

ORDINANCE NO. O21-48

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AMENDING THE GLENDALE CITY CODE, CHAPTER 25 (NUISANCES), ARTICLE II (SPECIFIC ACTS, OMISSIONS AND CONDITIONS), BY ADDING SECTION 25-25 (NEWSPAPER DISPENSERS) AND SETTING FORTH AN EFFECTIVE DATE.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLENDALE as follows:

SECTION 1. That the Glendale City Code Chapter 25, Section 25-25 is amended by adding the following language and shall read as follows:

CITY CODE CHAPTER 25
Article II – Specific Acts, Omissions and Conditions

Sec. 25-25 Newspaper Dispensers.

A. Definitions.

Distributor means the person responsible for placing and maintaining a newspaper rack, the owner of the newspaper rack or the publisher of the newspaper or advertising circular vended therein.

Lock box means a fixture or equipment providing secure delivery of newspapers or other news periodicals or advertising circulars for use or sale by commercial customers and is not accessible to the general public. A lock box may be similar to a newspaper rack but with the coin operating mechanism removed and a locking system installed.

Modular newspaper rack means a fixture or equipment providing multiple self-service or coin-operated boxes, containers, storage units or other dispensers installed, used or maintained for the display, sale or distribution of newspapers or other news periodicals or advertising circulars.

Newspaper dispenser means a newspaper rack, lock box or modular newspaper rack.

Newspaper or news periodical means any publication that contains news reporting.

Newspaper rack means a fixture or equipment providing a singular self-service or coin-operated box, container, storage unit or other dispenser installed, used or maintained for the display, sale or distribution of newspapers or other news periodicals or advertising circulars.

Public right-of-way means right-of-way conveyed or dedicated to the public to be used for a public purpose.

Sidewalk means any surface provided for the exclusive use of pedestrians or motorized wheelchairs.

Street means that part of a right-of-way utilized for vehicular traffic, whether designated as a street, highway, Thorofare, lane or place, or otherwise designated, including access drives for conveyance of vehicular traffic.

B. Placement. Newspaper dispensers may be located on a public sidewalk subject to the following provisions:

1. A horizontal path of at least four (4) feet wide shall remain unobstructed to allow for pedestrian travel along the sidewalk.
2. No newspaper dispensers shall be located:
 - a. Within twenty (20) feet of the intersection of two (2) public streets;
 - b. Within five (5) feet of any marked crosswalk;
 - c. Within five (5) feet of any driveway;
 - d. Within five (5) feet of any fire hydrant or any other emergency facility.
 - e. Within five (5) feet of any bicycle rack;
 - f. Within two (2) feet of any curb where parking is allowed;
 - g. At any location where the newspaper dispenser causes, creates or constitutes a traffic hazard, as deemed by the chief of police or designee;
 - h. As measured parallel to the flow of traffic, within five (5) feet ahead of or within twenty-five (25) feet to the rear of any sign or pavement marking designating a bus stop;
 - i. At any location where the newspaper dispenser obstructs or interferes with access to or the use of abutting property;
 - j. Within five (5) feet of any display window or in such a manner as to interfere with the reasonable use of such a window for display purposes;
 - k. At any location where the newspaper dispenser obstructs access to any public or private facilities that require access to serve the public need, including but not limited to utilities;
 - l. At any location where the newspaper dispenser conflict with the accessibility regulations;
 - m. At any location where the clear space for the passage of pedestrians would be reduced to less than four (4) feet wide; or
 - n. Within a median, which is defined as a landscaped or paved island in the center of the public or private street;

- o. Also, newspaper dispensers shall not be chained or otherwise attached to any tree, bench, sign post, or other fixture or structure whatsoever. Newspaper racks and lock boxes may be secured to each other by vinyl coated cable.

C. Appearance and Maintenance.

- 1. No newspaper dispenser shall be used for advertising signs other than to promote the newspaper, periodical or other publications contained herein. Any permitted advertising sign shall either be painted on the newspaper dispenser or enclosed in or made of a waterproof material and kept free of tears, peeling or fading. The permitted advertising may only appear once on each side of the box. An advertising sign promoting the publication or special edition may be placed on one side of the box.

- 2. Each newspaper dispenser shall be maintained in a clean, neat and attractive condition and in good repair at all times. This shall include but not be limited to:
 - a. Free of graffiti;
 - b. Reasonably free of dirt, grease and rust;
 - c. Free of chipped, faded, cracked or peeling paint;
 - d. Display windows shall be unbroken; and
 - e. All mechanical mechanisms shall be maintained in sound working order;
 - f. Coin-operated newspaper racks and modular newspaper racks shall be equipped with a coin return, which shall be maintained in good working order. All coin-operated newspaper racks and modular newspaper racks shall also post the name, address and telephone number of the person reasonable for reimbursement in the event of failure of the coin mechanism.
 - g. No person shall sell, offer for sale or keep or maintain any newspaper or news periodical in any newspaper dispenser on any sidewalk in such manner as to expose to the public view any photograph, cartoon or drawing, contained within such publication, displaying specified anatomical areas or specified sexual activity as defined in section 21.2-4 of Glendale City Code.
 - h. The name, address and telephone number of the person responsible for receiving all notifications pertaining to the use of a newspaper dispenser shall be permanently displayed on a label on the exterior of each newspaper dispenser.
 - i. If a newspaper dispenser remains empty for a period of 30 continuous days, it shall be deemed abandoned and may be treated in the manner as provided in section 25-25 D for newspaper dispensers in violation of the provisions of this chapter.

D. Enforcement.

- 1. Any newspaper dispenser installed, used, or maintained in violation of the provisions of this chapter may be, after ten working days' notice to the person designated pursuant to

subsection 25-25 C.2.h above, removed by the city and stored in any convenient place. The notice shall give the distributor the opportunity to first cure the violation or to be heard at a code enforcement hearing, as determined by the city manager, in reference to such violation. After removal of the newspaper dispensers, the distributor shall receive notice thereof. Upon failure of the distributor, following such notice, to claim the newspaper dispenser and pay the expenses of removal and storage plus administrative expenses within 30 days after notice, the newspaper dispenser shall be deemed unclaimed property in possession of the city and may be disposed of pursuant to Glendale City Code 2-249.

2. The code official, field operations director, chief of police or designee may summarily remove any newspaper dispenser where its installation, use or maintenance poses an imminent or immediate danger to pedestrians or vehicles, creates a health or safety hazard for pedestrians or vehicles, or otherwise unreasonable interferes with the safe use of any public right-of-way or other public property. After removal of the newspaper dispenser, the distributor shall be notified thereof. Upon failure of the distributor, following such notice, to claim the newspaper dispenser and pay the expenses of removal and storage within 30 days after notice, the newspaper dispenser shall be deemed unclaimed property in possession of the city and may be disposed of pursuant to law.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Glendale, Maricopa County, Arizona, this 22nd day of June, 2021.

Mayor Jerry P. Weiers

ATTEST:

Julie K. Bower, City Clerk (SEAL)

APPROVED AS TO FORM:

Michael D. Bailey, City Attorney

REVIEWED BY:

Kevin R. Phelps, City Manager