

Board of Selectmen

Policy Number:	BOS-LIC-003
Policy:	Newsrack Policy

Policy:

The Board of Selectmen of the Town of Needham hereby adopts and makes the rules and orders for the regulation of newsracks in said Town of Needham; insofar as the said rules and orders or any of them are the same as the regulations, rules and orders now in force they shall be deemed to be a continuation thereof.

1.0 Purpose and Criteria: The purpose of this policy is to promote the public health, safety and welfare of the inhabitants of Needham through the regulation of placement, type, appearance and servicing of newsracks on public streets and public properties as to:

- 1.1 Provide for pedestrian and vehicular safety and convenience;
- 1.2 Minimize to the greatest extent possible interference with the safe and efficient movement of pedestrians and vehicular traffic, including ingress into or egress from any building situated along a street or highway, or movement along any street or highway;
- 1.3 Provide for safe and adequate access to poles, posts, traffic signs and signals, hydrants, mailboxes and areas used for public transportation services;
- 1.4 Relocate and/or replace newsracks which result in a visual blight and/or excessive space allocation on streets or highways, or which unreasonably detract from surrounding aesthetics, including adjacent properties, landscaping and other improvements, as well as to have abandoned or unused newsracks removed;
- 1.5 To regulate in a fair and equal manner all newsracks and their contents.

2.0 Definitions: As used in this policy, the following terms shall have the meanings indicated:

- 2.1 Newsrack - Any type of unmanned device or enclosure intended for the vending or free distribution of newspapers, periodicals, magazines or other literature.
- 2.2 Newsrack Owner – The individual who is legally responsible for the newsrack’s installation and maintenance.
- 2.3 Street or Highway – The entire width between property lines of every public and private way open to the use of the public for purposes of travel under the jurisdiction of the Board of Selectmen.
- 2.4 Public Property – Any municipally owned land or building located in Needham.

3.0 General Placement of Newsracks: Subject to the specifications and prohibitions set forth in this policy, newsracks may be installed on streets or highways, however, such newsracks shall be placed parallel to and no closer than eighteen (18) inches from the face of curb, or near the

wall of a building parallel to and not more than six (6) inches from the wall. Where existing newsracks are already located, newsracks shall be placed adjacent to each other (within six (6) inches) up to a maximum of six (6) newsrack devices in a row.

4.0 Newsrack Specifications

- 4.1 Newsracks shall be maintained in good working order at all times, freshly painted and with unbroken handles. There shall be no sharp or jagged edges or protrusions on any newsrack which could cause injury or damage to persons or vehicles;
- 4.2 The name, address and telephone number of the newsrack owner who may be contacted at any time shall be displayed on the newsrack in such manner as to be readily visible and readable.
- 4.3 Newsracks shall be either freestanding or shall be bolted in place through the newsrack base to pavement or a pad. No newsrack may be chained, wired, cabled, attached or fixed to any pole, post, tree, fence, bench, trash receptacle, to each other or any other structure on a street or highway. If a bolted newsrack is removed, the bolts shall be likewise removed entirely and the holes shall be filled with suitable material;
- 4.4 Newsracks shall carry no cardholders or advertising except the name of the newspaper or material being dispensed limited to two (2) square feet per side and six (6) square feet in total, and/or a copy of the latest edition of such material behind a clear panel in the door of the newsrack.
- 4.5 Except for the clear panel, all surfaces of a newsrack shall be green, beige, brown, black or gray in color with a flat finish. Brilliant or fluorescent-type finish is not permitted.
- 4.6 Newsracks shall not exceed 3½ feet in height, 2 feet in width and 2 feet in depth.
- 4.7 Newsracks shall be equipped with a self-closing door.

5.0 Newsrack Prohibitions: No newsrack shall be placed, installed, used or maintained:

- 5.1 Within ten (10) feet of any marked crosswalk;
- 5.2 Within ten (10) feet of any fire hydrant, fire or police call box, or other emergency facility or device;
- 5.3 Within ten (10) feet of any driveway;
- 5.4 Within ten (10) feet ahead of and ten (10) feet to the rear of any sign marking a designated bus stop, as measured along the edge of the pavement or curb line;
- 5.5 At any location where the clear space for passage of pedestrians would be reduced to less than five (5) feet;
- 5.6 Within five (5) feet of any display window of any building abutting any sidewalk or in such a manner as to impede or interfere with the use of such window display purpose, or within six (6) feet of any building entrance;
- 5.7 Facing another newsrack, separated only by the width of a sidewalk or pedestrian walkway;

- 5.8 Within five (5) feet of any sign, street light pole, traffic signal pole, utility poles or parking meters.
- 5.9 Within ten (10) feet of any stairway, ramp or handicap access device.
- 5.10 Within twenty (20) feet of any fixed flagpole, commemorative monument, school or school ground, playground or athletic field, cemetery, funeral home or building or site of regular secular or religious ceremony and observance.
- 5.11 In a continuous line exceeding six (6) newsrack devices in length.
- 5.12 Within ten (10) feet of an adjacent continuous line of newsracks.
- 5.13 Within streets abutting areas that are zoned or used exclusively for residential housing whether on one side of the street or both.
- 5.14 Within twenty (20) feet of any intersecting roadway.

6.0 Application

The applicant shall submit a letter addressed to the Director of Public Works requesting permission to place newsrack(s) at locations complying with the provisions of this policy.

The application shall describe in sufficient detail, the number, location, and type of newsracks and shall contain the following information:

The name, address and telephone number of the applicant who is the owner/operator or other person who is the principal responsible person in charge of the newsrack.

The name, address and telephone number of a contact person (if different from the applicant) whom the Town may notify and/or contact at any time concerning the applicant's newsracks. The contact person would be responsible for receiving complaints and notices of violations and for providing information relating to the application during the application process.

The number of newsracks and a written description specifying the proposed approximate location of each.

A certification from the applicant stating that the proposed location for all of the newsracks listed in the application are in compliance with the provisions of this policy.

Upon a finding by the Director of Public Works that the applicant is in compliance with the provisions of this policy, he/she shall issue a letter to the applicant informing them of the number and location(s) of newsracks that may be placed within a street, way, or public property within thirty (30) days of receipt of application.

If all or a portion of any request to place newsracks is denied by the Director of Public Works, the applicant may appeal the denial to the Board of Selectmen.

7.0 Enforcement: These regulations shall be enforced by the Board of Selectmen or its designee subject to the following:

- 7.1 Nonconforming newsracks. Within forty-five (45) days after the effective date of this policy, and at any time thereafter, any newsrack in violation or nonconformance with any provision of this policy shall be subject to remedy as provided by law, including but not limited to the imposition of fines, and removal by the Town;
- 7.2 Abandonment. In the event that any newsrack installed pursuant to this policy does not contain the publication specified therefor within a period of forty-eight (48) hours after release of the current issue or when no publication is in the newsrack for a period of more than fourteen (14) consecutive days, the newsrack shall be considered abandoned and the Town shall thereafter remove or cause to be removed such newsrack. In the event that a newspaper publishing company or its distributor desires to voluntarily abandon or discontinue a newsrack location, said newsrack shall be completely removed, and the street or highway shall be promptly restored to a safe condition, leaving no holes or projections in any surface.
- 7.3 Failure to remove nonconforming or abandoned newsracks by the newspaper publishing company or its distributor may result in the newspaper publishing company or its distributor being prohibited from placing newsracks in the Town of Needham for one (1) year.
- 7.4 Newsracks that becomes an immediate threat to public safety will be removed by order of the Needham Police Department.
- 8.0 Severability:** If any subsection, paragraph, term or provision of this policy is determined to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such determination shall have no effect on any other paragraph, term or provision hereof, all of which shall remain in full force and effect.
- 9.0 Effective Date:** This policy shall take effect 90 days from the date of approval.