



CITY OF FRESNO

DEPARTMENT OF PUBLIC WORKS

NEWS RACKS PERMIT GUIDELINES

REGULATIONS

IN AN EFFORT TO PROMOTE PUBLIC HEALTH, SAFETY AND WELFARE, THE CITY OF FRESNO MANDATES THAT ANY PERSON OR ENTITY WISHING TO INSTALL A NEWS RACK WITHIN THE PUBLIC RIGHT-OF-WAY, OBTAIN A NEWS RACK PERMIT FROM THE CITY ENGINEER. NEWS RACKS WITHIN THE PUBLIC RIGHT-OF-WAY, SHALL BE ANNUALLY PERMITTED.

DEFINITIONS

- "NEWS RACKS" SHALL MEAN ANY SELF-SERVICE CONTAINER INSTALLED, USED OR MAINTAINED FOR THE DISTRIBUTION OF NEWSPAPERS, NEWS PERIODICALS OR OTHER NEWS PUBLICATIONS.
- "HIGHWAY" SHALL MEAN ALL THAT AREA DEDICATED TO PUBLIC USE FOR PUBLIC STREET PURPOSES AND SHALL INCLUDE, BUT NOT BE LIMITED TO, ROADWAYS, PARKWAYS, ALLEYS AND SIDEWALKS.
- "ROADWAY" SHALL MEAN THAT PORTION OF AN IMPROVED STREET, DESIGNED OR ORDINARILY USED FOR VEHICULAR TRAVEL.
- "PARKWAY" SHALL MEAN THAT AREA BETWEEN THE SIDEWALK AND THE CURB OF ANY STREET AND, WHERE THERE IS NO SIDEWALK, THAT AREA BETWEEN THE EDGE OF THE ROADWAY AND THE PROPERTY LINE ADJACENT THERETO. "PARKWAY" SHALL ALSO MEAN ANY AREA WITHIN THE ROADWAY, WHICH IS NOT OPEN TO VEHICULAR TRAVEL.
- "SIDEWALK" SHALL MEAN ANY SURFACE PROVIDED FOR THE EXCLUSIVE USE OF PEDESTRIANS.
- "STREET" SHALL MEAN ALL THAT AREA DEDICATED FOR PUBLIC USE FOR PUBLIC STREET PURPOSES, AND SHALL INCLUDE, BUT NOT LIMITED TO, ROADWAYS, PARKWAY, ALLEYS AND SIDEWALKS.
- "PUBLIC RIGHT-OF-WAY" SHALL MEAN ALL THAT AREA DEDICATED TO PUBLIC USE FOR PUBLIC PURPOSES AND SHALL INCLUDE, BUT NOT LIMITED TO PUBLIC, ROADWAYS, PARKWAY, ALLEYS, SIDEWALKS AND PUBLIC EASEMENTS.

PERMIT

- AN APPLICATION FOR A NEWS RACK PERMIT SHALL BE MADE PRIOR TO THE PLACEMENT OF ANY NEWS RACK WITHIN THE PUBLIC RIGHT-OF-WAY.
- ANY ISSUED NEWS RACK PERMIT SHALL BE VALID FOR **ONE YEAR** FROM THE DATE OF ISSUANCE OF SAID PERMIT.
- ANY PERSON OR ENTITY SEEKING THE ISSUANCE OF A NEWS RACK PERMIT SHALL FILE WITH THE DEPARTMENT OF PUBLIC WORKS A WRITTEN APPLICATION ON A FORM SUPPLIED BY THE CITY ENGINEER.
- PRIOR TO THE ISSUANCE OF A NEWS RACK PERMIT, THE APPLICANT SHALL PROVIDE A **NEWS RACK LOCATION MAP**, FOR REVIEW AND APPROVAL BY THE CITY. SAID MAP SHALL BE DRAWN ON A STANDARD SIZE 8 1/2" X 11" SHEET.
- AT THE TIME OF MAKING APPLICATION FOR A NEWS RACK PERMIT, THE APPLICANT SHALL PAY THE CITY A NON-REFUNDABLE PERMIT FEE IN AN AMOUNT ESTABLISHED BY A RESOLUTION OF THE CITY COUNCIL. **APPLICANT SHALL PAY ONE PERMIT FEE FOR EVERY ONE NEWS RACK LOCATION.**

INSURANCE, SUBROGATION & INDEMNITY

- PERMITTEE SHALL MAINTAIN, THROUGHOUT THE TERM OF THIS PERMIT, A CITY-APPROVED **GENERAL LIABILITY INSURANCE POLICY AND ENDORSEMENT NAMING CITY ADDITIONAL INSURED ON PRIMARY BASIS.**
- PERMITTEE SHALL MAINTAIN, THROUGHOUT THE TERM OF THE PERMIT, A CITY-APPROVED **WORKERS' COMPENSATION AND EMPLOYERS' LIABILITY INSURANCE POLICY OR DECLARATION.**
- **SIGNING THIS PERMIT IS PRIMA FACIE EVIDENCE THAT PERMITTEE HEREBY WAIVES PERMITTEE'S RIGHT OF SUBROGATION AGAINST THE CITY OF FRESNO, ITS OFFICERS, AND ELECTED OFFICIALS, EMPLOYEES AND VOLUNTEERS FOR ANY LOSS, LIABILITY, DAMAGE, OR COST SUSTAINED BY ANY PERSON OR PROPERTY, ARISING OUT OF WORK OR OPERATIONS PERFORMED BY OR ON BEHALF OF THE PERMITTEE, INCLUDING MATERIALS, PARTS, OR EQUIPMENT FURNISHED IN CONNECTION WITH SUCH WORK OR OPERATIONS.**

- **SIGNING THIS PERMIT IS PRIMA FACIE EVIDENCE THAT PERMITTEE HEREBY AGREES TO INDEMNIFY, DEFEND AND HOLD HARMLESS THE CITY OF FRESNO, ITS OFFICERS AND ELECTED OFFICIALS, EMPLOYEES AND VOLUNTEERS AGAINST ANY LOSS, LIABILITY, DAMAGE, OR COST SUSTAINED BY ANY PERSON OR PROPERTY, ARISING OUT OF WORK OR OPERATIONS PERFORMED BY OR ON BEHALF OF THE PERMITTEE, INCLUDING MATERIALS, PARTS, OR EQUIPMENT FURNISHED IN CONNECTION WITH SUCH WORK OR OPERATIONS.**

BUSINESS LICENSE

PERMITTEE SHALL MAINTAIN AN ACTIVE FRESNO CITY BUSINESS LICENSE, THROUGHOUT THE TERM OF THIS PERMIT.

GENERAL PLACEMENT OF NEWS RACKS

- NO PERSON OR ENTITY SHALL INSTALL, USE OR MAINTAIN ANY NEWS RACK, WHICH IN WHOLE OR IN PART, ENCREACHES ON ANY PUBLIC RIGHT-OF-WAY WHEN SUCH INSTALLATION, USE OR MAINTENANCE ENDANGERS THE SAFETY OF PERSONS OR PROPERTY, OR WHEN SUCH NEWS RACK UNREASONABLY INTERFERES WITH THE USE OF OTHER OBJECTS PERMITTED AT OR NEAR SUCH NEWS RACK LOCATION.
- ANY NEWS RACKS IN THIS CITY SHALL BE LOCATED SO AS TO MAXIMIZE PUBLIC CONVENIENCE, HEALTH, SAFETY, AND WELFARE, AS TO THE USE OF THE PUBLIC RIGHT-OF-WAY AS A THOROUGHFARE, AND AS TO THE AESTHETIC APPEARANCE OF THE AREA.
- ANY NEWS RACK, WHICH IN WHOLE OR IN PART, ENCREACHES ON ANY PUBLIC RIGHT-OF-WAY SHALL COMPLY WITH THE FOLLOWING STANDARDS:
 1. EACH NEWS RACK SHALL BE IDENTIFIED WITH THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE OWNER IN A MANNER SO AS TO BE CLEARLY VISIBLE.
 2. NO NEWS RACK SHALL BE USED FOR COMMERCIAL ADVERTISING, SIGNS OR PUBLICITY PURPOSES OTHER THAN TO STATE THE NAME OF THE NEWSPAPER OR PERIODICAL ON THE DISPENSING SIDE OF THE NEWS RACK.
 3. EACH NEWS RACK SHALL BE MAINTAINED IN GOOD OPERATING CONDITION BY ITS OWNER, AND SHALL BE MAINTAINED SO AS NOT TO BECOME MECHANICALLY INOPERABLE OR HAVE CRACKED OR BROKEN COVERINGS OR CASINGS. EACH MACHINE SHALL BE PAINTED OR COVERED WITH A BLACK PROTECTIVE COATING SO AS TO KEEP IT FREE FROM RUST.
 4. NO NEWS RACK SHALL BE CHAINED, BOLTED OR ATTACHED TO ANY OBJECT EXCEPT TO THE SIDEWALK AT THE RACK BASE CONNECTION.
 5. NEWS RACKS SHALL BE PLACED AT LEAST **(1.5)** FEET AWAY FROM THE FACE OF THE CURB.
 6. NEWS RACKS SHALL BE PLACED **NO MORE THAN (6) INCHES** AWAY FROM ANY WALL.
 7. NEWS RACKS SHALL BE PLACED AT LEAST **(30)** FEET AWAY FROM ANY CURB RETURN.
 8. NEWS RACKS SHALL BE PLACED AT LEAST **(3)** FEET AWAY FROM ANY FIRE HYDRANT, CALL BOX OR ANY OTHER EMERGENCY FACILITY.
 9. NEWS RACKS SHALL BE PLACED AT LEAST **(10)** FEET AWAY FROM ANY DRIVEWAY.
 10. NEWS RACKS SHALL BE PLACED AT LEAST **(5)** FEET AWAY FROM ANY BUS BENCH.
 11. NEWS RACKS SHALL BE PLACED AT LEAST **(3)** FEET AWAY FROM ANY BUS SHELTER.
 12. NEWS RACKS SHALL BE PLACED AT LEAST **(3)** FEET AWAY FROM ANY DISPLAY WINDOW.
 13. NEWS RACKS SHALL BE PLACED TO PROVIDE AT LEAST **(6)** FEET OF PEDESTRIAN PASSAGE
 14. **NO MORE THAN (5) NEWS RACKS SHALL BE PLACED AT ANY ONE LOCATION.**

LOCATION PRIORITY SYSTEM

- NEWS RACK PERMIT FOR A NEW LOCATION SHALL BE GRANTED ON FIRST COME, FIRST SERVE BASIS.

RENEWAL

AT THE END OF THE ONE-YEAR PERMIT TERM, THE PERMITTEE SHALL EITHER:

- APPLY FOR A ONE-YEAR EXTENSION BY OBTAINING A NEW NEWS RACK PERMIT FOR THE SAME LOCATION; OR
- REMOVE ALL NEWS RACKS AND CONNECTIONS FROM THE PUBLIC RIGHT-OF-WAY, AND ARRANGE FOR A FINAL INSPECTION.

FINAL INSPECTION

- PERMITTEE SHALL ARRANGE FOR FINAL INSPECTION AFTER THE COMPLETE REMOVAL OF ALL PERMITTED NEWS RACKS AND CONNECTION HARDWARE FROM THE PUBLIC RIGHT-OF-WAY.
- PERMITTEE SHALL CALL THE DEPARTMENT OF PUBLIC WORKS AT (559) 621-8650 TO ARRANGE FOR FINAL INSPECTION.
- IF THE FINAL INSPECTION REVEALS THAT AN IMPROVEMENT, PUBLIC OR PRIVATE, HAS BEEN DAMAGED BY THE PROCESS OF INSTALLING, USING, MAINTAINING AND REMOVING SAID NEWS RACKS, THEN THE PERMITTEE SHALL BE DIRECTED BY THE CITY ENGINEER TO REPAIR THE DAMAGED IMPROVEMENT WITHIN **TEN (10) CALENDAR DAYS**. IF THE PERMITTEE FAILS TO REPAIR SAID DAMAGE AS DIRECTED, THE CITY ENGINEER SHALL THEN REPAIR THE DAMAGE AND COLLECT THE COST OF SAID REPAIR AS A CIVIL DEBT FROM THE PERMITTEE.

ABANDONMENT OF NEWS RACKS

- IN THE EVENT THAT THE PERMITTEE DOES NOT RENEW THE REQUIRED NEWS RACK PERMIT, AND IF NEWS RACKS INSTALLED ARE NOT REMOVED FROM THE PUBLIC RIGHT-OF-WAY WITHIN **TEN (10) CALENDAR DAYS** AFTER THE END OF THE PERMIT TERM, THE CITY ENGINEER SHALL DEEM THE SAID NEWS RACKS ABANDONED AND REMOVE NEWS RACKS FROM THE PUBLIC RIGHT-OF-WAY.
- ANY NEWS RACKS INSTALLED, USED OR MAINTAINED IN VIOLATION OF THE PROVISIONS OF THIS NEWS RACK REGULATION POLICY, ENGINEER SHALL NOTIFY THE OWNER THEREOF AND REQUEST COMPLIANCE WITHIN **FIFTEEN (15) BUSINESS DAYS** PRIOR TO THE NEWS RACK REMOVAL. IF THE OWNER FAILS TO COMPLY WITH THE SAID REQUEST, THE CITY ENGINEER SHALL THEN REMOVE SAID NEWS RACK AT ANY TIME AFTER THE EXPIRATION OF THE FIFTEEN-DAY PERIOD, AND INFORM THE OWNER OF THE DATE THE NEWS RACK WAS REMOVED, THE REASON THEREOF AND THE LOCATION AND PROCEDURE FOR CLAIMING THE NEWS RACK.
- ANY NEWS RACKS THAT CREATES DANGER TO THE HEALTH, SAFETY OR WELFARE OF THE PUBLIC, SHALL BE SUMMARILY REMOVED AND STORED BY THE CITY ENGINEER WHO SHALL INFORM THE OWNER OF THE DATE THE NEWS RACK WAS REMOVED, THE REASON THEREOF AND THE LOCATION AND PROCEDURE FOR CLAIMING THE NEWS RACK.
- NEWS RACK REMOVED AND STORED PURSUANT TO THIS NEWS RACK REGULATION POLICY SHALL BE ORDERED, BY THE CITY ENGINEER, RETURNED TO THE OWNER UPON PAYMENT OF COST OF REMOVAL AND STORAGE BY THE OWNER TO THE CITY. OWNER SHALL CLAIM STORED NEWS RACKS WITHIN **NINETY (90) CALENDAR DAYS** FROM THE DATE OF REMOVAL AND STORAGE. STORED NEWS RACK THAT IS NOT CLAIMED WITHIN THE AFOREMENTIONED NINETY-DAY PERIOD SHALL BE DISPOSED OF AS AN UNCLAIMED PROPERTY.

CIVIL DEBT

ANY AND ALL PENALTIES AND CHARGES INCURRED BY THE PERMITTEE SHALL BE CHARGED AS A CIVIL DEBT TO THE PERMITTEE, AND MAY BE COLLECTED BY THE CITY IN THE SAME MANNER AS IT COLLECTS ANY OTHER CIVIL DEBT OR OBLIGATION.

STATEMENT & AGREEMENT

I, THE PERMITTEE, HEREBY STATE THAT I HAVE READ AND UNDERSTAND THE ABOVE GUIDELINES OF THIS PERMIT. I, THE PERMITTEE, HEREBY AGREE TO COMPLY WITH ALL APPLICABLE FEDERAL, STATE AND LOCAL LAWS, RULES AND REGULATIONS INCLUDING THE ABOVE GUIDELINES OF THIS PERMIT.

NAME OF PERMITTEE: _____

SIGNATURE OF PERMITTEE
OR AUTHORIZED AGENT: _____

NEWS RACK LOCATION(S): _____

DATE: _____ PERMIT NO.: _____

CITY APPROVAL

CITY APPROVAL:

ISSUANCE DATE: _____