



City of Thousand Oaks

PUBLIC WORKS DEPARTMENT

NEWSRACK PERMIT PROCEDURES

Required of Applicant/Company:

- Completed encroachment permit form.
- Attachment sheet listing locations for each permit. Locations should be identified by the nearest address or major intersection. Please group newsracks within close geographic proximity together on the list.
- City map with a colored dot indicating each rack location.
- Copy of liability insurance certificate (minimum coverage requirements - 250,000 individual and \$500,000 aggregate).
- Separate endorsement sheets naming the City as additionally insured and for business auto. See attached for correct forms.
- Check for fee of \$105.00 for each group of ten racks or fraction thereof.

Process

Review the attached *sample* Encroachment Permit. Following the example, complete the upper portion of the permit and sign.

Submit permit, list, map, insurance and fee to Public Works Department. The applicant will be issued an encroachment permit, along with a sticker for each newsrack. The stickers must be affixed to the newsracks in a conspicuous, easily visible location in front of the newsrack.

NOTE:

All permits expire on March 31 of each year, regardless of their issuance date.

Instructions for Completing Encroachment Permit Application

1. Permit No. & Date
Completed by Public Works staff.
2. Permittee Block
Enter name of periodical or parent company.
3. Contractor Block
Enter contractor's or distributor's name and contact information.
4. Streets and/or Public Places Used
Enter "Various locations - see attached list."
5. Purpose
Enter "Annual permit for _____ (quantity) newsracks."
6. No. Days
Leave blank, but enter "March 31, 20__" for expiration date.

ENCROACHMENT PERMIT

City of Thousand Oaks
Public Works Department
 2100 Thousand Oaks Boulevard
 Thousand Oaks, CA 91362-2903
 (805) 449-2400 FAX (805) 449-2475



Permit #: _____
 Date: _____
 Project #: _____

1

Please read carefully: Permittee must comply with all City regulations and standards, including the Conditions on the **reverse side** of this form and attachments, if any. Permittee must notify the City 24 hours before work is to start. Permittee is responsible for any damage within the City right-of-way.

Permittee: _____
 Address: _____
 City: _____ Zip: _____
 Phone: _____

2

Contractor: _____
 Address: _____
 City: _____ Zip: _____
 Phone: _____

3

Signature of Permittee _____ Print Permittee's Name _____

Streets and/or public places used: _____

4

5

Purpose (plans attached): _____

of days: _____ Beginning date _____ Expiration Date March 31, 20 _____

6

If checked or listed, the following are Conditions of this permit (in addition to those on the reverse):

Specifications attached	Notification to area businesses	Traffic Control Plan attached
Road Standards Plate F-4	Road Standards Plate F-8	Additional conditions (as follows):

OFFICE USE ONLY

Driveway approach Trenching	Weekend signs Curb & gutter or sidewalk	Street Improvements Other
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Fees: Permit: \$ _____ Inspection: \$ _____ Plan Check: \$ _____ _____ \$ _____ Total Fees: \$ _____	Certificate of Insurance: <u>ALWAYS</u> NEEDED On file Attached Not required Receipts: # _____ \$ _____ # _____ \$ _____	 Security Deposit: \$ _____ Receipt # _____ PW # _____ Additional Inspection Fees: _____ Hours _____
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Inspection Remarks:

Office of the City Engineer:	Completed:

ACORD CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YY)

ISSUER

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

COMPANIES AFFORDING COVERAGE

COMPANY
A

COMPANY
B

COMPANY
C

COMPANY
D

INSURED

COVERAGES

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
GENERAL LIABILITY				GENERAL AGGREGATE	\$
<input type="checkbox"/> COMMERCIAL GENERAL LIABILITY				PRODUCTS - COMP/OP AGG	\$
<input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> OCCUR				PERSONAL & ADV INJURY	\$
<input type="checkbox"/> OWNER'S & CONTRACTOR'S PROT				EACH OCCURRENCE	\$
				FIRE DAMAGE (Any one fire)	\$
				MED EXP (Any one person)	\$
AUTOMOBILE LIABILITY				COMBINED SINGLE LIMIT	\$
<input type="checkbox"/> ANY AUTO				BODILY INJURY (Per person)	\$
<input type="checkbox"/> ALL OWNED AUTOS				BODILY INJURY (Per accident)	\$
<input type="checkbox"/> SCHEDULED AUTOS				PROPERTY DAMAGE	\$
<input type="checkbox"/> HIRED AUTOS					
<input type="checkbox"/> NON-OWNED AUTOS					
GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT	\$
<input type="checkbox"/> ANY AUTO				OTHER THAN AUTO ONLY:	
				EACH ACCIDENT	\$
				AGGREGATE	\$
EXCESS LIABILITY				EACH OCCURRENCE	\$
<input type="checkbox"/> UMBRELLA FORM				AGGREGATE	\$
<input type="checkbox"/> OTHER THAN UMBRELLA FORM					\$
WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				WC STATUTORY LIMITS	OTHER
<input type="checkbox"/> THE PROPRIETOR/PARTNERS/EXECUTIVE OFFICERS ARE:	<input type="checkbox"/> INCL			EL EACH ACCIDENT	\$
	<input type="checkbox"/> EXCL			EL DISEASE - POLICY LIMIT	\$
<input type="checkbox"/> OTHER				EL DISEASE - EA EMPLOYEE	\$

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS

(MUST BE CROSSED OUT AS INDICATED)

CERTIFICATE HOLDER

DEPARTMENT OF PUBLIC WORKS
2100 THOUSAND OAKS BLVD
THOUSAND OAKS, CA 91362-2903

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ~~ENDAVOR TO MAIL~~ 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, ~~BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.~~

AUTHORIZED REPRESENTATIVE

POLICY NUMBER:
AUTO

BUSINESS

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY

ADDITIONAL INSURED

This endorsement modifies insurance provided under the following:

BUSINESS AUTO COVERAGE FORM

It is agreed that the “who is an Insured” provision is amended to include as an insured the person or organization designated below as an additional insured, subject to the following provisions:

- (1) This insurance applies only with respect to any liability arising out of the operation of covered autos on the additional insured’s premises described below;
- (2) The Named Insured is authorized to act for such additional insured in all matters pertaining to this insurance, including receipt of notice of cancellation;
- (3) Return premium, if any, shall be paid to the Name Insured;
- (4) Nothing contained herein shall affect any right of recovery as a claimant which the additional insured would have if not designated as such.

City of Thousand Oaks
Public Works Department
2100 Thousand Oaks Boulevard
Thousand Oaks, CA 91362-2903

POLICY NUMBER:
LIABILITY

COMMERCIAL GENERAL

THIS ENDORSEMENT MODIFIES INSURANCE PROVIDED UNDER THE
FOLLOWING:

**ADDITIONAL INSURED - OWNERS, LESSEES OR
CONTRACTORS (Form B)**

This endorsement modifies insurance provided under the following:

**COMMERCIAL GENERAL LIABILITY COVERAGE
PART**

SCHEDULE

Name of Person or Organization:

City of Thousand Oaks
Public Works Department
2100 Thousand Oaks Boulevard
Thousand Oaks, CA 91362-2903

(If no entry appears above, information required to complete this endorsement will be shown in the Declarations as applicable to this endorsement.)

WHO IS AN INSURED (Section II) is amended to include as an insured the person or organization shown in the Schedule, but only with respect to liability arising out of "your work" for that insured by or for you.

planted, erected, or maintained in a right-of-way without a permit upon any sidewalk or shoulder or in such manner which impedes, obstructs, denies, or impairs the sight distance for safe pedestrian or vehicular traffic.

(§ 11353, T.O.O.C., as added by Ord. 50, as renumbered by § II, Ord. 549-NS, eff. November 13, 1975)

Sec. 7-2.912. Maintenance of hedges, shrubs, and fences.

The permittee shall maintain hedges, shrubs, or other plantings, and fences or similar structures in a neat and orderly condition. If the encroachment is not so maintained, the City Engineer may direct the permittee to remove the encroachment and restore the right-of-way to its former condition at the expense of the permittee.

(§ 11354, T.O.O.C., as added by Ord. 50, as renumbered by § II, Ord. 549-NS, eff. November 13, 1975)

Article 10. Vehicles

Sec. 7-2.1001. Moving certain vehicles and objects.

(a) *Compliance with general laws.* When authorized by a permit issued by the Division of Highways of the State or the City Engineer to move a vehicle or combination of vehicles or load of a dimension or weight or other characteristic generally prohibited by law, the permittee shall comply with the general laws regulating travel over a public highway, including posted signs or notices which limit speeds, directions of travel, weight which may be placed upon a structure, the width or height which may be moved on, over, or across a public highway, or which otherwise restrict or control travel on a public highway, unless exempt by a special permit.

(b) *Inspections.* When it is deemed necessary that the City provide inspection services, such services shall be paid for by the permittee in accordance with the schedule of charges adopted by the Council.

(§§ 11401 and 11402, T.O.O.C., as added by Ord. 50)

Article 11. Appeals

Sec. 7-2.1101. Appeals: Hearings.

(a) *Appeals: Form.* Any person aggrieved by the refusal or revocation of a permit may appeal to the Council within thirty (30) days after the date of such action. The appeal shall be in the form of a written notice filed with the City Clerk and signed by the applicant. The notice shall have attached a copy of the application as filed with the City Engineer, shall recite such other items as have been filed, and shall state clearly and concisely the grounds upon which the applicant relies in his appeal.

(b) *Hearings: Notices.* The City Clerk shall set the matter for a hearing within fifteen (15) days after the notice is filed and shall notify the applicant and the City Engineer of the setting.

(c) *Hearings: Council action.* At the hearing the applicant shall establish to the satisfaction of the Council that he is entitled to the issuance of a permit pursuant to the

provisions of this chapter or to the reinstatement of a permit previously revoked. The City Engineer may present his grounds for the denial or revocation of the permit. The decision of a majority of the Council shall be final.

(§ 11500, T.O.O.C., as added by Ord. 50)

Article 12. Violations

Sec. 7-2.1201. Violations.

Any person who fails or refuses to comply with any provision of this chapter or of the permit granted to him, or who commits any act in violation of the provisions of this chapter or of the permit granted to him, shall be deemed guilty of a violation of this Code pursuant to Section 1-2.01 of Chapter 2 of Title 1 of this Code.

(§ 11450, T.O.O.C., as added by Ord. 50, as amended by § XXVIII, Ord. 770-NS, eff. February 26, 1981)

Article 13. Newsracks*

* Article 13, consisting of Sections 7-2.1301 through 7-2.1308, codified from Ordinance No. 727-NS, effective September 13, 1979 (Sections 7-2.1301 and 7-2.1304 amended by Ordinance No. 1286-NS, effective September 17, 1996; Section 7-2.1306 amended by Ordinance No. 770-NS, effective February 26, 1981), repealed by Section 1, Ordinance No. 1312-NS, effective February 12, 1998, and Sections 7-2.1301 through 7-2.1312 added by Section 2, Ordinance No. 1312-NS, effective February 12, 1998)

Sec. 7-2.1301. Purpose.

(a) The purpose of this article is to establish a comprehensive set of regulations applicable to newsracks on the public rights-of-way and other public property. In order to advance, improve and promote aesthetic concerns as well as the public health, safety and welfare of the City of Thousand Oaks, it is necessary to control the number, size, construction, placement and appearance of such newsracks. This article is intended to accomplish these ends, without restricting the free dispersal of information guaranteed by the Constitutions of the United States and the State of California, through regulation of the placement, appearance, and servicing, of newsracks on the public rights-of-way so as to:

(1) Provide sufficient clearance and visibility for safety and convenience of the pedestrian and driving public;

(2) Avoid the unreasonable interference with the flow of pedestrian or vehicular traffic, including ingress or egress from any residence or any place of business or from the street to the sidewalks by persons crossing or exiting/entering parked or standing vehicles;

(3) Provide reasonable access for the use and maintenance of utility poles, posts, traffic signs or signals, hydrants and mail boxes, and access to locations used for benches and public transportation purposes;

(4) Eliminate poorly maintained newsracks and the lack of uniformity in the color and style of newsracks which have resulted in a visual blight on the public rights-

of-way, or which may unreasonably detract from the aesthetics of store window displays, adjacent landscaping, and other improvements;

(5) Maintain and protect the values of surrounding properties;

(6) Reduce the unnecessary exposure of the City to personal injury and property damage claims; and

(7) Provide for and maintain the freedom of speech for newspapers or news periodicals using newsracks for distribution purposes.

(b) The City Council finds that the competing interests of the public safety and welfare and for the open distribution of newspapers require reasonable accommodations, which can only be satisfactorily achieved through this article, which regulates the place and manner of using newsracks on public property.

(§ 2, Ord. 1312-NS, eff. March 16, 1998)

Sec. 7-2.1302. Definitions.

For the purposes of this article, unless otherwise apparent from the context, certain words and phrases used in this article are defined as follows:

(a) "Blinder rack" shall mean any opaque material placed in front of printed matter or photographs on public display.

(b) "Distributor" shall mean the person responsible for placing, operating and maintaining a newsrack in a public right-of-way.

(c) "Equivalent" shall mean any newsrack which is of the same size, dimensions and style of the specified newsrack as approved by the Public Works Director.

(d) "Newsrack" shall mean any type of unmanned device placed upon any public right-of-way or public land for the vending of, or the free distribution of, newspapers or news periodicals, advertising fliers, or other written or printed publications.

(e) "Public right-of-way" and "public land" shall mean any building, park, property, street, highway, sidewalk, surface easement, plaza, walkway, parkway or alley which is owned or held (whether in fee, easement, leasehold or other interest) by the City of Thousand Oaks.

(f) "Public Works Director" shall refer to the City's Public Works Director or the designee of the Public Works Director.

(§ 2, Ord. 1312-NS, eff. March 16, 1998)

Sec. 7-2.1303. Permits.

(a) *Prohibitions.* No person, whether as a principal, agent, or employee, either for itself or any other person, or as an officer of any corporation, or otherwise, shall place, affix, erect, construct or maintain a newsrack upon any public right-of-way or public land unless and until an administrative encroachment permit has been obtained from the Public Works Department.

(b) *Application.* A written application for a newsrack encroachment permit shall be filed with the Public Works Department on the City's form and shall include at least the following information:

(1) The name, address and telephone number of the applicant, or the

distributor;

(2) The name, address and telephone number of a representative of the applicant or other responsible person whom the City may notify or contact at any time concerning the applicant's newsrack or newsracks;

(3) Proof that the type or brand of newsrack is consistent with requirements of this article, including a photograph of the newsrack and mount;

(4) A picture or map showing and identifying the number of newsracks, the exact proposed location of each (herein "site"), and the order of all newsracks at that location;

(5) The name of the newspaper, publication or periodical to be contained in each newsrack.

(c) *Fee.* Each application for a newsrack encroachment permit shall be accompanied by a processing fee, which shall not exceed the processing, inspection and enforcement costs, in an amount set by resolution of the City Council.

(d) *Conditions for permit.*

(1) In issuing the permit or rejecting any site, the Public Works Department shall be guided solely by the standards and criteria set forth in this article. In any case where the Public Works Department disapproves of a particular location, such disapproval shall be without prejudice to the applicant who may designate a different location or locations.

(2) Permits shall be issued for the installation of a newsrack or newsracks only after City inspection of a proposed site, or sites, and the installation, use or maintenance thereof shall be conditioned upon compliance with the provisions of this article.

(3) Permits should be issued within ten (10) business days after a completed application has been filed and upon a finding that the application complies with the provisions of this article.

(4) If an application or a proposed site is denied, the applicant shall be notified in writing of the specific reason for such denial and the right of a hearing in accordance with Section 7-2.1310.

(5) Insurance and Indemnification as set forth in this article.

(e) A single permit may include up to ten (10) proposed sites for newsracks to be installed within the City.

(f) Each permit shall expire on or about the first day of April of each year, and shall be renewed pursuant to a simplified review process as established by the Public Works Department.

(g) *Insurance and indemnification.* As part of the permit application, each applicant shall indemnify, defend and hold the City, its officers, employees and agents free and harmless from any claim, damage, liability, demand or judgment in favor of any person or entity, arising out of the location, operation and use of any newsrack located upon, in or over a public right-of-way or other public property. The applicant shall provide the City with a certificate of insurance or other documentation, as required by the City Attorney, evidencing that a liability insurance policy in minimum amounts set by the City Attorney has been issued, naming the City as an additional insured, and containing a provision that the policy cannot be canceled except upon thirty (30) days

written notice to the City of the fact of such cancellation. If such insurance is canceled at any time during the time the newsrack is installed or maintained on public property, said newsrack shall be removed at permittee's cost in accordance with the provisions of this article.

(h) *Identification tag.* The name, address, and telephone number of a responsible person who may be contacted at any time concerning the newsrack shall be displayed on the newsrack in such a manner as to be readily visible and readable to a prospective customer thereof.

(i) *Permit Sticker.* Upon permit approval, the Public Works Department shall issue to the applicant a sticker or stickers evidencing the permit, which shall be affixed to each newsrack on the permit in the manner specified by the Public Works Department within ten (10) business days thereof.

(§ 2, Ord. 1312-NS, eff. March 16, 1998)

Sec. 7-2.1304. Newsrack requirements.

Any newsrack which is located, in whole or in part, upon, in or over any public right-of-way, shall comply with each of the following standards:

(a) Newsracks shall be the standard K-Jack Style Model 100, National Newsvend Style M-10 or equivalent model on a permanently fixed single pedestal (or multi-pedestal for groupings of newsracks) mount bolted to the paved area.

(b) No newsrack with mount or stand shall exceed forty-eight (48") inches in height, thirty (30") inches in width, or twenty-four (24") inches in thickness.

(c) All opaque surfaces of a newsrack and the mounts shall be painted the same color.

(d) The newsrack shall not be used for advertising or publicity purposes, except:

(1) The name of the printed material dispensed therefrom may be displayed on the bottom one-third (1/3) of the hood, and

(2) Advertising newsrack cards contained in card pans may be attached to, and inserted and located on, the front of the newsrack. The newsrack cards shall not exceed fifteen (15") inches in height and twenty-two (22") inches in length. No other card, sign, or advertising device may be attached.

(e) Each newsrack shall be maintained in a clean, painted, neat and attractive condition and in good repair at all times. Specifically, but without limiting the generality of the foregoing, each newsrack 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 thereon;

(4) The clear plastic or glass parts thereof, if any, through which the publications therein are viewed are unbroken and free of cracks, dents, blemishes and discolorations;

(5) The paper or cardboard inserts are free of tears, peeling or fading;

(6) The structural parts thereof are not broken or misshapen; and

(7) Any and all graffiti, unauthorized stickers or decals are immediately removed.

(§ 2, Ord. 1312-NS, eff. March 16, 1998)

Sec. 7-2.1305. Sites: location, placement, and number restrictions.

(a) No proposed site and no newsrack shall be placed, installed, used or maintained in the following locations:

(1) Within five (5') feet of any marked crosswalk;
(2) Within fifteen (15') feet of the curb return of any unmarked crosswalk;
(3) Within five (5') feet of any fire hydrant, fire call box, police call box or other emergency facility;

(4) Within five (5') feet of any driveway;

(5) Within five (5') feet ahead of and fifteen (15') feet to the rear of any sign or pavement marking for a designated bus stop measured parallel to the flow of traffic;

(6) Within five (5') feet of any bus bench;

(7) At any location where the newsrack causes, creates, or constitutes a line of sight problem or a traffic hazard;

(8) At any location where the newsrack unreasonably obstructs or interferes with the pedestrian access to abutting property;

(9) Where the newsrack will endanger persons using the sidewalk or property;

(10) Where the newsrack will unreasonably interfere with or obstruct the safe flow of pedestrian or vehicular traffic on the public right-of-way;

(11) At any location which creates less than a four (4') foot wide path of travel as required by Title 24 of the California Code of Regulations and the Americans with Disabilities Act;

(12) Facing another newsrack when separated or divided only by the width of a sidewalk or pedestrian walk;

(13) On any access ramp or curb cut for disabled persons.

(b) All newsracks on sidewalks or walk ways adjacent to or paralleling a street shall be placed away from the street on the back (side furthest from the street) of the sidewalk parallel to a curb, or along the wall of a building, with the front of the newsrack facing the sidewalk and roadway. Newsracks shall be located in such a manner as is necessary to maintain a clear pedestrian path of travel of at least four (4') feet wide. Newsracks placed parallel to the wall of a building shall be placed with the back not more than six (6") inches from the wall.

(c) At any site where more than one newsrack is to be located and maintained, a grouping can be established for mounting all newsracks on a permanently fixed single, double or triple pedestal multi-unit mount of a type approved by the City and bolted to the pavement.

(d) If eight (8) or more newsracks are placed at a single site, they shall be grouped in groups of six (6) and each group shall be separated from the next group by at least forty-eight (48") inches.

(§ 2, Ord. 1312-NS, eff. March 16, 1998)

Sec. 7-2.1306. Displays of matter harmful to minors prohibited.

Material which is harmful to minors, as defined in Part 1, Title 9, Chapter 7.6 of the Penal Code (commencing at Section 313), shall not be displayed in a public place, other than a public place from which minors are excluded, unless blinder racks are placed in front of the material in such a manner that the lower two-thirds (2/3) of the materials is not exposed to view.

(§ 2, Ord. 1312-NS, eff. March 16, 1998)

Sec. 7-2.1307. Abandonment.

(a) In the event any newsrack installed pursuant to this article does not contain the publication specified in the application within a period of thirty (30) days after the release of the current issue, or if no publication is in the newsrack for a period of more than thirty (30) consecutive days, the Public Works Department may deem the newsrack abandoned and may remove the newsrack from the public right-of-way in accordance with the procedures set out in Sections 7-2.1308 through 7-2.1310.

(b) In the event a permittee of a newsrack, owned by the permittee, desires to voluntarily abandon a newsrack location, such permittee shall notify the Public Works Director in writing of the date of the proposed removal thirty (30) days prior to the newsrack's removal and the permittee shall completely remove the newsrack and mount on the date set forth in such notice. In addition the permittee shall restore the sidewalk to good and safe condition leaving no hole or projection in the sidewalk and using the same type and quality of construction material as that which exists at the surface of the abutting sidewalk.

(§ 2, Ord. 1312-NS, eff. March 16, 1998)

Sec. 7-2.1308. Notice to Correct.

(a) Upon determination by the Public Works Department that a newsrack has been installed, used or maintained in violation of this article, a Notice to Correct shall be issued which shall specify the manner in which this article is violated and request compliance. Such notice shall state the nature of the violation, the intention to impound the newsrack if the violation shall not be corrected or if a hearing is not requested, and the procedure for requesting such a hearing. The Department may notify the permittee, or person, if known, either in person, or by mail, or if the owner of the newsrack is not known, by affixing a notice to the newsrack, that unless the violation is corrected or a hearing is requested within ten (10) days after the date of the notice, the newsrack will be removed and impounded.

(b) Notwithstanding subsection (a) of this section, in the case of any violation of this article which creates an immediate danger to the public health, safety or welfare, which violation cannot be corrected by moving or otherwise repositioning an unanchored newsrack, the newsrack may be summarily removed and impounded by the City.

(§ 2, Ord. 1312-NS, eff. March 16, 1998)

Sec. 7-2.1309. Impoundment.

(a) Whenever a newsrack is impounded pursuant to Sections 7-2.1307 and 7-2.1308, the Public Works Department shall immediately notify the person in whose

Sec. 7-2.1311. Violations.

Any person, as defined in T.O.M.C. Section 1-3.13, who violates a provision of this article shall be subject to the provisions of Chapter 2 of Title 1 of this Code. (§ 2, Ord. 1312-NS, eff. March 16, 1998)

Sec. 7-2.1312. Initial filing, processing and abatement of nonconforming existing newsracks.

(a) *Effective date.* The effective date of this article shall be March 16, 1998.

(b) *Initial filing and processing.* Any person owning or entitled to possession, management or control of any newsrack located within the City as of the effective date of this article shall:

(1) Within sixty (60) days of the effective date of this article, remove the newsrack, or file for a permit or permits required by this article for all sites.

(2) Notwithstanding Section 7-2.1301(d)(3), for the initial processing of these new permits on existing racks, City shall have up to sixty (60) days to issue permits upon the receipt of a completed permit application. The initial permits issued shall expire April 1, 1999.

(c) *Compliance/abatement.* Any person owning or entitled to possession, management or control of any newsrack located within the City as of the effective date of this article shall:

(1) *Relocation of newsracks.* Within one hundred eighty (180) days of the effective date of this article, move the newsracks, pursuant to Section 7-2.1305(b), to the City approved location consistent with this article, with the row of newsracks in the same order as previously existed, or pursuant to a schedule approved by the Public Works Department. At no time or in any manner may a newspaper change the priority or order of a newsrack within a row of newsracks; and

(2) *Size and style.* Within one hundred eighty (180) days of the effective date of this article, conform to all other requirements of this article, (such as Section 7-2.1304, including, but not limited to, the size and style of the newsrack.)

(d) If any newsrack is not approved by the City under this article within the time limits specified in this section, the City may attach a Notice to Correct to the newsrack informing the owner or person entitled to possession of the requirement, and if the newsrack is not approved within ten (10) days of affixing the Notice to Correct or if a hearing is not requested, the newsrack may be removed and stored pursuant to Section 7-2.1309.

(§ 3, Ord. 1312-NS, eff. March 16, 1998)