

Chapter 136

NEWSPAPER DISPENSING DEVICES

[HISTORY: Adopted by the Special Town Meeting of the Town of Lee 1-25-1985 by Art. 3 (Sec. 11-8 of the 1971 Code). Amendments noted where applicable.]

§ 136-1. Applications for rental permits.

Applications may be made to and on forms approved by the Selectmen for rental permits allowing the installation of newspaper dispensing devices on public property along the streets and thoroughfares within the Town respecting newspapers having general circulation throughout the Town.

§ 136-2. Grant or denial of permit.

The Selectmen shall either deny the application, stating the reasons for such denial, or grant said permit, subject to the following terms.

§ 136-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

NEWSPAPER DISPENSING DEVICE — A mechanical, coin-operated container constructed of metal, or other material of substantially equivalent strength and durability, not more than 50 inches in height and not more than 25 inches in length and width. The design of such devices shall be subject to approval by the Architectural Board of Review.

§ 136-4. Location and installation of devices.

Newspaper dispensing devices shall not be placed in the residential use districts of the Town and shall otherwise be placed adjacent and parallel to building walls not more than six inches distant therefrom or near and parallel to the curb not less than 18 inches and not more than 24 inches distant from the curb at such locations applied for and determined by the Selectmen not to cause an undue health or safety hazard or interfere with the right of the public to the proper use of the streets and thoroughfares; provided, further, however, that no newspaper dispensing device shall be placed, installed, used or maintained:

- A. So as to create a hazard to the public health or safety or to impede or obstruct the normal flow of traffic on any street or sidewalk.
- B. So as to reduce the clear, continuous, combined sidewalk and paved tree lawn width to less than five feet.
- C. Within five feet of any fire hydrant or other emergency facility.
- D. Within five feet of any intersecting driveway, alley or street.

- E. Within three feet of any marked crosswalk.
- F. At any location where the width of paved clear space in any direction for the passageway of pedestrians is reduced to less than five feet.
- G. Within 250 feet of another newspaper dispensing device containing the same newspaper or news periodical, except that the Selectmen may permit two such dispensing devices at an intersection where such placement would not impair traffic or otherwise create a hazardous condition.
- H. At any location where three newspaper dispensing devices are already located.

§ 136-5. Conditions for permit issuance.

The rental permit shall be granted upon the following conditions:

- A. The permittee shall pay a rental fee, which shall be \$50 per year or part thereof, for each location where a newspaper dispensing device is installed.
- B. The permittee, upon the removal of a newspaper dispensing device, shall restore the property of the Town to the same condition as when the device was initially installed, ordinary wear and tear excepted.
- C. The permittee shall maintain the device in good working order and in a safe and clean condition and keep the immediate area surrounding such device free from litter and debris.
- D. The permittee shall not use a newspaper dispensing device for advertising signs or publicity purposes other than that dealing with the display, sale or purchase of the newspaper sold therein.
- E. The permittee shall save and hold the Town harmless from any and all liability for any reason whatsoever occasioned upon the installation and use of each newspaper dispensing device and shall furnish, at the permittee's expense, such public liability insurance as will protect the permittee and the Town from all claims for damage to property or bodily injury, including death, which may arise from the operation under the permit or in connection therewith, and such policy shall name the Town as an additional insured, shall be in an amount not less than \$100,000 combined single limit for any injury to persons and/or damaged property and shall provide that the insurance coverage shall not be canceled or reduced by the insurance carrier without 30 days' prior written notice to the Town. A certificate of such insurance shall be provided to the Town and maintained before and during the installation of such devices.
- F. Rental permits shall be for a term of one year and shall not be assignable.
- G. Such other terms and conditions deemed necessary and reasonable by the Selectmen.

§ 136-6. Revocation of permit; notice and hearing.

- A. Rental permits issued pursuant to this chapter may be revoked by the Selectmen after notice and hearing for any of the following causes:
 - (1) Fraud, misrepresentation or any false statement contained in the application for such a

permit;

- (2) Violation of any provision of ordinances regulating such rental permit; or
- (3) Violation of the terms of the rental permit granted.

B. Notice of hearing for such a revocation shall be given, in writing, stating the grounds of the complaint, together with the time and place of hearing, and shall be mailed, postage prepaid, to the permittee at the address given in the rental permit application at least five days prior to the date set for hearing.