

ORDINANCE 2970

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LOCATION AND REGULATION OF NEWSSTANDS WITHIN OR IN PUBLIC RIGHTS-OF-WAY AND OTHER PUBLIC PLACES WITHIN THE DOWNTOWN BUSINESS AREA.

Be it ordained by the City Council of the City of Kirkland as follows:

Section 1. Statement of purpose, policy and standards.

This Ordinance shall be interpreted and implemented in a manner to:

- (1) Enable the public to acquire a wide variety of publications with a diversity of news, information, ideas and opinions at convenient locations and public places.
- (2) Facilitate the distribution and publications in public places as contemplated by Article 1, Section 5 of the Constitution of the State of Washington and the First Amendment of the United States Constitution.
- (3) Maintain the use of City streets and other public rights-of-way for travel and transportation and incidental authorized purposes and to retain the use of other public places for the purposes established.
- (4) Consider the interests of owners and occupants of property adjacent to public rights-of-way and public places while respecting the rights of all users thereof.
- (5) Preserve the appearance of public rights-of-way and public places, carry out design controls in areas subject thereto, encourage improvements that make public places more pleasing and promote the use of modern aesthetic newsstands in congested areas.

The foregoing statement of purpose and policy shall guide the City in determining the overall public interest in regulating the placement, construction, maintenance, size and appearance of newsstands.

Section 2. Definitions.

For the purposes of this Ordinance:

- (1) "City" means the Kirkland City Manager or by delegation, the Director or other designated employee

of the Department of Public Works, acting in consultation with the Director or other designated employee of the Department of Planning and Community Development.

(2) "Downtown Business Area" means that area within the City of Kirkland north of Second Avenue South, west of I-405, south of 7th Avenue and east of Lake Washington.

(3) "Modular unit" means newsstands meeting the following specifications:

An integrated combination of newsstands containing four (4) boxes, and with overall outside dimensions not greater than 48 1/2 inches in width, 17 3/16 inches deep and 52 inches in height. Modular units meeting the requirements of this ordinance include: SHO-RACK or Berkeley Small components identified as follows: box: K-49-16; tray: MB #2; pedestal: MP #1.

(4) "Newspaper" means any newspaper or similar periodical or publication designed to provide information of either a general or special nature to the general public or any segment thereof.

(5) "Newsstand" includes any box for storage, display, sale and/or other distribution of newspapers to the general public.

(6) "Publisher" means any person, corporation or other business entity engaged in the business of newspaper publication and circulation for sale or other distribution to the general public.

Section 3. Mandatory Requirements.

All newsstands and modular units within a public right-of-way or other public place shall be situated in a specific location marked by the City, shall provide adequate clear sidewalk space for pedestrian passage, be detectable by pedestrians using canes for guidance and be maintained in a safe condition able to withstand strong winds and in good repair at all times. All newsstands and modular units shall be blue and in a shade established by the City.

Section 4. When Permits are not Required.

Except as otherwise provided in Sections 5 and 6 of this Ordinance, publishers may place newsstands in public places without a permit. Modular units in number and location as specified in subsection 6(1) and subsection

6(2), are allowed without permit, provided such modular units otherwise conform to the requirements of Sections 3, 5 and 6 of this Ordinance.

Section 5. When Permits are Required and may be Issued.

Without a permit from the City, no newsstand shall:

- (1) Be placed or maintained so as to obstruct the use of any crosswalk, wheelchair ramp, driveway, hydrant or City emergency facility; or more than four (4) feet or less than 18 inches from the curb;
- (2) Impair loading at any bus, taxi, passenger or truck loading zone; hinder egress to parked vehicles in marked parking stalls; obstruct sight lines of motorists at an intersection; orient toward the roadway; or obscure any regulatory sign;
- (3) Be fastened to any Metro facility, any utility pole or tree or be permanently affixed to or removed after affixation from the surface of any public place;
- (4) Contain advertising other than that which relates exclusively to the publication or publications sold, or be used for purposes other than sale of such publication;
- (5) Permitted advertising shall be in the form of screening of letters and/or logos on one face of the newsstand and shall not occupy more than 25% of the face of the newsstand.
- (6) Exceed the size limitations established or authorized by this Ordinance;
- (7) Conflict with any design policies adopted for historical and/or special review districts, or be placed within 200 feet of the limits of a street improvement that provides for integration of newsstands into structures located therein;
- (8) Conflict with any rule or regulation adopted by the City, pursuant to Section 9 of this Ordinance.

Section 6. Newsstand Congestion Control. Without a permit from the City, no newsstand nor modular unit shall be placed within 200 feet of any corner or other location having four or more newsstands or one or more modular units, nor within 200 feet of the following specific locations, where approved modular units are required:

- (1) Locations where two modular units are permitted:
 - a. Northwest corner of Lake Street and Kirkland Avenue
 - b. Mid-block on the south side of Park Lane between Lake Street and Main Street
 - c. West side of Lake Street in front of "Moss Bay Building"
 - d. Third Street at Park Lane (Metro Transit Center)
- (2) Locations where one modular unit is permitted:
 - a. Mid-block on the east side of Lake Street between Kirkland Avenue and Second Avenue South
 - b. East side of Lake Street between Kirkland Avenue and Second Avenue South at "Moss Bay Commons Building"
 - c. Southwest corner of Lake Street and Kirkland Avenue
 - d. Mid-block on north side of Kirkland Avenue between Lake Street and Main Street.

Section 7. It shall be the policy of the City of Kirkland to consider the location of newsstands and the practicality of integrating newsstands into structures being erected in the planning for projects in the central business district involving the construction or re-construction of a substantial segment of sidewalk or other open area for pedestrian use and to utilize such integrated structures wherever practical in such areas and wherever appropriate, to encourage the replacement of single publication newsstands with attractive modular units.

Section 8. Permits may be Issued.

The City may issue a permit to allow the location of a newsstand restricted by Section 6 or by subsections 1 through 7, inclusive, of Section 5 whenever the same constitutes a reasonable accomodation that furthers the overall public interest. If application is made for a permit under this Ordinance, the City shall determine whether the totality of newsstands at such location will conflict with the restrictions of Section 6 or subsections 1, 2, 3 or 7 of Section 5, and if not; or if the City finds that the proposed newsstand together with the pre-existing newsstands represent a reasonable accomodation furthering the overall public interest, the City may issue a permit for such proposed newsstand. If

the newsstands at said location are not already integrated into a modular unit, then the City may require as a condition of such permit the integration of all newsstands at said location into a modular unit.

Section 9. Every newsstand and modular unit located within any public right-of-way or public place shall have the name, address and telephone number of the owner or other responsible party affixed thereto in a place where it may be easily seen.

Section 10. From and after November 15, 1986, any newsstand located within any public right-of-way or other public place within the downtown business area which does not conform to the requirements of this Ordinance is hereby declared to be an unlawful obstruction and may be summarily impounded by the City. If impounded, the newsstand shall be removed to the City Hall for temporary storage. An owner may recover an impounded newsstand at the City Hall by first paying the impound fee. No fee shall be required for release of newspapers without the newsstand. Fees for impounding a newsstand shall be measured by the City's cost and expense of impounding or \$35, whichever is greater.

Section 11. Review Procedure.

Any person or publisher aggrieved by the placement of a newsstand or modular unit in an public right-of-way or other public place or by any action of the City taken pursuant to this Ordinance, including the granting or denying of a permit or the impounding of a newsstand may seek review thereof by promptly filing a notice with the Director of Planning and Community Development identifying the action taken, the objections made thereto and requesting a review thereon. The Director of Planning and Community Development shall conduct such review utilizing the procedures of Process I established in Chapter 145 of Ordinance 2740. The decision of the Planning Director shall be final and conclusive.

Section 12. The City is hereby authorized to adopt administrative rules and regulations for implementation and administration of this Ordinance.

Section 13. Pilot Modular Unit Program.

As a pilot or demonstration, the City of Kirkland will fund and install two four-newsstand modules at the northwest corner of Kirkland Avenue and Lake Street. The newsstands will be provided at no charge to a limited number of publishers. All publishers who currently have a newsstand at this location shall be given priority to move on a randomly assigned space into the newsstands integrated into the modules provided by the City. Any newsstands remaining shall be offered to other publishers on a first

come, first served basis. The allocation of the locations in these integrated units shall occur prior to installation so that the appropriate names or identifications may be placed on the face of the newsstands by the publisher. Installation of the pilot program modules shall take place on or before November 15, 1986. Thereafter, maintenance and upkeep of the modules and the newsstands integrated therein shall be the responsibilities of the publishers to whom said newsstands have been assigned.

Section 14. Should any section, paragraph, sentence or word of this ordinance or the codes herein adopted or amended be declared for any reason to be invalid, it is the intent of the City council that it would have passed all other portions of this Ordinance independent of the elimination herefrom of any such section, subsection, paragraph, sentence or word as may be declared invalid.

Section 15. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017, Kirkland Municipal Code, in the summary form attached to the original of this Ordinance and by this reference approved by the City Council, or November 15, 1986, whichever last occurs.

PASSED by majority vote of the Kirkland City Council in regular, open meeting this 18th day of August, 1986.

SIGNED IN AUTHENTICATION thereof this 18th day of August, 1986.


MAYOR

ATTEST:



Director of Administration & Finance
(ex officio City Clerk)

APPROVED AS TO FORM:



City Attorney

SUMMARY OF ORDINANCE 2970

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LOCATION AND REGULATION OF NEWSSTANDS WITHIN OR IN PUBLIC RIGHTS-OF-WAY AND OTHER PUBLIC PLACES WITHIN THE DOWNTOWN BUSINESS AREA.

Section 1. Sets forth the purposes, policies and standards for regulating placement of newspaper vending machines within public right-of-way and other public places.

Section 2. Sets forth definitions used in the ordinance. Newspaper vending machines are defined as "newsstands" and four newsstands integrated into a single modular unit are defined as a "modular unit".

Section 3. Establishes mandatory requirements applicable to all newsstands within a public right-of-way.

Section 4. Establishes where and when newsstands may be placed within a public right-of-way without a permit.

Section 5. Sets forth circumstances and conditions requiring a permit for the placement of a newsstand.

Section 6. Establishes limits on the placement and number of newsstands in order to control congestion.

Section 7. Establishes policy for future planning and the practicality of integrating newsstands into modular units or structures.

Section 8. Establishes the criteria to be used by the City in the issuing of permits for newsstands.

Section 9. Requires identification of the owner or other responsible person be placed upon every newsstand or modular unit located within the public right-of-way or other public place.

Section 10. Authorizes the impounding of newsstands placed within a public right-of-way in violation of the ordinance.

Section 11. Establishes a procedure for review of actions taken by the City pursuant to the ordinance.

Section 12. Authorizes the City administration to adopt administrative rules and regulations for implementation and administration of the ordinance.

Section 13. Establishes a pilot or demonstration

units at the northwest corner of Kirkland Avenue and Lake Street.

Section 14. Contains a savings clause.

Section 15. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.17 Kirkland Municipal Code and establishes the effective date as five days after publication of the summary or November 15, 1986, whichever shall last occur.

The full text of this ordinance will be mailed without charge to any person upon request made to the Director of Administration and Finance for the City of Kirkland. This ordinance was passed by the Kirkland City Council at its regular meeting on the 18th day of August, 1986.

I certify that the foregoing is a summary of Ordinance 2970 approved by the Kirkland City Council for summary publication.



Director of Administration
and Finance (ex officio
City Clerk)