

Chapter 111: NEWSRACKS

[HISTORY: Adopted by the City Council of the City of Hackensack 5-15-1989 by Ord. No. 9-89. Amendments noted where applicable.]

GENERAL REFERENCES

Uniform construction code enforcement — See Ch. 166.

§ 111-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

DISTRIBUTOR — Any person, firm or corporation responsible for placing, locating, installing or maintaining a newsrack in a public place in the City of Hackensack.

DRIVEWAY — That surface, whether or not improved, over and by which ingress and egress are made into private or public property by vehicles.

NEWSPAPER — Any newspaper, periodical or magazine of general circulation as defined by general law; any newspaper, periodical or magazine duly entered with the Post Office Department of the United States in accordance with federal statute or regulation; and any newspaper, periodical or magazine filed and recorded with any recording officer as required by general law.

NEWSRACK — Any machine, vending machine, rack, self-service or coin-operated box, container, storage unit or other dispenser used and maintained for the sale and distribution of newspapers, news periodicals, news magazines and any other similar publications.

ROADWAY — That portion of any street improved, designed or ordinarily used for vehicular traffic.

SIDEWALK — Any surface provided for the exclusive use of pedestrians, including the area between the curb of any street and the property line adjacent thereto or, if there is no curb, the area between the edge of the street and the property line adjacent thereto, and the "sidewalk" shall include the public right-of-way along such street or sidewalk.

STREET — All that area dedicated to public use for public street purposes, and includes but is not limited to roadways, parkways, alleys and sidewalks.

§ 111-2. Notification of location.

- A. Any distributor having a newsrack which is already located or installed on any public sidewalk or public right-of-way within the City of Hackensack on the effective date of this chapter shall, within 30 days of the effective date of this chapter, notify the Construction Code Official, in writing, of the location and placement of each such newsrack. Such notice shall include:
- (1) The precise location of each such newsrack;
 - (2) The name, address and telephone number of the distributor; and
 - (3) A certification by the distributor that the location, installation and maintenance of such newsrack conforms to and will continue to conform to the Municipal Code of the City of Hackensack and that said distributor assumes the unconditional obligations for any legal liability occasioned by such installation and maintenance and that said distributor agrees to indemnify and hold harmless the City of Hackensack, its servants, agents and employees for any and all claims arising out of said distributor's installation, use or maintenance of such newsrack.
- B. From and after the effective date of this chapter, any distributor who shall locate or install a newsrack which rests in whole or in part on any public sidewalk or public right-of-way within the City of Hackensack shall, within 10 days of the date of such installation, provide to the Construction Code Official the written notice as set forth in Subsection A of this section.

§ 111-3. Maintenance and installation.

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

- A. No newsrack shall exceed 60 inches in height, 24 inches in width or 20 inches in depth.
- B. No newsrack shall be used for advertising signs or publicity purposes other than those dealing with the display, sale or purchase of the newspaper sold therein.
- C. Each newsrack shall be equipped with a coin-return mechanism to permit a person using the machine to secure an immediate refund in the event that he is unable to receive the newspaper paid for. The coin-return mechanism shall at all times be maintained in good working order.
- D. Each newsrack shall have affixed to it in a readily visible location a notice setting forth the name and address of the distributor and a telephone number which persons may 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.
- E. Each newsrack shall be maintained in a neat and clean condition and in good repair at all times. In particular, each newsrack shall be maintained so that:
 - (1) It is reasonably free of loose, chipped, peeling or cracked paint on the exterior surfaces thereof.
 - (2) It is reasonably free of rust and corrosion on the exterior surfaces thereof.
 - (3) The clear plastic or glass parts thereof, if any, are not broken or cracked so as to create danger to users thereof.
 - (4) Structural parts are not broken, cracked or otherwise in a condition which might render them dangerous to users thereof.

§ 111-4. Placement.

- A. Any newsrack which rests in whole or in part upon or on any portion of a public sidewalk or public right-of-way or which projects onto, into or over any part of a public right-of-way shall be located in accordance with the provisions of this section.
- B. No newsrack shall be used or maintained which projects onto, into or over any part of the roadway of any public street or which rests, wholly or in part, upon, along or over any portion of the roadway of any public street.
- C. No newsrack shall be permitted to rest upon, in or over any public sidewalk when such installation use or maintenance:
 - (1) Endangers the safety of persons or property.
 - (2) Unreasonably interferes with or impedes the flow of pedestrian or vehicular traffic, including any legally parked or stopped vehicle.
 - (3) Unreasonably interferes with the ingress to or egress from any residence or place of business.
 - (4) Unreasonably interferes with passengers boarding or exiting from buses at designated bus stops.
 - (5) Unreasonably interferes with the use of traffic signs or signals, fire hydrants or mailboxes located or permitted at or near said location.
- D. Newsracks shall be chained, bolted or otherwise secured so as to prevent their being blown or knocked down or otherwise moved onto or around the public right-of-way; provided, however, that no newsrack shall be chained, bolted or otherwise secured to any traffic or street sign, signals or poles without obtaining the permission of the Construction Code Official.
- E. Newsracks may be placed next to each other in groups at the same location, provided that no group of newsracks shall extend for a distance of more than six feet along a curb, and provided further that there shall be a minimum of 20 feet between any such group of newsracks and any other newsrack or group of newsracks. This subsection shall not apply to newsracks which were placed or installed on or before May 8, 1989.
- F. No newsrack shall be placed, installed, used or maintained:
 - (1) Within six feet of any marked crosswalk.
 - (2) Within 12 feet of a curb return of any unmarked crosswalk.
 - (3) Within five feet of any fire hydrant, fire or police call box or other emergency communication facility.

- (4) Within five feet of any driveway.

§ 111-5. Enforcement.

- A. If the Construction Code Official shall determine that a newsrack does not comply with the provisions of this chapter, including the requirement to provide the notification required by § 111-2 of this chapter, then the Construction Code Official shall mail a written notice to the distributor of such newsrack, by certified mail, return receipt requested, stating the specific reasons why such newsrack does not comply with the provisions of this chapter.
- B. If a distributor fails to adjust, correct, register or otherwise cause such newsrack to be brought into compliance with the provisions of this chapter within 10 days of the date the written notice of noncompliance is mailed by the Construction Code Official, then such distributor shall be deemed to be in violation of this chapter.

§ 111-6. Violations and penalties.

- A. Any distributor who, following written notice as set forth in § 111-5 of this chapter, fails to comply with the provisions of this chapter shall, upon conviction therefor in Municipal Court, be subject to a fine not to exceed \$100. Each day for which a distributor fails to comply with the provisions of this chapter shall constitute a separate violation hereunder.
- B. If a distributor is convicted of a violation of this chapter by the Municipal Court and if such distributor thereafter refuses to remedy or correct said violation within 20 days of the date of said conviction or, in the event of a direct appeal, within 20 days of the date upon which said conviction shall become final, then the Construction Code Official of the City of Hackensack shall be empowered to remove the newsrack which was the basis for such conviction from the public sidewalk or public right-of-way and return such newsrack to the distributor identified on the newsrack.