

TITLE 6
NEWSRACKS
Chapter 1. General Provisions

§6101. Statement of facts and purpose

The Village of Woodstock is a commercially active but small community which possesses a natural beauty and an historic character which has long been recognized by its residents and others. Its economic base is substantially supported by that recognition and the tourism it generates. A large number of properties located in the Village are listed on both the National and State Registers of Historic Places. The commercial center of the Village is located wholly within a designated historic area wherein all buildings are regulated by a special design review procedure. The commercial center of the Village is also intersected by a major U.S. highway. As a result of the tourism and location of the major highway, the Village experiences a high volume of pedestrian and vehicular traffic and currently suffers from a shortage of designated parking.

The unregulated placement of coin-operated newsracks in public places in the Village poses a threat to the natural beauty, historic character, and aesthetic qualities of the Village, as well as to the safety of pedestrian and vehicular traffic.

The purpose of this chapter is to regulate the placement, installation, design, and maintenance of newsracks in public areas of the Village in order to further protect and preserve the aesthetic and historic characteristics of the Village and its economic base, and, in general, to promote the public health, safety, welfare and convenience of its residents and others. It is a further purpose of this chapter to recognize and give adequate protection to the rights of newspaper and news periodical owners to have their publications distributed.

§6102. Definitions

For purposes of this chapter, the following terms shall have the meanings set forth herein:

(a) "Historic area" means that area within the Village lying within the boundaries described and set forth in Section 4.101 of the Village of Woodstock Zoning Ordinance, as said provision may, from time to time be amended or substituted.

(b) "Newsrack" shall mean any coin-operated box, container, storage unit, or other dispenser installed, used, or maintained for the display and sale of newspapers or news periodicals.

(c) "Permitted area" means:

(1) Any portion of sidewalk not located in the historic area; and

(2) The following portions of sidewalk located in the historic area:

(i) That portion of the southerly edge of the sidewalk on the northerly side of Central Street located in front of the post office property which extends between points fifteen (15) feet and thirty (30) feet easterly of the easterly edge of the driveway leading into the post office parking lot and which is not occupied by existing mailboxes or utility fixtures. Notwithstanding the provisions of section 6104(2) of this chapter, one newsrack may be placed directly north of the light pole situated in such space.

(ii) That portion of the westerly edge of the sidewalk on the westerly side of

Court Street located along the brick wall running along the parking lot serving the Woodstock Inn which extends between the northerly corner of said brick wall nearly opposite the courthouse and a point along said brick wall 10 feet southerly of said corner.

(iii) That portion of the northerly edge of the sidewalk on the northerly side of U.S. Route #4 located along the guardrails extending westerly from the westerly end of the iron bridge located nearly opposite the "Little Theater" which extends between the westerly end of said iron bridge and a point along said guardrails 10 feet westerly thereof.

(d) "Person" means any natural person, corporation, partnership, unincorporated association, firm, municipality, governmental unit or other legal entity.

(e) "Public area" means any area of the Village publicly owned or over which the public has a legal right-of-way or easement for any purpose including but not limited to, public highways, streets, roadways, sidewalks, parking areas, alleys, bridges, parks, and fields.

(f) "Restricted area: means any public area not lying within a permitted area.

(g) "Sidewalk" means any public area which has been paved and set aside for the exclusive use of pedestrians.

§6103. Prohibitions

(a) No person shall install, place, or maintain, or cause to be installed, placed, or maintained, a newsrack in any restricted area.

(b) No person shall install, place, or maintain, or cause to be installed, placed, or maintained, a newsrack in any permitted area unless such installation, placement, or maintenance is done in compliance with all of the standards outlined in section 6104 of this chapter.

§6104. General Standards

Any newsrack installed, placed, or maintained in any permitted area shall comply with all of the following standards:

(a) No newsrack shall be installed, placed, or maintained in such a manner as to:

(1) Endanger the safety of persons or property; or

(b) Unreasonably interfere with or impede:

(1) The flow of pedestrian or vehicular traffic;

(2) The ingress or egress from any structure or building, whether residential, business, or public;

(3) Any legally parked or stopped vehicle;

(4) The use of public fixtures including but not limited to, utility poles, mail boxes, fire alarms, traffic signals or signs, fire hydrants, or parking meters; or

(5) The removal of snow, ice, leaves, or debris, whether the removal is a public or private duty.

(c) Unless otherwise provided in this chapter, a newsrack shall only be placed and maintained on the edge of a sidewalk and parallel to the curb either adjoining or within five (5) feet of an existing newsrack or at least three hundred (300) feet away from any existing newsrack. Compliance with this provision shall be determined as of the date the

newsrack is originally placed at a specific location and such compliance shall not be affected by the subsequent removal or changes in placement of other newsracks.

(d) A newsrack shall not be chained, bolted or otherwise secured to any property owned by the Village or by any other person without permission of the owner therefor.

(e) No more than one (1) newsrack which contains the same issue or edition of the same newspaper or news periodical shall be placed or maintained in the historic area.

(f) Each newsrack shall have affixed to it in a permanent manner a visible, legible notice card not larger than eight (8) inches by twelve (12) inches containing substantially the same notice as follows:

IN CASE OF A MALFUNCTION OF THIS NEWSRACK OR AN ACCIDENT INVOLVING IT OR TO SECURE A REFUND THE DISTRIBUTOR (OR OTHER PERSON) WHO HAS PLACED AND MAINTAINS IT IS:

Name of Distributor (or other person)

Address of Distributor (or other person)

Telephone Number of Distributor (or other person)

(g) Each newsrack shall be maintained in a neat and clean condition and in good repair at all times.

(h) A newsrack shall not be installed, placed, or maintained;

(1) Within three (3) feet of any marked crosswalk;

(2) Within fifteen (15) feet of any fire hydrant;

(3) Within three (3) feet of any fire call box or other emergency communication device including, but not limited to, public telephones;

(4) Within six (6) feet of any driveway, public or private;

(5) Within fifty (50) feet of the fire or police stations;

(6) Within three (3) feet of any display window of any building abutting the sidewalk or in such manner as to impede or interfere with the reasonable use of such window for display purposes;

(7) Within two hundred (200) feet of any other newsrack which contains the same issue or edition of the same newspaper or news periodical; or

(8) At any location whereby the clear space for the passageway of pedestrians is reduced to less than four (4) feet in width.

(i) A newsrack shall not exceed five (5) feet in height, thirty (30) inches in width, or two (2) feet in depth.

(j) A newsrack shall not be used for advertising or publicity purposes other than that dealing with the display, sale or purchase of the newspaper or news periodical offered for sale therein.

§6105. Agreement to Hold Harmless

Any person who installs, places, or maintains a newsrack in the Village of Woodstock shall, by such act or acts, be deemed to have agreed to defend (at the option of the Village) indemnify and hold harmless the Village, its officers, trustees, manager, agents, and employees, from and against all claims, causes of action, suits, losses, and damages, including expenses, attorney's fees, and costs, for bodily or personal injury and for property damage sustained by any person as a result of the installation, placement, use, or maintenance of such newsrack within the Village of Woodstock. A person who installs or places a newsrack in the Village of Woodstock shall, within fourteen (14) days of such installation or placement, file with the Village manager a written statement agreeing to so indemnify the Village of Woodstock.

§6106. [Repealed]**History:**

1996 Amendment. Section which related to public nuisance was repealed by section 1(H) of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996.

§6107. Notice of Violation

No action may be brought under this chapter against an alleged violator unless written notice of the date, place, and nature of the violation being alleged is mailed to such alleged violator by certified or registered mail and the violation alleged in said notice has not been remedied within seven (7) days after the date said notice is so mailed.

§6108. Severability

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and for this purpose the provisions of this chapter are severable.