

Chapter 17.46 Publication Boxes

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17.46.010 Definitions.

- A. **“Abandoned Publication Box”** means a Publication Box (including a Co-located Publication Box) that has remained empty for 30 or more days. The basis for the conclusion that the Publication Box has not been stocked with new materials for 30 days or more shall be documented in the enforcement records.
- B. **“ADA Ramp”** means a combined ramp and landing to accomplish a change in level at a curb in order to provide access to pedestrians using wheelchairs.
- C. **“Co-located Publication Box”** means a Publication Box designed to dispense two or more different Publications.
- D. **“Crosswalk”** means any Crosswalks either “marked” or “unmarked”. A “marked crosswalk” is any portion of a roadway at an intersection or elsewhere that is distinctly indicated for pedestrian crossing by lines or other markings on the surface of the roadway. An “unmarked crosswalk” is the imagined extension of a sidewalk or shoulder across a street at an intersection. An unmarked crosswalk exists at all intersections unless specifically marked otherwise.
- E. **“Distributor”** means a person responsible for placing, installing, or maintaining a Publication Box.
- F. **“Publication Box”** means a free standing self-service or coin-operated box, container, or other dispenser installed, used, or maintained on the Sidewalk or public Right-of-Way for the sale or distribution of newspapers, periodicals, or other Publications to the general public.
- G. **“Person”** means any natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, organization, and/or the manager, lessee, agent, servant, officer, or employee of any of them.
- H. **“Publication”** means any printed material.
- I. **“Right-of-Way”** means property subject to public use for existing or future streets, curbs, planting strips, or sidewalks. Property subject to a right-of-way may be through an express, implied, or prescriptive easement granted to or controlled by the city or other public entity or may be owned by the city or other public entity in fee simple or other freehold interest. The Portland Bureau of Transportation, as stewards of the right-of-way, administers and regulates use of the public right-of-way on behalf of the City.
- J. **“Sidewalk”** means that portion of the street between the curb lines or the lateral lines of roadway and the adjacent property lines intended for use by pedestrians.

- K. "Street" means all that area dedicated to public use for public street purposes and shall include, but not be limited to, roadways, parkways, alleys and sidewalks.
- L. "Through Pedestrian Zone" means the area intended for pedestrian travel as defined by the Portland Pedestrian Design Guide.
- M. "Transit Platform" means any Portland StreetCar platform or TriMet bus stop, bus layover zone or light rail station platform. This definition applies (but is not limited to) transit facilities located on public or private streets, in transit centers and on the Transit Mall.

17.46.020 Publication Boxes within the Right-of-Way.

Publication Boxes may be placed within the Right-of-Way as allowed by this Chapter.

17.46.030 Limitations on Publication Box Placement.

- A. All Publication Boxes must be placed on a Sidewalk, parallel to the curb and face the Through Pedestrian Zone.
- B. Publication Boxes which meet all of the requirements of this code may be chained to a sign post, street light or signal/utility pole. If the sign post, street light or signal/utility pole is painted a plastic or rubber coated steel chain/cable is required. The distance between the Publication Box and the sign post, street light, or signal/utility pole shall be no more than 6 inches. If the sign post, street light, or signal/utility pole is not owned by the City of Portland then the written permission of the owner of such property is required.
- C. Publication Boxes may not be fastened in any way to street furniture, public art, bicycle racks or street trees.
- D. Publication Boxes placed within the right-of-way shall be located in groupings with a combined length of no greater than 10 feet, immediately abutting one another. At least 20 feet must be left clear of Publication Boxes between groupings of Publication Boxes along the same block face.
- E. The maximum height of any Publication Box shall be 50 inches. The maximum width of any Publication Box shall be 24 inches. The maximum depth of any such publication box shall be 24 inches.
- F. Publication Boxes cannot be located:
 - 1. within a traffic island, median or traffic circle;
 - 2. within 5 feet of any Crosswalk;

3. within 5 feet of a fire hydrant;
4. within 5 feet of a drinking fountain;
5. within 5 feet of any public art;
6. within 5 feet of any driveway, alley, or curb cut;
7. within 5 feet of any portion of an ADA Ramp;
8. within 5 feet of a marked disabled parking space;
9. within 5 feet of a marked loading or taxi zone;
10. within a Transit Platform unless allowed by Portland StreetCar or TriMet;
11. at any distance less than 2 feet from the street side face of the curb, measured to the side of the Publication Box closest to the curb;
12. within the corner of two intersecting sidewalk corridors, as determined by the adjacent property lines extended;
13. where the unobstructed Through Pedestrian Zone is less than 8 feet within Pedestrian Districts and City Walkways, or 6 feet on all other sidewalks. (Sidewalk classification for this purpose shall be determined pursuant to the City's Transportation System Plan);
14. where the Publication Box may cause damage to any landscaping, including but not limited to lawn, flowers, shrubs or trees;
15. where the Publication Box may cause damage to or interfere with the use of pipes, vault areas, telephone or electrical cables/wires or other utility facilities;
16. on any grating, manhole cover or access lid;
17. where the Publication Box obstructs access to parked vehicles;
18. where the Publication Box obscures any fixed regulatory or informational sign.

17.46.040 Co-located Publication Boxes.

- A. A Person may install a Co-located Publication Box, at the Person's own expense, in compliance with all of the following conditions:

1. Placement of the Co-located Publication Box complies with all sections of this Chapter and all required permits have been obtained (per TRN-8.08);
 2. The proposed Co-located Publication Box provides sufficient compartments for distribution of all Publications being distributed within 175 feet of the proposed location for the Co-located Publication Box as of the date of installation of the Co-located Publication Box; and
 3. The Co-located Publication Box permittee agrees in writing as a condition of issuance of a permit to be responsible for ensuring compliance with the maintenance requirements of this Chapter for the Co-Located Publication Box.
 4. A person who installs a Co-located Publication Box may not charge a Distributor for distribution of its Publication from the Co-located Publication Box.
- B.** Once a Co-located Publication Box has been installed, no freestanding Publication Boxes may be placed within 175 feet of the Co-located Publication Box. If the Co-located Publication Box is full, a Distributor who wishes to distribute a Publication at that location may do so by installing, at its own expense, an additional identical Co-located Publication Box immediately adjacent to the existing Co-located Publication Box. The additional Co-located Publication Box must comply with all other requirements of this chapter for placement of Co-located Publication Box. Once installed the maintenance and management will be the responsibility of the permittee of the existing Co-located Publication Box.
- C.** No permittee of a Co-located Publication Box shall accept anything of value for the display of any speech or image on the Co-located Publication Box. The Distributor may display the publication within the window to which that box is assigned in the Co-located Publication Box. The Distributor may also display any speech or image of its choice, limited to no more than 4 inches in height, on each of the following: the front, side, back and door of the Co-located Publication Box. No other speech or image may be displayed with the exception of the notice required by, Subsection 17.46.050B.
- D.** Co-located Publication Boxes shall be black in color and the design shall be similar to existing Co-located Publication Boxes installed around Pioneer Courthouse Square. Co-located Publication Boxes within design districts may be subject to Design Review and through that process may be allowed to vary in standard color or other elements.

17.46.050 Maintenance Requirements.

- A.** Each Publication Box charging a fee shall be equipped with a coin return mechanism to permit the person using the machine to secure an immediate refund in the event she/he is unable to receive the Publication paid for. The coin return mechanisms shall be maintained in good working order. (Does not apply to Publication Boxes used for distributing free Publications.)

- B. Each Publication Box shall have affixed to it in a readily visible place so as to be seen by anyone using the Publication Box a notice setting forth the name and business address of the Distributor and the telephone number of a working telephone service to call to report a violating condition, a malfunction, or to secure a refund in the event of a malfunction of the coin return mechanism. In a Co-located Publication Box the required information shall be for the permittee of the box.
- C. Each Publication Box shall be sufficiently weighted, or attached to a sign post, street light or signal/utility pole as per, Subsection 17.46.030B., or to another Publication Box to provide stability and safety.
- D. Publication Boxes may not have free-flying materials attached to them, such as balloons, windsocks, papers, etc.
- E. Each Publication Box shall be maintained in a neat and clean condition and in good repair at all times. Specifically, each Publication Box shall be serviced and maintained so that:
 - 1. it is reasonably free of dirt and grease;
 - 2. it is reasonably free of chipped, faded, peeling and cracked paint;
 - 3. it is reasonably free of rust and corrosion;
 - 4. it is reasonably free of graffiti, litter and other debris;
 - 5. clear plastic or glass parts are unbroken and reasonably free of cracks, dents, blemishes and discoloration;
 - 6. paper or cardboard parts or inserts are reasonably free of tears, peeling or fading;
 - 7. structural parts are not broken or unduly misshapen.

17.46.060 Enforcement.

- A. If a Publication Box (including a Co-located Publication Box) is found to be in violation of any section of this Chapter, an attempt will be made to contact the permittee of a Co-located Publication Box, or the Distributor of the Publication Box to provide notification of the violation. In the event the city is unable to contact the permittee or Distributor after 15 days of noted violation, the Publication Box (including a Co-located Publication Box) will be deemed Abandoned.
- B. Violations that are not corrected within 15 days of notification will be subject to fine per the Transportation Fee Schedule (per TRN-3.450).

- C. Publication Boxes (including a Co-located Publication Boxes) with violations that go uncorrected for 30 days after notification, as well as Publication Boxes (including a Co-located Publication Boxes) that remain empty for a period of 30 consecutive days, shall be deemed Abandoned and may be removed by the City. The City will store all removed Publication Boxes (including a Co-located Publication Boxes) for 3 months, during which time the permittee of a Co-located Publication Box, or the Distributor of the Publication Box may redeem them after paying any outstanding fines, penalties and storage fees. After 3 months, the City may auction, sell, or dispose of any Publication Boxes (including a Co-located Publication Boxes) that is not redeemed from storage.

17.46.070 Liability.

- A. The Distributor of any Publication Box shall be liable for any and all damages to any Person who is injured or otherwise suffers damages resulting from the placement of a Publication Box within the Right-of-Way, or by reason of the Distributor's failure to keep the Publication Box in safe condition and good repair. Said Distributor(s) shall be liable to the City of Portland for any amounts which may be paid or incurred by the City by reason of all claims, judgments or settlements, and for all reasonable costs of defense, including investigation costs and attorney fees, by reason of said Distributor(s)' failure to satisfy the obligations imposed by the Charter and Code of the City of Portland to maintain and repair such Publication Box.
- B. The adjacent property owner shall not be liable for any damages to any Person who is injured or otherwise suffers damages resulting from the placement of a Publication Box directly adjacent to their property.

17.46.080 Appeal.

Any permittee of a Co-located Publication Box, or the Distributor of the Publication Box aggrieved by the City's determination may appeal that determination to the Code Hearings Officer as provided in Chapter 22.10 of this Code. Notwithstanding any other provisions of this Code, there shall be a non-refundable fee of \$250 for any appeal pursuant to this Section. Such fee must accompany any such appeal and no such appeal shall be considered filed or received until such fee is paid in full.