

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2009, Legislative Day No. 4

Bill No. 13-09

Councilmembers Gardina & Kamenetz

By the County Council, February 17, 2009

A BILL
ENTITLED

AN ACT concerning

Newspaper Vending Boxes

FOR the purpose of regulating the placement and location of newspaper vending boxes; defining terms; requiring a permit for each box; providing for the cost and term of a permit; providing standards for the size, condition and maintenance of boxes; providing for the permitted location of boxes and the grouping of boxes; providing for enforcement of the title; and generally relating to newspaper vending boxes.

By adding

Sections 21-19-101 to 21-19-106
Article 21 - Permits, Licenses, and Business Regulation
Title 19 - Newspaper Vending Boxes
Baltimore County Code, 2003

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that Sections 21-19-101 to 21-19-106 be and they are hereby added to
3 Article 21 - Permits, Licenses, and Business Regulation, Title 19 - Newspaper Vending Boxes, of
4 the Baltimore County Code, 2003, to read as follows:

5 TITLE 19. NEWSPAPER VENDING BOXES

6 21-19-101. DEFINITIONS.

7 (A) DEFINITIONS. IN THIS TITLE, THE FOLLOWING WORDS HAVE THE MEANINGS
8 INDICATED.

9 (B) DEPARTMENT. "DEPARTMENT" MEANS THE DEPARTMENT OF PERMITS AND
10 DEVELOPMENT MANAGEMENT.

11 (C) DISTRIBUTOR. "DISTRIBUTOR" MEANS THE PERSON RESPONSIBLE FOR PLACING
12 AND MAINTAINING A NEWSPAPER VENDING BOX ON PUBLIC PROPERTY.

13 (D) NEWSPAPER VENDING BOX. "NEWSPAPER VENDING BOX" MEANS ANY SELF-
14 SERVICE OR COIN-OPERATED BOX, CONTAINER, STORAGE UNIT, OR OTHER
15 DISPENSER INSTALLED, USED, OR MAINTAINED FOR THE DISPLAY, SALE, OR
16 DISTRIBUTION OF NEWSPAPERS OR SIMILAR PUBLICATIONS.

17 (E) PUBLIC PROPERTY. "PUBLIC PROPERTY" MEANS ANY PROPERTY THAT IS
18 DEDICATED TO USE BY THE PUBLIC FOR PEDESTRIAN OR VEHICULAR TRAVEL.

19 (F) SIDEWALK. "SIDEWALK" MEANS THAT PART OF PUBLIC PROPERTY THAT IS
20 DESIGNATED AND ORDINARILY USED FOR PEDESTRIAN TRAVEL.

1 21-19-102. PERMIT REQUIRED.

2 A PERSON MAY NOT PLACE, INSTALL, USE, OR MAINTAIN A NEWSPAPER VENDING
3 BOX ON A SIDEWALK WITHOUT HAVING OBTAINED AN ANNUAL PERMIT FROM THE
4 DEPARTMENT.

5 21-19-103. PERMIT APPLICATION; FEE; TERM.

6 (A) AN APPLICANT FOR A PERMIT SHALL FILE WITH THE DEPARTMENT AN
7 APPLICATION THAT CONTAINS THE FOLLOWING INFORMATION:

8 (1) THE NAME AND ADDRESS OF EACH DISTRIBUTOR;

9 (2) THE NAME AND ADDRESS OF ANY PERSON, OTHER THAN THE
10 DISTRIBUTOR, RESPONSIBLE FOR THE MAINTENANCE OF A NEWSPAPER VENDING
11 BOX; AND

12 (3) THE PROPOSED LOCATION OF EACH NEWSPAPER VENDING BOX.

13 (B) THE COST OF A PERMIT FOR EACH NEWSPAPER VENDING BOX IS \$50. A PERMIT
14 IS VALID FOR ONE YEAR.

15 21-19-104. STANDARDS FOR VENDING BOXES.

16 (A) DIMENSIONS. A NEWSPAPER VENDING BOX MAY NOT EXCEED 60 INCHES IN
17 HEIGHT, 30 INCHES IN WIDTH AND 24 INCHES IN DEPTH.

18 (B) COIN-RETURN MECHANISM REQUIRED.

19 A NEWSPAPER VENDING BOX SHALL BE EQUIPPED WITH A COIN-RETURN
20 MECHANISM TO PERMIT A PERSON USING THE MACHINE TO SECURE IMMEDIATE

1 REFUND IF HE IS UNABLE TO RECEIVE THE PUBLICATION FOR WHICH HE HAS PAID.
2 THE COIN-RETURN SHALL BE MAINTAINED IN GOOD WORKING ORDER.

3 (C) POSTED NAME AND TELEPHONE NUMBER.

4 A NEWSPAPER VENDING BOX SHALL HAVE AFFIXED TO IT IN A READILY VISIBLE
5 PLACE, A NOTICE SETTING FORTH:

6 (1) THE NAME OF THE DISTRIBUTOR; AND

7 (2) THE TELEPHONE NUMBER TO CALL:

8 (I) TO REPORT A MALFUNCTION; OR

9 (II) TO SECURE A REFUND IN THE EVENT OF A MALFUNCTION OF THE
10 COIN-RETURN MECHANISM.

11 (D) MAINTENANCE.

12 (1) A NEWSPAPER VENDING BOX SHALL BE MAINTAINED IN A NEAT AND
13 CLEAN CONDITION AND IN GOOD REPAIR AT ALL TIMES.

14 (2) A NEWSPAPER VENDING BOX SHALL BE SERVICED AND MAINTAINED SO
15 THAT:

16 (I) IT IS REASONABLY FREE OF DIRT AND GREASE;

17 (II) IT IS REASONABLY FREE OF CHIPPED, FADED, PEELING, AND
18 CRACKED PAINT IN VISIBLE, PAINTED AREAS;

19 (III) IT IS REASONABLY FREE OF RUST AND CORROSION IN VISIBLE,
20 UNPAINTED METAL AREAS;

21 (IV) THE CLEAR PLASTIC OR GLASS PARTS, IF ANY, THROUGH WHICH
22 THE PUBLICATIONS ARE VIEWED ARE UNBROKEN AND REASONABLY FREE OF

1 CRACKS, DENTS, BLEMISHES, AND DISCOLORATION; AND

2 (V) THE STRUCTURAL PARTS ARE IN GOOD REPAIR.

3 21-19-105. LOCATION OF VENDING BOXES.

4 (A) A NEWSPAPER VENDING BOX MAY NOT BE PLACED OR LOCATED IN OR ON ANY
5 PUBLIC PROPERTY OTHER THAN A SIDEWALK.

6 (B) A NEWSPAPER VENDING BOX MAY NOT BE PLACED, INSTALLED, USED, OR
7 MAINTAINED:

8 (1) WITHIN 6 FEET OF ANY MARKED CROSSWALK;

9 (2) WITHIN ANY DESIGNATED BUS STOP ALONG A SIDEWALK;

10 (3) WITHIN 6 FEET OF ANY FIRE HYDRANT OR 6 FEET FROM THE FRONT OF
11 ANY FIRE CALL BOX, POLICE CALL BOX, OR OTHER EMERGENCY FACILITY;

12 (4) WITHIN 3 FEET OF ANY DRIVEWAY; OR

13 (5) AT ANY LOCATION WHERE THE CLEAR SPACE FOR THE PASSAGEWAY OF
14 PEDESTRIANS IS REDUCED TO LESS THAN 4 FEET.

15 (C) (1) A NEWSPAPER VENDING BOX SHALL BE LOCATED ONLY:

16 (I) ON OR NEAR THE SIDEWALK OR, IF THERE IS NO SIDEWALK, THE
17 EDGE OF THE PUBLIC RIGHT-OF-WAY; OR

18 (II) ALONG A BUILDING, WALL, OR OTHER STRUCTURE.

19 (2) A NEWSPAPER VENDING BOX LOCATED ON OR NEAR THE SIDEWALK
20 SHALL BE LOCATED NO LESS THAN 12 INCHES NOR MORE THAN 24 INCHES FROM
21 THE ROADWAY EDGE OF THE SIDEWALK.

1 (3) A NEWSPAPER VENDING BOX LOCATED ADJACENT TO A BUILDING, WALL,
2 OR OTHER STRUCTURE SHALL BE LOCATED PARALLEL TO AND NOT MORE THAN 6
3 INCHES FROM THE WALL.

4 (D) (1) NEWSPAPER VENDING BOXES MAY BE PLACED NEXT TO EACH OTHER,
5 BUT NO MORE THAN THREE BOXES MAY BE PLACED OR LOCATED IN ONE
6 GROUPING OF BOXES.

7 (2) A GROUPING OF NEWSPAPER VENDING BOXES SHALL BE LOCATED AT
8 LEAST 200 FEET FROM ANY OTHER GROUPING OF BOXES.

9 (E) (1) A NEWSPAPER VENDING BOX MAY BE FREE-STANDING OR MAY BE
10 ATTACHED TO ANY SIDEWALK BY BOLTS OR OTHER DEVICES.

11 (2) UPON REMOVAL OF ANY BOX, ANY BOLT HOLES OR OTHER DAMAGE TO
12 THE SIDEWALK SHALL BE REPAIRED BY THE DISTRIBUTOR WHOSE NEWSPAPER
13 VENDING BOX CAUSED THE HOLES OR DAMAGE.

14 21-19-106. ENFORCEMENT.

15 (A) THE DEPARTMENT SHALL ENFORCE THE PROVISIONS OF THIS TITLE IN
16 ACCORDANCE WITH ARTICLE 3, TITLE 6 OF THE CODE.

17 (B) (1) IF THE DEPARTMENT DOES NOT RENEW A PERMIT, THE DISTRIBUTOR SHALL
18 REMOVE THE NEWSPAPER VENDING BOX WITHIN 30 DAYS AFTER RECEIPT OF
19 NOTICE THAT THE PERMIT HAS NOT BEEN RENEWED.

20 (2) IF THE DEPARTMENT DETERMINES THAT A NEWSPAPER VENDING BOX HAS
21 BEEN INSTALLED, USED, OR MAINTAINED IN VIOLATION OF ANY OF THE

1 PROVISIONS OF THIS TITLE, THE DEPARTMENT MAY ISSUE A CORRECTION NOTICE
2 TO THE DISTRIBUTOR TO CORRECT THE CONDITION.

3 (3) IF, WITHIN 5 DAYS AFTER RECEIPT OF THE CORRECTION NOTICE, THE
4 DISTRIBUTOR FAILS TO CORRECT THE CONDITION OR REQUEST A HEARING, THE
5 DEPARTMENT MAY REMOVE THE NEWSPAPER VENDING BOX AND PROCESS IT AS
6 ABANDONED PROPERTY.

7 SECTION 2. AND BE IT FURTHER ENACTED, that this Act shall take effect 45 days
after its enactment.

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