



Meeting Date: 09 / 11 / 07

ACTION	TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input checked="" type="checkbox"/> Info/Consent
<input type="checkbox"/> Ord. No(s). _____	<input type="checkbox"/> Report
<input type="checkbox"/> Res. No(s). _____	<input type="checkbox"/> Public Hearing (Info/consent)
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____

Prepared By: Dirk Voss, Code Compliance Manager

Agenda Item No. I-8

Reviewed By: City Manager *mmk*

City Attorney *[Signature]*

Finance *SW*

Other: Police Dept. *[Signature]*

DATE: August 31, 2007

TO: City Council

FROM: Dirk Voss, Code Compliance Manager
Police Department *[Signature]*

SUBJECT: Ordinance Regulating Newsracks on Public and Private Property

RECOMMENDATION

That City Council approve the first reading by title only and subsequent adoption of an ordinance amending section 7-110 of the Oxnard City Code ("OCC"), deleting section 7-113(A)(5), repealing and readopting section 7-113(B), and adding section 7-113(C) regarding the regulation of newsracks on public and private property.

DISCUSSION

Currently, the City regulates the color, size, design, placement, installation, and maintenance of newsracks placed on public property. A permit issued by the City is also required before a newsrack may be placed on the public right-of-way. The City, however, does not currently regulate newsracks placed on private property and only requires that consent from the property owner be obtained in writing before a newsrack is placed on private property.

The proposed ordinance would regulate the color, size, design, placement, installation, and maintenance of newsracks placed on both public and private property. If approved, current OCC section 7-113(A)(5), which requires written consent from a property owner before a newsrack is placed on private property, would be deleted so part (A) would only contain regulations for newsracks placed on public property. Current OCC section 7-113(A)(5) would then be adopted into part (B), and part (B) would only contain regulations for newsracks placed on private property.

FINANCIAL IMPACT

The costs of enforcement of this amendment to the OCC will be absorbed in the Fiscal Year 2007-2008 budget of the Oxnard Police Department.

ORDINANCE OF THE CITY OF OXNARD

ORDINANCE NO. ___

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING
SECTIONS 7-110 AND 7-113 OF THE OXNARD CITY CODE CONCERNING THE
REGULATION OF NEWSRACKS ON PUBLIC AND PRIVATE PROPERTY

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WHEREAS, the unregulated placement and size of newsracks on private property can pose threats to the public health, safety, and welfare; and

WHEREAS, the unregulated size and color of newsracks on private property can contribute to a blighted neighborhood as such newsracks may not be consistent with the size and color of newsracks on public property; and

WHEREAS, clearly defined sizes, colors and placements for newsracks on private property will provide an aesthetic pleasing neighborhood that discourages blight because such newsracks will be consistent with the size, color and placement of newsracks on public property.

Now, therefore, the City Council of the City of Oxnard does ordain as follows:

Part 1. Section 7-110 of the Oxnard City Code is hereby amended to read as follows:

“SEC. 7-110. PURPOSE.

The city council hereby establishes a comprehensive set of regulations applicable to newsracks in the public right-of-way and to newsracks placed on private property with the written consent of the property owner. These regulations are intended to ensure the preservation of the public health, safety and welfare while enhancing community and neighborhood aesthetics. The regulations are not intended to restrict the rights of freedom of the press or distribution of information.”

Part 2. Section 7-113(A)(5) of the Oxnard City Code is hereby deleted as follows:

“(5) No person shall chain, bolt or otherwise attach a newrack to any privately owned property or to any permanently fixed, privately owned object unless the consent of the owner of such property or object is obtained in writing.”

Part 3. Section 7-113(B) of the Oxnard City Code is hereby repealed and readopted to read as follows:

“(B) The following regulations shall apply to any newsrack located on private property with the written consent of the property owner:

(1) No person shall chain, bolt or otherwise attach a newsrack to any privately owned property or to any permanently fixed, privately owned object unless the consent of the owner of such property or object is obtained in writing.

(2) No person shall install, use, or maintain any newsrack if such newsrack exceeds 48 inches in height, 30 inches in width, or 24 inches in depth or weighs in excess of 125 pounds when empty.

(3) Each newsrack shall be installed on a single pedestal which shall be securely anchored to the sidewalk or a concrete pad through the use of bolts and sleeves.

(4) Each newsrack shall be constructed, installed, and maintained in a safe and secure condition and in accordance with standards adopted by the city.

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

(6) Each newsrack on private property shall conform to the uniform color requirements established in Oxnard City Code sections 7-113(A)(9)(a) and (b) for newsracks on public property.”

Part 4. Section 7-113(C) of the Oxnard City Code is hereby added to read as follows:

“(C) These subsections regulating colors shall apply to all newsracks and pedestals located on private property six months after the effective date of this article, any newsrack or pedestal after the effective date of this article, and any newsrack that is removed and repaired after the effective date of this article.”

Part 5. Within 15 days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation within the city. Ordinance No. ___ was first read on _____, 20__ and finally adopted on _____, 20__ to become effective thirty days thereafter.

AYES:

NOES:

ABSENT:

Dr. Thomas E. Holden, Mayor

