

ORDINANCE NO. 794 N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING ORDINANCE 780 N.S.
TO REVISE CERTAIN REGULATIONS FOR NEWSRACKS

WHEREAS, at its meeting of September 21, 1999, the City Council of the City of El Paso de Robles adopted Ordinance 780 N.S. to establish regulations for the placement and maintenance of newsracks within public rights-of-way and on other public property; and

WHEREAS, the City Council finds it necessary to make minor revisions to Ordinance 780 N.S. to clarify certain provisions and make others more internally-consistent; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Subsection "G" of Section 11.35.030 of the Municipal Code, as established by Ordinance 780 N.S., is hereby amended to read as follows:

G. Conditions for Permit.

1. *In issuing a permit for a particular site, the Director shall be guided solely by the standards and criteria set forth in this Chapter. In any case where Director disapproves of a particular site, such disapproval shall be without prejudice to the applicant who may designate a different location or locations and resubmit an application.*
2. *Permits shall be issued for the placement of a newsrack or newsracks only after City inspection of a proposed site, or sites, and the placement, maintenance or operation thereof shall be conditioned upon compliance with the provisions of this Chapter.*
3. *Permits shall be issued within ten (10) working days after the following have occurred: (a) an application has been deemed complete; and (b) the Director made a finding that the application complies with all of the provisions of this Chapter.*
4. *If an application or a proposed site is denied at any stage of the process, the Director shall promptly notify the applicant in writing of the specific reason for such denial and the right of a hearing in accordance with Section 11.35.100.*
5. *The Distributor shall have an ongoing duty to provide the City with current information in order to allow the Director to contact the Distributor and any representative or other responsible person during the term of the permit. Any failure by the Distributor to provide the City with the current information set forth in subsections D.1 and D.2, above, shall constitute grounds for termination of the permit. Upon termination of any permit because of such failure to provide the City with current contact information, all newsracks covered by the permit shall be deemed abandoned and may be impounded in accordance with Section 11.35.090.*
6. *Once a permit has been issued, the location of a newsrack may not be changed without the Distributor first obtaining a new newsrack permit. Any newsrack that is relocated without a new permit may be impounded in accordance with Section 11.35.090.*
7. *If a permit for a newsrack is not renewed or a permit has been revoked by the City because of a failure to comply with the provisions of this Chapter 11.35, the City shall send a written notice to those Distributors who have requested, in writing, to be notified of any locations for which permits are available, and the date by which any applications for such permit should be submitted. If the number of applications received by the City exceeds the number of permits available for a particular location, the City shall conduct a lottery in substantially the same manner as set forth in Section 11.35.110.B.4.*
8. *Permit Sticker. Upon permit approval or renewal, the Director shall issue the Distributor a sticker or stickers evidencing the permit or renewal, which sticker shall be affixed to each newsrack, in the manner specified by the Director, within ten (10) working days of permit or renewal approval.*

SECTION 2. Subsection "B" of Section 11.35.110 of the Municipal Code, as established by Ordinance 780 N.S., is hereby amended to read as follows:

B. Removal or Initial Filing:

1. *Within thirty (30) days of the date of the written notice described in Subsection A, any Distributor of any existing newsrack located within City Park or within the park side of rights-of way bordering City Park, shall remove said newsrack(s) or said newsrack(s) shall be summarily impounded.*

2. For any newsrack(s) existing in the City as of the effective date of this Chapter, and not included within paragraph B.1, above, within thirty (30) days of the date of the written notice described in Subsection A, the Distributor of such newsrack shall either remove the newsrack, or file an application for a permit or permits required by this Chapter for all sites at which the Distributor maintains a newsrack.
3. Any existing newsracks that do not conform to the standards set forth in Section 11.35.040 shall be removed from the public right-of-way or from public land within thirty (30) days of the date of the written notice described in Subsection A.
4. As of the effective date of this Chapter, in the event that there exist more than one (1) newsrack per 100 linear feet ~~three (3) newsracks~~ on any block face, and the Distributors maintaining the newsracks on said block face indicate in writing to the Director, within thirty (30) days of the date of the written notice described in Subsection A, their desire to continue to place or maintain a newsrack on said block face, the Director shall assign the allowable number of ~~three (3)~~ spaces on said block face at random by placing the names of all applicants for said spaces into a container from which the names shall be drawn, one at a time, until the allowable number of ~~three (3)~~ spaces have been filled. Such drawing shall be open to the public at a date, time and place designated by the Director, provided that written notice of the date, time and place of said drawing shall be given to all applicants via first-class mail, to be mailed at least ten (10) days prior to the drawing.
5. Any existing newsracks in excess of the allowable number of spaces ~~three (3)~~ per block face that were not selected via the drawing described in Subsection B.4 to be allowed to remain on the block face shall be removed from the public right-of-way or from public land within thirty (30) days of the date of the drawing described in Subsection B.4.

SECTION 3. Subsection “C” of Section 11.35.110 of the Municipal Code, as established by Ordinance 780 N.S., is hereby amended to read as follows:

C. Initial Permit Processing: For the initial processing of permit applications on existing newsracks, the City shall have up to thirty (30) days to issue permits upon the receipt of a completed permit application that complies with the requirements of this Chapter. The initial permits shall expire on June 30, 2001 ~~2000~~.

SECTION 4. Publication. The City Clerk shall cause this ordinance to be published once within fifteen (15) days after its passage in a newspaper of general circulation, printed, published and circulated in the City in accordance with Section 36933 of the Government Code.

SECTION 5. Severability. If any section, subsection, sentence, clause, or phrase of the Ordinance is, for any reason, found to be invalid or unconstitutional, such finding shall not affect the remaining portions of this Ordinance.

The City Council hereby declares that it would have passed this ordinance by section, subsection, sentence, clause, or phrase irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases are declared unconstitutional.

SECTION 6. Inconsistency. To the extent that the terms of provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance(s), motion, resolution, rule, or regulation governing the same subject matter thereof and such inconsistent and conflicting provisions of prior ordinances, motions, resolutions, rules, and regulations are hereby repealed.

SECTION 7. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the 31st day after its passage.

Introduced at a regular meeting of the City Council held on April 4, 2000, and passed and adopted by the City Council of the City of El Paso de Robles on the 18th day of April, 2000, by the following roll call vote, to wit:

AYES:	Baron, Macklin, Mecham, Swanson and Picanco
NOES:	None
ABSENT:	None
ABSTAINING:	None

Duane Picanco, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk