News Racks

An application for Installation of a News Rack is available on the Forms page. You will be asked to sign that you have read and understood the following ordinance.

- § 52.30 PURPOSE AND SCOPE
- § 52.31 DEFINITIONS
- § 52.32 NOTIFICATION TO CITY
- § 52.33 GENERAL PLACEMENT OF NEWSRACKS
- § 52.34 INSTALLATION AND MAINTENANCE
- § 52.35 PROHIBITIONS
- § 52.36 NEWSRACK SECURING STANDARDS
- § 52.37 ENFORCEMENT PROCEDURES
- § 52.38 INSURANCE
- § 52.39 INDEMNIFICATIONHOLD HARMLESS
- § 52.40 SPECIAL PROVISIONS
- § 52.99 PENALTY

§ 52.30 PURPOSE AND SCOPE

The purpose of the following is to promote the public health, safety, and welfare through the regulation of placement, type, appearance, service, and insurance Newsracks on public rights-of-way so as to:

- (A) Provide for pedestrian and driving safety and convenience;
- (B) Restrict unreasonable interference with the flow of pedestrian or vehicular traffic including ingress into or egress from any residence or place of business, or from the street to the sidewalk by persons exiting or entering the parked or standing vehicles;

(C) Provide for public and property safety during hurricane condition;
(D) Provide reasonable access for the use and maintenance of poles, posts, traffic signs or signals, hydrants, mailboxes and access to location used for public transportation purposes;
(E) Relocate andor replace newsracks which result in a visual blight andor excessive space allocation on the public rights-of-way, or which unreasonably detract from the aesthetics of store window displays, adjacent landscaping and other improvements; as well as to have abandoned newsracks removed;
(F) Maintain and protect the values of surrounding properties;
(G) Reduce unnecessary exposure of the public to personal injury or property damage;
(H) Treat all newspapers equally regardless of their size, content, circulation, or frequency of publication;
(I) Maintain and preserve freedom of the press; and
(J) Cooperate to the maximum with newspapers distributors.
(Ord. 1159, passed 5-15-96)
§ 52.31 DEFINITIONS
For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
CITY. The City of Pembroke Pines, a Florida municipal corporation, as geographically described in the City Charter.

NEWSRACKS. Any type of unmanned device including any self-service or coin-operated box, container, storage unit or other dispenser installed, used, or maintained for the display and sale of newspapers or other written periodicals, or for the vending or free distribution of newspapers or other type of written periodicals.

PUBLIC RIGHT-OF-WAY. Any public street, highway, sidewalk, parkway, swale or alley.

ROADWAY. That portion of a street improved, designed or ordinarily used for vehicular travel.

SIDEWALK. Any surface provided primarily for the use of pedestrians, on any public rights-of-way within the boundaries of the city.

STREET. A public thoroughfare of twenty feet (20') or more in width which affords the principal means of access to abutting property.

SWALE. That area between the sidewalks and the edge of any roadway, and where there is no sidewalk, that area between the edge of the roadway and property line adjacent thereto. Swale shall include any area within a street that is not open to vehicular travel.

(Ord. 1159, passed 5-15-96)

§ 52.32 NOTIFICATION TO CITY

The publisher or distributor of any newspaper, magazine, pamphlet, or other written periodical distributed from any newsrack located within a city public right-of-way shall notify the City Engineer or hisher designee, in writing, of the location or change of location of any such newsrack within seven days of its placement or relocation. Such notice shall include: the name, address and telephone number where the person responsible for the newsrack may be reached and the location, specifying the street address or closest streets and a description of placement of the newsrack.

(Ord. 1159, passed 5-15-96)

Subject to the prohibitions set forth in § 52.35 below, in areas where sidewalks abut the curb, newsracks shall be placed parallel to and no less than 14 feet from the edge of the traveled roadway or paved parking lane. If the city determines that such placement is not suitable, the newsrack may be placed on the part of the sidewalk furthest from the roadway. Newsracks so placed must be parallel to and not more than six inches from the wall of the building or back of sidewalk. In areas where there is a grassed swale, newsracks shall be placed on the swale six inches from the front of the sidewalk. If such swale is less than five feet in width, the newsrack may be placed on the edge of the sidewalk furthest from the street, if the conditions of § 52.35 can be met.

(Ord. 1159, passed 5-15-96) Penalty, see § 52.99

§ 52.34 INSTALLATION AND MAINTENANCE

Newsracks shall be placed and maintained in accordance with the following criteria:

- (A) Newsracks shall be of a freestanding rectangular type both vertically and horizontally with external dimensions of not more than 36 inches in height, 21 inches in width and 21 inches in depth. Notwithstanding the above dimensions, freestanding newsracks holding multiple publications may have a height of up to 48 inches. A coin box may be affixed to the top of the rack that has external dimensions that do not exceed 13 inches in height, nine inches in width, and nine inches in depth. Alternatively, the newsrack may be of a pedestal type that has external dimensions that do not exceed 20 inches in height, 24 inches in width and 21 inches in depth on a pedestal of not more than 28 inches in height. Pedestal mounted newsracks shall be designed to comply with Section 4.4 of the Americans With Disabilities Act Accessibility Guidelines for Buildings and Facilities, as may be amended from time to time. Newsracks will be of substantial construction designed to withstand the stresses associated with the sale and dispensing of the media using the newsrack and the environmental exposures experienced in South Florida.
- (B) Newsracks shall carry no advertising, except:
- (1) The name of the publication being distributed; and
- (2) Cardholders kept in neat and untorn condition describing the publication being distributed.

(C) Each newsrack shall be maintained in a neat, clean 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 graffiti;
(2) It is reasonably free of dirt and grease;
(3) It is reasonably free of chipped, faded peeling and cracked paint in the visible painted areas thereof;
(4) It is reasonably free of rust and corrosion in the visible metal areas thereon;
(5) The clear plastic glass parts thereon, if any, through which the publications are viewed are unbroken and reasonably free of cracks, dents, blemishes and discolorations;
(6) The paper or cardboard parts or inserts thereof are reasonably free of tears, peeling or fading; and
(7) The structural parts are not broken or unduly misshapen.
(8) The surrounding area upon which the newsrack is placed will also be maintained in a neat and orderly condition.
(D) Name, address and telephone number of a responsible persons who may be contacted at any time concerning the newsrack shall be displayed on the hood of the newsrack in such a manner as to be readily visible and readable to a prospective customer.
(Ord. 1159, passed 5-15-96) Penalty, see § 52.99

There shall be established general and specific prohibitions which include the following:
(A) General. The general prohibitions common to all business as set forth in the city's Code or Ordinances shall be applicable.
(B) Specific. No newsrack shall be placed, installed, used or maintained:
(1) Within ten feet of any marked crosswalk.
(2) Within ten feet of the point of curvature for the edge of pavement for any intersecting street or entranceway where the sidewalk is discontinued for the entranceway.
(3) Within ten feet of any fire hydrant, fire call box, police call box or other emergency facility.
(4) Within five feet of any driveway.
(5) Within five feet of ahead of, and 15 feet of the rear of, any sign marking a designated bus stop, measured along the edge of pavement.
(6) Within two feet of any bus bench, or plaza bench.
(7) At any location that does not provide a clear width of continuous passage of at least 36 inches in accordance with the Americans With Disabilities Act.
(8) In residential areas, where a vertical surface of the newsrack is on or within 12 inches of any area, other than a swale, improved with lawn, hedges, flowers, or trees.
(9) In nonresidential areas, where a vertical surface of the newsrack is on or within six inches of any area, other than a swale, improved with lawn, hedges, flowers, or trees.

(10) No newsracks will be placed in the median of a divided street.
(11) Within three feet of any display window of any building abutting the sidewalk or swale or in such a manner as to impede or interfere with the reasonable use of such window for display purposes, or within five feet of a building entrance.
(12) Within 150 feet radius of another newsrack containing the same newspaper or news periodical except where separated by a street corner. Where warranted by the quantity of newspaper sales, the City Engineer or hisher designee may allow double newsrack not more that 33 inches wide and otherwise complying with the requirements of § 52.34.
(13) On or within two feet of signs, parking meters, street lights or utility poles.
(D) In any situation where more than one standard applies, the more restrictive standard shall govern.
(E) Where a newsrack is located in a residential area, if a publisher receives a request from an owner of property within 150 feet of the newsrack, such newsrack shall be removed and relocated.
(Ord. 1159, passed 5-15-96) Penalty, see § 52.99
§ 52.36 NEWSRACK SECURING STANDARDS
Any newsrack being installed, placed, and maintained on a public right-of-way, street, or sidewalk shall comply with the following securing standards:
(A) The newsrack will be installed in a safe and secure manner so as to prevent the newsrack from being stolen or becoming a hazard in severe weather. This can be accomplished by either weighing of the newsrack or bolting the newsrack to an independent concrete base. The total weight of the newsrack and any weighing devise shall not be less than 125 pounds.
(B) Newsracks shall not be chained to any tree traffic control devise, sign, bench, bus shelter or pole.

(C) Regardless of the weight of the newsrack, in the event of the issuance of a hurricane warning by any entity with jurisdiction to issue such a warning, the newsrack shall be removed or laid down with its smallest dimension perpendicular to the ground.

(Ord. 1159, passed 5-15-96) Penalty, see § 52.99

§ 52.37 ENFORCEMENT PROCEDURES

- (A) Nonconforming racks. Within 150 days after the effective date of this subchapter and at any time thereafter, any newsrack in violation of any provision of this subchapter shall be subject to the procedures, remedy and due process under Chapter 32 of the city Code of Ordinance.
- (1) Notwithstanding division (A) above, the city reserves the right to immediately remove any newsrack which is improperly placed in a public right-of-way. In the event a publisher or its distributor does not voluntarily recover a newsrack which is installed in violation of this subchapter within 48 hours after receipt of notice demanding the removal said newsrack, the city shall remove the newsrack and temporarily store the hardware.
- (2) The publisher andor distributor shall be responsible for paying the city its actual cost associated with the removal and storage of the newsrack, prior to obtaining possession. Should the publisher or the distributor not take possession of the newsrack within 90 days, the city shall consider the newsrack surplus material and dispose of it appropriately.
- (B) Abandonment.
- (1) In the event a newsrack remains empty for a period of 45 continuous days, the same shall be deemed abandoned and may be treated as being in violation of the provisions of this subchapter.
- (2) In the event a newspaper publishing company or its distributor desires to voluntarily abandon a newsrack location, said distributor shall notify the Public Works Director or hisher designee, completely remove the newsrack, and restore the public right-of-way to a safe and sound condition.
- (3) In the event a publisher or its distributor does not voluntarily recover a newsrack which is determined to be abandoned based upon the above, the city shall notify the publisher, in writing, giving seven days to remove the identified newsrack. Should the publisher or its distributor not remove the newsrack within seven days notice period provided, the city shall remove the newsrack and

temporarily store the hardware. The publisher andor distributor shall be responsible for paying the city its actual cost associated with the removal and storage of the newsrack, prior to obtaining possession. Should the publisher or the distributor not take possession of the newsrack within 90 days, the city shall consider the newsrack surplus material and dispose of it appropriately.

(Ord. 1159, passed 5-15-96; Am. Ord. 1196, passed 2-4-96)

§ 52.38 INSURANCE

Every publisher or distributor who places or maintains a newsrack on a public right-of-way, public sidewalk, street, or swale in the city, shall execute a written agreement under which it agrees to hold the required insurance in connection with the newsracks located in the city. Every publisher or distributor shall also furnish to the Risk Manager or hisher designee, a current certificate of insurance, evidencing proof of the required insurance, on October first (1st) of each year. Reasonable evidence of equivalent self-insurance coverage may be substituted by the applicant for the above certificate of insurance, subject the approval of the Risk Manager and City Attorney. Insurance under this section shall run continuously with the presence of the applicant's newsrack(s) in the city, and any termination or lapse of such insurance shall be a violation of Chapter 52, subject to the appropriate remedy by the Code Enforcement Board pursuant to Chapter 32.

(Ord. 1159, passed 5-15-96) Penalty, see § 52.99

§ 52.39 INDEMNIFICATIONHOLD HARMLESS

Every publisher or distributor who places or maintains a newsrack on a public right-of-way, public sidewalk, street, or swale in the city, shall execute and deliver a written agreement under which it agrees to indemnify, hold harmless and defend the city, its officers, agents and employees from any loss, liability, or damage sustained by any person as a result of the installation, use andor maintenance of a newsrack within the city. This shall not be construed to affect in any way the city's rights, privileges, and immunities as set forth in F.S. § 768.28.

(Ord. 1159, passed 5-15-96)

§ 52.40 SPECIAL PROVISIONS

In the event that the city provides for special infrastructure treatments and improvements in a defined district, place of special interest or special project area, which included specific design elements and hardware as part of the total streetscape, sufficient number and size newsracks will be provided by the

city or public agency to accommodate all interested publishers, and their distributors will utilize the provided standard hardware. In any such defined district, place of special interest or special project area, any and all independent newsracks shall be prohibited.

(Ord. 1159, passed 5-15-96) Penalty, see § 52.99

§ 52.99 PENALTY

Any person, including agents, servants, and employees, found guilty of violating the provisions of this chapter shall be punished as provided in § 10.99. Each day that a violation is permitted to continue shall constitute a separate offense. The imposition of any fine or penalty shall not be construed as excusing or permitting the continuance of any violation of this chapter.

(`69 Code, § 13-35) (Ord. 61, passed 10-1-62; Am. Ord. 466, passed 5-15-78)