- (2) It is free of rust and corrosion;
- (3) The clear plastic or glass parts, if any, through which the publication is viewed, are unbroken or otherwise free of cracks, dents, blemishes and discolorations;
- (4) The structural parts are solid and mechanically sound.
- (5) Each newsrack must display a name, address and telephone number of the owner responsible for the newsrack.

Each coin operated compartment within a newsrack shall display directly on the coin box, the name, address and telephone number of the owner responsible for the publication in that compartment, who may be contacted concerning reimbursement in case of coin mechanism failure

- **What is the Definition of some of the words used in this Ordinance?**

Section 110-1

What is a Block?

Block means one side of a street between two consecutive intersecting streets.

What is a Compartment?

Compartment means a space or set of divided spaces built into a newsrack with such space or set of divided spaces with each being secured by a single door which provides access to the publication or publications contained therein.

What is the Median?

Median means the portion of the right-of-way of a divided roadway that separates the opposing directions of vehicular traffic.

What is a Modular Newsrack?

Modular Newsrack Unit means a hunter green colored, self-service, coin-operated, box or container with multiple-storage units, securely attached to the ground, used or maintained for the sale or free distribution of newspapers or other news periodicals or advertising circulars. For purposes of this ordinance, modular newsrack units are further defined as having at least two (2) compartments.

What is a Newsrack?

Newsrack: For purposes of this ordinance the term newsrack means both single and modular newsrack units. Also for purposes of this ordinance newsracks are not defined as structures, even though they may be permanently attached to the ground.

Who is the Owner of Record?

Owner of record, as identified on the application for newsrack installation, means any person, individual, partnership, corporation, association, firm, company, organization or any other legal entity that owns places or maintains a single and/or modular newsrack.

What is Public Land?

Public land means any right-of-way, roadway, park, easement, building, or any other real property

owned by any governmental entity.

What is a Sidewalk?

Sidewalk means the part of a right-of-way designated for pedestrian use.

What do you mean by Single Newsrack?

Single newsrack unit means self-service, or coin-operated, box or container with a single compartment installed, used or maintained for the display, sale or free distribution of newspapers, news periodicals or advertising circulars.

- **What is the Purpose of the Newsrack Ordinance?**

Section 110-600

In order to promote public health, safety, welfare and convenience, this article shall:

- (1) Restrict newsrack interference with the flow of pedestrian and vehicular traffic, including ingress and egress from or into any residence or place of business by persons attempting to enter or exit parked or standing vehicles;
- (2) Restrict newsrack interference with access, use and maintenance of poles, posts, traffic signs or signals, hydrants, mailboxes and any location used for public transportation purposes; and
- (3) Require removal or relocation of newsrack which have created visual blight on the rights-of-way or that detract from the aesthetics of adjacent businesses, landscaping or other public or private improvements.

- **If a Newsrack is in place at the present time in the City of Indian Rocks Beach will it be grandfathered?**

Section 110-601

Newsracks that are in compliance with the provisions of this ordinance are permitted in the City of Indian Rocks Beach. All others are prohibited. Existing newsracks within the City at the date of adoption of this ordinance shall have sixty (60) days to come into compliance with the provisions of this ordinance. The city manager, or designee, may extend this sixty (60) day time period, if he determines that there is not sufficient time to process all of the applications. Within this sixty-day period, owners are required to obtain a permit from the City pursuant to Code 110-602, Application and Registration Requirements. There shall be no “grandfathering” of newsracks made non-conforming by this ordinance provided, however, modular newsracks in place as of the date of adoption of this Ordinance may remain. All newsracks made non-conforming by this ordinance shall either be made conforming or shall be removed within this sixty (60) day period.

A city-issued, numbered, sticker shall be attached to each newsrack permitted in the City of Indian Rocks Beach. Modular newsracks shall be pedestal-mounted and permanently attached to the ground. Single newsracks shall be permanently attached to the ground.

- **What are the registration requirements.**

Section 110-602

The applicant shall

- (1) Complete an application for registration on forms provided by the City certifying that the installed newsrack is in compliance with the provisions of this ordinance.
- (2) Execute an indemnification and save-harmless agreement, relieving the city, its employees, and boards from any and all threat of damages, costs and liability whatsoever arising from, growing out of or incident to or in any manner connected with the installation, maintenance or operation of each newsrack, owned or maintained by the owner, together with all costs and attorney’s fees, incurred by the City in defending any claim or suit brought against it, either as sole defendant or joined as a defendant with the owner, with regard to the owner’s newsrack and specifically including any claim or suit alleging liability based on the failure to properly enforce or administer

the provisions of this division. This indemnification and save-harmless agreement shall also provide that the owner shall receive prompt notice of any such cause of action and shall be afforded the opportunity to defend same. If the owner fails to defend the same, the owner will pay to the city upon demand all reasonable costs, charges and fees incurred in connection therewith.

- (3) City staff shall review the application and registration and inspect the installation of each newsrack to ensure compliance with the provisions of this ordinance. No permit shall be issued until the newsrack meets the requirements of this ordinance.

- **What happens if a newsrack is found to be in violation of Ordinance 2007-01?**
Section 110-602

Any newsrack installed, used or maintained in violation of this division shall, after notice, be removed and stored by the city. Any newsrack that poses a danger or safety hazard to pedestrians or vehicles, or interferes with the safe use of any public right-of-way or other property, shall be removed or relocated.

When any newsrack has been abandoned on public property, the City may notify the owner to remove the newsrack. If the owner is unknown or fails to notify the city as to the disposition of the abandoned newsrack, the City may remove the abandoned newsrack.