

ORDINANCE 34-2011

**ORDINANCE OF THE BOROUGH OF MADISON AMENDING
CHAPTER 128 OF THE BOROUGH CODE ENTITLED "NEWSPAPER
DISTRIBUTION BOXES"**

WHEREAS, the Assistant Borough Administrator has recommended that the code regarding newspaper distribution boxes be amended; and

WHEREAS, the Borough Council has determined that there is a need to approve such amendment.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Chapter 128 of the Borough Code entitled "Newspaper Distribution Boxes" shall be amended as follows:

SECTION 1: Chapter 128, Section 6 entitled "Inspection; fees" shall be amended as follows:

§ 128-6. Inspection; fees.

- A.
- C. The annual fee for each such inspection shall be \$75 per box.

SECTION 2: Chapter 128, Section 8 entitled "Additional requirements" shall be amended as follows:

§ 128-8. Additional requirements.

- A.
- H. No box or group of attached boxes shall be located within 500 feet of any other box or group of attached boxes.

SECTION 3: Chapter 128, Section 11 entitled "Impoundment of dangerous boxes" shall be amended as follows:

§ 128-11. Impoundment of dangerous, abandoned, or unregistered boxes.

- A. The police of the Borough of Madison may impound any unregistered newspaper distribution box, any newspaper distribution box that creates an imminent danger of personal injury or property damage to pedestrians or vehicles and any abandoned or unused newspaper distribution box containing publications dating 30 days or more past the regular cycle of said publication.
- B.
- C. The police may dispose of any impounded newspaper distribution box which is not claimed by the owner within sixty (60) days after the written notice of impoundment has been sent.

SECTION 4: A new Section 13 shall be added to Chapter 128 as follows:

§ 128-13. Multiple Newsrack Zone.

- A. There is hereby established a multiple newsrack zone consisting of the following streets:
 - 1. Lincoln Place
 - 2. Waverly Place
 - 3. Main Street from Community Place to Alexander Avenue.

- B. Purpose.
 - 1. To protect and enhance the streetscape in the downtown district.
 - 2. To provide safe and convenient access to lands in the downtown district.

- C. The zone need not be contiguous. Within the multiple newsrack area, the placement, installation and maintenance of newsracks shall be prohibited, except as authorized by the Borough of Madison for the placement, installation and maintenance of multiple newsracks. The Borough of Madison shall determine the areas that require such designation based upon the following considerations:
 - 1. The current number of newsracks within or near the proposed area so as to avoid undue concentration of newsracks.
 - 2. The impact on pedestrian, bicycle and vehicular traffic and accessibility to Public transportation.
 - 3. The inconsistency of individual newsracks with the character of the surrounding streetscape.
 - 4. The impact on and proximity to buildings used for residential purposes.
 - 5. At a particular area, give priority to Morris County publications.

- B. The Borough of Madison will have the authority on where the placements of multiple newsracks within the multiple newsrack area are to be located.

- C. The Borough of Madison will have the authority to determine the number of compartments for publications in the multiple newsrack zone.

- D. In determining which publications shall be permitted at a given multiple newsrack location, the Borough shall utilize the following criteria:
 - 1. Limit access of each publication to one compartment at each designated area whenever the number of publications sought to be distributed exceeds the number of compartments available. Publications containing legal notices and local (Morris County) news content, and published at least weekly may maintain up to two (2) compartments, provided each newsrack is individually licensed by the Borough.

2. At a particular area preference shall be given to publications containing legal notices and local (Morris County) news content, and published at least weekly.
3. At a particular area, preference shall be given to publications that had been contained in single newsracks that were replaced with multiple newsracks at that area.
4. When more than one application is filed simultaneously than may be accommodated at a specific multiple newsrack location, priority shall be determined by lottery.

SECTION 5: All other provisions of the Ordinance not inconsistent herewith shall remain the same.