

CITY OF NORTHAMPTON

MASSACHUSETTS

In the Year Two Thousand and Twenty

Upon the Recommendation of the Mayor and Planning & Sustainability

An Ordinance of the City of Northampton, Massachusetts, providing that Chapter 285 Code of Ordinances, City of Northampton, Massachusetts, be amended by adding section 285-31 (Newspaper Boxes) of said code; to encourage the availability of publications consistent with public safety and public use of sidewalks and public spaces.

20.139 An ORDINANCE to add Section 285-31 Newspaper Boxes

An Ordinance of the City of Northampton, Massachusetts. Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows:

Section 285-31 Newspaper Boxes

A. The purposes of this ordinance are:

- 1) To prevent the unlimited proliferation of private news racks that cause visual clutter, reduce pedestrian safety, and negatively impact city aesthetics.
- 2) To replace individual private news racks with publicly-owned multi-rack newsstands that provide available space for all types of publications.
- 3) To promote the public health, safety and welfare and the aesthetic qualities of the City by controlling the placement, size, construction and appearance of news racks.

B. Definitions

- 1) Newspaper box: shall mean a container used for dispensing of publications to the public at a fee or no charge.
- 2) Broadsheet: the largest newspaper format, characterized by long vertical pages (typically 22.5 inches), typically stored in a newspaper box with a fee collecting mechanism.
- 3) Tabloid: a newspaper having pages half the size or smaller of those of a broadsheet newspaper.

C. Use Regulations

- 1) Privately owned newspaper boxes may not be placed on City sidewalks or on any public property.
- 2) The City provides public newspaper boxes with spaces available for lease for both broadsheet and tabloid publications, on a space available basis.

- D. Use of public newspaper boxes
- 1) Publishers shall apply to the Northampton Building Department for a box space in city-owned newspaper box on the form prescribed by the Building Department, including preferences for newspaper box locations.
 - 2) The Building Department shall annually allocate space at public newspaper box locations using the following:
 - a) First, renewing requests for existing permittees in good standing for their existing space (or for the first year, permitted private boxes on the public way);
 - b) Then, on a first-come-first-served basis based upon the date of receipt of a completed application;
 - c) If applications received simultaneously exceed available boxes, a lottery drawing to determine allocation of available remaining public newspaper box spaces.
 - d) If public newspaper box spaces become available during the year, the Building Department may allocate them to applicants using the same procedures as their annual allocation.
 - 3) Registration and fees shall be due and payable on an annual basis upon the Building Department's annual allocation of newspaper box space.
 - a) Publications shall pay an additional annual registration fee to the City, based on a fee per box for tabloid publications (smaller size boxes) and fee for broadsheet publications (larger size boxes with fee collecting).
 - b) The Mayor shall annually set the application, annual registration, and, if applicable, box retrieval fees for private boxes removed from the street.
- E. The City shall install public newspaper boxes in downtown Northampton and in Florence Center, subject to exact location and relocations approved by the Department of Public Works:
- F. Once public newspaper boxes have been installed, publishers will be notified to occupy the new boxes and to remove all free standing news racks within 30 days of the notification. Free standing racks are not allowed to coexist on sidewalks with public newspaper boxes. Private newspaper boxes not removed within 30 days of notification shall be removed by the Building Department. The City is under no obligation to store private boxes after their removal. If the City does store any private boxes, any box retrieval shall require the payment of a box retrieval administrative fee.
- G. Newspaper box licensees shall be responsible for the maintenance of their door, door operation, fee collection box if applicable, and the inside of their newspaper box space. Newspaper boxes shall not be used for or contain advertising, logos, or for publicity purposes other than that associated with the dispensing of the publication contained in the box. Public newspaper boxes shall be kept in a reasonably clean, neat and rust free condition, with at least 90% of the surface area free of graffiti and weekly cleaned to remove all litter inside, under and around the box.
- H. Newspaper box permit holder shall hold the City of Northampton harmless from all claims for damage whatsoever arising from the use of public newspaper boxes and provide a Certificate of Insurance documenting Workers Compensation coverage and \$10,000/\$100,000 of property damage with the City named as an additional insured.

- I. Public newspaper boxes not used and/or not maintained for 30 consecutive days, not used for the publication shown on the registration form, or for which no annual fee is paid will be considered abandoned and the Building Department may rescind the public newspaper box space permit, and re-allocate the space, with seven days written or email notice to the address shown on the newspaper box registration.