

CHAPTER 908
Newspaper Dispensing Devices

908.01 Definition.

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908.01 DEFINITION.

The term "newspaper dispensing device", as used in this Section, shall mean a container which may or may not be coin operated. The design of such devices shall be subject to the approval by the Design and Construction Board of Review and in no instance shall be greater than fifty (50) inches in height and twenty-five (25) inches in length and width.

908.02 PERMIT AND APPLICATION.

(a) The Director of Public Safety-Service, upon application on forms approved by the Mayor, may issue a rental permit for the installation of newspaper dispensing devices on public property along the streets and thoroughfares within the City for newspapers having general circulation throughout the City subject to the remaining provisions of this section.

(b) Newspaper dispensing devices shall not be placed in the residential use districts of the City. Such devices shall otherwise be placed adjacent and parallel to building walls not more than six (6) inches distant therefrom or near and parallel to the curb not less than eighteen (18) inches and not more than twenty-four (24) inches distant from the curb. Such placement shall be at such locations applied for and determined by the Director of Public Safety-Service not to cause undue health or safety hazard, interfere with the right of the public to the proper use of the streets and thoroughfares, or cause a nuisance as prescribed by Ohio Revised Code, Section 723.01. Provided further, however, that no newspaper dispensing device shall be placed, installed used or maintained:

- (1) So as to reduce the clear, continuous sidewalk width to less than eight (8) feet.
- (2) Within five (5) feet of any fire hydrant or other emergency facility.
- (3) Within five (5) feet of any intersecting driveway, alley or street.
- (4) Within three (3) feet of any marked crosswalk.
- (5) At any location where the clear space for the passageway of pedestrians is reduced to less than six (6) feet.

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- (6) Within two hundred fifty (250) feet of another newspaper dispensing device containing the same newspaper or news periodical.
 - (7) At any location where three (3) newspaper dispensing devices are already located.
- (c) The rental permit shall be granted upon the following conditions:
- (1) The permittee shall pay a rental fee which shall be the fair market rental value for the property used as determined by the Director of Public Safety-Service, but not less than Ten Dollars (\$10.00) per year or part thereof, for each location where a newspaper dispensing device is installed.
 - (2) The permittee, upon the removal of a newspaper dispensing device, shall restore the property of the City to the same condition as when the device was initially installed, ordinary wear and tear excepted.
 - (3) The permittee shall maintain the device in good working order and in a safe and clean condition and keep the immediate area surrounding such device free from litter and debris.
 - (4) The permittee shall not use a newspaper dispensing device for advertising signs or publicity purposes other than that dealing with the display, sale or purchase of the newspaper sold therein.
 - (5) The permittee shall save and hold the City of Rocky River harmless from all liability for any reason whatsoever occasioned upon the installation and use of each newspaper dispensing device. The permittee shall furnish, at permittee's expense, such public liability insurance as will protect permittee and the City from all claims for damage to property or bodily injury, including death, which may arise from the operation under the permit or in connection therewith. Such policy shall name the City of Rocky River as an additional insured, shall be in an amount not less than One Hundred Thousand Dollars (\$100,000.00) combined single limit for any injury to persons and/or damaged property, and shall provide that the insurance coverage shall not be cancelled or reduced by the insurance carrier without thirty (30) days prior written notice to the City. A certificate of such insurance shall be provided to the City and maintained before and during the installation of such devices.

- (6) Rental permits shall be for a term of one (1) year and shall not be assignable.
- (7) Such other terms and conditions deemed necessary and reasonable by the Director of Public Safety-Service.

(d) Rental permits issued pursuant to this Section may be revoked by the Director of Public Safety-Service after notice and hearing for any of the following causes:

- (1) Fraud, misrepresentation or any false statement contained in the application for such a permit.
- (2) Violation of any provision of ordinances regulating such rental permit.
- (3) Violation of the terms of the rental permit granted.

Notice of hearing for such a revocation shall be given in writing stating the grounds of the complaint together with the time and place of hearing. Such notice shall be mailed, postage prepaid, to the permittee at the address given in the rental permit application at least five (5) days prior to the date set for hearing.

(e) A person aggrieved by a decision of the Director of Public Safety-Service in refusing to grant or revoking a rental permit shall have the right to appeal to the Board of Zoning and Building Appeals. Such appeal shall be taken by filing a notice of appeal including a statement of the grounds for the appeal with the Director of Community Development within ten (10) days after notice of the decision by the Director of Public Safety-Service has been given. The Board of Zoning and Building Appeals shall set the time and place for hearing such appeal and notice of such time and place shall be given in the same manner as specified hereinabove. The Board of Zoning and Building Appeals shall have the power to reverse, affirm or modify the decision of the Director of Public Safety-Service and any such decision made by the Board of Zoning and Building Appeals shall be final.

(Ord. 59-85. Passed 7-25-85).

908.99 PENALTY.

Whoever violates any provision of this Chapter shall be guilty of a minor misdemeanor for the first offense. Whoever violates any provision of this Chapter shall be guilty of a fourth degree misdemeanor for the second offense or subsequent offenses.

(Ordinance No. 7-82. Passed 2-8-82).