

Introduced by

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 12.08 RELATING TO NEWSRACKS AND CHAPTERS 1.25 AND 1.26 OF SAID CODE RELATING TO ADMINISTRATIVE CITATIONS AND ORDERS TO COMPLY ASSOCIATED WITH VIOLATION OF THE NEWSRACK ORDINANCE.

WHEREAS, the right to distribute newspapers and other periodicals on the public rights of way is at the heart of our constitutional guarantees of freedom of speech and of the press;

WHEREAS, localities retain the authority to impose reasonable time, place and manner regulations on the use of newsracks, so as to protect legitimate state interests while preserving First Amendment rights;

WHEREAS, the City of Pasadena has a legitimate state interest in eliminating congestion and visual blight on public property and in preserving the good appearance and the safety of the public streets; and

WHEREAS, the publishers of newspapers and other periodicals are entitled to regulations which allocate scarce newsrack space on a content neutral basis; and

WHEREAS, providing initial priority to publications based upon frequency of publication and highest local circulation serves both the government's interest of making most accessible

to the public those publications with the greatest turnover and the government's interest of good maintenance of newsracks.

NOW, THEREFORE, the People of the City of Pasadena ordain as follows:

**SECTION 1.** This ordinance, due to its length and the corresponding costs of publication, will be published by title and summary as permitted by Section 508 of the Charter. The approved summary of this ordinance reads as follows:

"SUMMARY

This ordinance recognizes the first amendment rights of the press to distribute publications in the public right of way while providing reasonable, content neutral regulations that serve the government's interests in eliminating congestion and blight and in preserving the good appearance and safety of the public streets. The ordinance establishes a permitting process for newsracks and a requirement that persons obtain permits prior to placing newsracks in the public right of way. This ordinance creates a shared permit which allows a primary applicant to assume responsibility for a newsrack and to share newsrack space with other publications. There are general prohibitions established against installation of newsracks on public streets and against installing or maintaining newsracks in the public sidewalk or parkway in a manner that is reasonably likely to endanger the safety of persons or property. Specific

standards for newsrack placement and maintenance are also established as are standard newsrack base types and newsrack dimensions. Time frames are given for issuance of permits and an accelerated implementation program created for the initial establishment of the process to encourage persons to promptly submit applications. Except during the accelerated implementation program, permits will be issued on a first come, first served basis. During the accelerated implementation process, and thereafter in certain cases, permits will be issued on the following priority basis: first priority will go to daily publications as they are defined in the ordinance and, among daily publications, priority will be given according to highest local circulation under a formula set forth in the ordinance. Thereafter, priority will be given based upon greater number of editions published in a calendar month preceding the application, and, by drawing of lot where the number is equal. The ordinance creates a presumption that 18 is the maximum number of newsracks that can be placed in any block except that an engineering study can establish a lesser or greater number, and such a study is required in any block where the number of applications for permits is likely to exceed the number of permits that can be issued. Insurance and indemnity requirements are set forth for the permits. Special requirements are created for removing newsracks along the

Tournament of Roses parade route and Tournament of Roses post parade route. Provisions are made for administratively citing persons who do not comply with the terms of their permit, and for summarily removing newsracks which constitute a dangerous condition. The ordinance provides for the temporary suspension or the termination of a newsrack permit as required for construction of public improvements. An appeals process is established by persons aggrieved by permit decisions. The permit does not substitute for any business license otherwise required under the code. The ordinance establishes that any violation is a misdemeanor except where it is specified that the offense is one subject only to a civil penalty. Misdemeanor and civil penalties are established. The ordinance designates the director of public works and transportation as the administrator for the purposes of administrative enforcement. This is a summary of the ordinance and is designed to provide a general orientation to the features of the ordinance, only, and is not law. The full text of the adopted ordinance must be consulted for a complete understanding of the law.

Ordinance No. \_\_\_\_\_ shall take effect 30 days following its publication by title and summary."

**SECTION 2.** Title 12 of the Pasadena Municipal Code is amended by amending Chapter 12.08 to read, in its entirety:

"CHAPTER 12.08

NEWSRACKS

Chapter:

- 12.08.010 Short title.
- 12.08.020 Definitions.
- 12.08.030 Prohibited on public streets.
- 12.08.040 Dangerous condition or obstruction.
- 12.08.050 Permit Required.
- 12.08.055 Time of issuance of permits.
- 12.08.056 Priority for Permits.
- 12.08.057 Permit renewal.
- 12.08.060 Installation and newsrack standards.
- 12.08.065 Maintenance standards.
- 12.08.080 Hold harmless agreement.
- 12.08.090 Insurance required.
- 12.08.100 Newsracks placed along the Tournament of Roses Parade route and the Tournament of Roses Post Parade.
- 12.08.110 Newsracks with permits which are in violation of this chapter.
- 12.08.111 Summary removal of newsracks.
- 12.08.112 Removal of newsracks for public purpose.
- 12.08.115 Newsracks displaying harmful matter.
- 12.08.120 Appeals procedure.
- 12.08.140 Business License.

- 12.08.150 Violation - Misdemeanor or civil penalty.
- 12.08.151 Violation - Penalties.
- 12.08.155 Remedies not exclusive.

12.08.010 Short title.

This chapter shall be known as "the newsrack ordinance."

12.08.020 Definitions.

For the purpose of this chapter, certain words and phrases are defined in this section, unless it is apparent from the context that a different meaning is intended:

A. 'Approved newsrack base' means a newsrack base which conforms to specifications approved by the director. All pedestals shall be 16 inches in height.

B. 'Blinder rack' means a newsrack, constructed or modified so that no less than the bottom two-thirds of the printed material is obscured from view.

C. 'Block' means one side of a street between two consecutive intersecting streets.

D. 'Business day' shall mean Monday through Friday, inclusive, of every week excepting holidays for which the City of Pasadena is closed to official business.

E. 'Daily publication' means a publication of no fewer than 5 new editions per week of which at least one of which

includes a weekend edition which causes newsracks to be serviced and filled over the weekend.

F. 'Director' means the director of the department of public works and transportation and his or her representative designated in writing. The director is hereby designated as the administrative enforcement official for this Chapter and may issue a compliance order pursuant to Chapter 1.25 of this code and an administrative citation pursuant to Chapter 1.26 of this code, and a violator shall be subject to the procedures, costs and civil penalties set forth therein.

G. 'Harmful matter' has the meaning set forth in Section 313 of the California Penal Code, or in any successor provision.

H. 'High density newsrack area' means a block in which it is likely that there will be more applications for newsracks than there will be permits issued for newsracks under the standards set forth in this chapter.

I. 'Local circulation' means the total circulation of the specific publication for which a permit is sought in the most recently published, independently audited circulation report for the city, by zip code or by community area, whichever reflects more accurately the corporate boundaries of the city and using a weighted daily average that includes daily, Sunday and weekend editions.

J. 'Newsrack' means any approved self-service or coin-operated box, container, storage unit or other dispenser installed, used or maintained for the display and sale of newspapers or periodicals.

K. 'Parkway' means that area between the sidewalk and the curb of any street, and where there is no sidewalk, that area between the edge of the roadway and the property line adjacent thereto. Parkway shall also include any area within a roadway, which is not open to vehicular travel.

L. 'Permit' means a permit issued pursuant to this chapter allowing the placement of a newsrack within a specifically designated portion of a public sidewalk or parkway.

M. 'Person' means any individual, firm, company, corporation or other organization.

N. 'Public sidewalk' means any surface dedicated to the use of pedestrians by license, easement, operation of law or by grant to the city.

O. 'Public street' means all that area dedicated to public use for public street and sidewalk purposes and includes, but is not limited to, roadways, parkways, alleys and sidewalks.

P. 'Roadway' means that portion of a public street improved, designed or ordinarily used for vehicular travel.

Q. 'Shared Permit' means a permit issued to a person as a primary applicant providing for the sharing of a newsrack among



specified publications as long as all of the standards of this chapter are otherwise met. The primary applicant shall be considered the permittee for all purposes under this chapter except as explicitly set forth.

R. 'Tournament of Roses parade route' means both sides of Orange Grove Boulevard from the south City limit to Colorado Boulevard, both sides of Colorado Boulevard from Orange Grove Boulevard to Sierra Madre Boulevard, both sides of Sierra Madre Boulevard from Colorado Boulevard to Washington Boulevard/Eaton Drive, and both sides of all cross streets within the first block adjacent to the limits described.

S. 'Tournament of Roses Post Parade' means both sides of Sierra Madre Boulevard from Washington Boulevard/Eaton Drive to Sierra Madre Villa Avenue and both sides of Washington Boulevard from Woodlyn Road to Sierra Madre Boulevard.

**12.08.030 Prohibited on public streets.**

No person shall install, use or maintain any newsrack or other related structure which projects onto, into or over any part of the roadway of any public street, or which rests, wholly or in part, upon, along or over any portion of the roadway of any public street.

**12.08.040 Dangerous condition or obstruction.**

No person shall install, use or maintain any newsrack which in whole or in part rests upon, in or over any public sidewalk

or parkway, when such installation, use or maintenance endangers or is reasonably likely to endanger the safety of persons or property, or when such site or location is used for public utility purposes, public transportation purposes or other governmental use, or when such newsrack unreasonably interferes with or impedes the flow of pedestrian or vehicular traffic including any legally parked or stopped vehicle, the ingress into or egress from any residence or place of business, the use of poles, posts, traffic signs or signals, hydrants, mailboxes, permitted sidewalk dining, permitted street furniture, or other objects permitted at or near said location.

**12.08.050 Permit Required.**

A. No person shall install or maintain any newsrack which in whole or in part rests upon, in or over any public sidewalk or parkway without first obtaining a permit from the director under this Chapter.

B. Applications for permits for newsracks shall be made to the director and shall contain the following as to each newsrack:

1. The name, address and telephone number of the owner of the newsrack;

2. The name, address and telephone number of the responsible person whom the City may notify or contact at any time concerning the newsrack;

3. The exact proposed location of the newsrack by block and, if desired, by specific geographic indicators, such as street address;

4. A photograph and/or model number of the type of newsrack being used.

5. The name of the publication to be contained in each newsrack;

6. A hold harmless agreement pursuant to Section 12.08.080;

7. A certificate of insurance pursuant to Section 12.08.090;

8. Agreement to conform to the requirements of this Chapter; and

9. An application and processing fee, as established by resolution of the city council.

10. In the case of a shared permit, all of the information set forth above must be supplied for all publications sharing the newsrack. In addition, the primary applicant shall assume responsibility and authority for complying with all of the standards of this chapter for the shared permit, and all publications sharing the newsrack must assent to the assumption of responsibility and authority by the primary applicant.

C. Applications will not be accepted for geographic locations which are then unavailable due to construction activity.

**12.08.055 Time for issuance of permits.**

A. A permit shall be granted, denied or granted conditionally within 20 business days after a completed application is filed, unless the study described in section 12.08.056(A) is undertaken, in which case it shall be granted within 20 business days of the approval of the study by the director.

B. An accelerated implementation program shall take place starting the effective date of this ordinance and ending 90 calendar days thereafter. Fees for the accelerated implementation program shall be established by resolution of City Council. All applications received during the accelerated implementation program shall be deemed filed as of the last day of the accelerated implementation program, so that there will be no priority given for location based upon the time the application was submitted, and shall be granted in no later than the time frames set forth in paragraph A of this section.

**12.08.56 Priority for permits.**

A. Number of permitted locations for newsracks on a block. There is a rebuttable presumption created by this

section that 18 is the maximum number of newsracks which can be accommodated in a block under the standards of section 12.08.060; however, the director may establish a number greater or lesser than 18 in any specific block by conducting an engineering study under the standards set forth in this chapter. Such a study shall be conducted in every high density newsrack area which the director can reasonably identify as a part of the accelerated implementation program and shall be completed no later than 60 days after the effective date of this ordinance.

B. Where permit applications are fewer than the number of potential locations in a block. If a permit application for a specific geographic location on a block is received and said geographic location complies with the standards set forth in section 12.08.060 and, all other requirements of this chapter are met, said application shall be approved on a first come, first served basis, except that all applications accepted during the accelerated implementation program, described in section 12.08.055(A) of this chapter, shall be deemed pending as of the same date and time. If there is another permitted newsrack at that location, then said permit application shall be approved for a location on that block which complies with the requirements of this chapter which is in closest proximity to the requested location and for which a permit has not been previously granted. If there is more than one application for a

specific geographic location pending, then the priority for granting the applications shall be as set forth in paragraph D of this section. The priorities for granting applications shall not displace any previously permitted newsracks.

C. Permit applications in high density newsrack areas. If permit applications in excess of the number of potential locations which are then available on a block are pending, then the priority for granting applications shall be as set forth in paragraph D of this section.

D. Priority for granting newsrack permits. No applicant may be granted priority for a newsrack location for a publication on a block for which that specific publication has already been granted a permit or is part of a shared permit. Priority shall be given to daily publications, and among daily publications, priority will be granted according to highest local circulation. Among other publications, priority shall next be given based on frequency of publication, with the higher priority given to publications for which new editions or issues were published most frequently in the full calendar month preceding the date of application. Within groups of applicants with the same frequency of publication and, within groups of applicants not entitled to priority, permits shall be granted to the maximum allowable in a block by the drawing of lots in a process established by the director. The priority for granting

a shared permit shall be based upon the frequency of publication of the primary applicant for the shared permit.

E. It shall be a condition of any permit granted according to a priority set forth in this section to maintain editions in the newsrack according to the frequency for which the priority was given.

**12.08.057 Permit renewal.**

If a permittee is in compliance with this Chapter, a permit will be automatically renewed for each successive calendar year by timely payment of the renewal fee established by resolution of city council and filing of a complete city renewal application in a time frame established by the director.

**12.08.060 Installation and newsrack standards.**

A permit issued for the installation of any newsrack, in or over any public sidewalk or parkway, shall comply with the following installation standards:

A. All newsracks shall comply with the American with Disabilities Act, and no newsrack shall exceed 48 inches in height, including the base and exclusive of the coin mechanism, 30 inches in width, or 2 feet in thickness. The top of the coin mechanism shall not be more than 6 inches above the top of the newsrack.

B. Newsracks shall conform to specifications approved by the director.

C. Newsracks shall only be placed adjacent to a curb or adjacent to the wall of a building. Newsracks placed adjacent to the curb shall be placed no fewer than 18 inches and no more than 24 inches from the edge of the curb. Newsracks placed adjacent to the wall of a building shall be placed parallel to such wall and not more than 6 inches from the wall. No newsrack shall be placed or maintained on the sidewalk or parkway opposite a newsstand or another newsrack.

D. Except as set forth herein, no newsrack shall be chained, bolted or otherwise attached to any property not owned by the owner of the newsrack, to any street furniture or to any other permanently fixed object. Each newsrack shall be installed on an approved newsrack base, shall be securely attached to the sidewalk with hardware and in a fashion approved by the director.

E. Newsracks may be placed next to each other, provided that no more than 3 newsracks, whether placed on single pedestal or a multiple pedestal mounts, shall be placed next to each other and a space of no fewer than 3 feet shall separate each such group of 3 newsracks unless an engineering study in a high density newsrack area concludes that a minor variance is consistent with the purposes of this chapter.



F. Without limiting the provisions of section 12.08.040, and except as explicitly indicated herein, no newsrack shall be placed, installed, used or maintained:

1. Within 5 feet of any marked crosswalk;
2. Within 15 feet of the curb return of any unmarked crosswalk;
3. Within 5 feet of any fire hydrant, traffic signal controller, traffic signals, or other emergency facility;
4. Within 3 feet of any utility meter, manhole, service box, parking meter, street light pole, or other utility.
5. Within 10 feet of any driveway or alley approach;
6. Within 5 feet ahead of, and 25 feet to the rear of any sign marking a designated bus stop;
7. Within 6 feet of any bus bench or bus shelter;
8. At any location where the clear space for the passageway of pedestrians, other than between groups of newsracks, is reduced to fewer than 5 feet;
9. Within 3 feet of any permitted sidewalk dining area or area improved with lawn, flowers, shrubs or trees or within 3 feet of any display window of any building abutting the sidewalk or parkway or in such manner as to impede or interfere with the reasonable use of such window for display purposes unless an engineering study in a high density newsrack area concludes that

a minor variance is consistent with the purposes of this chapter;

10. Within the boundary of a valet parking zone or loading/unloading zone.

11. At any location where street furniture may not generally be installed because of potential harm to subterranean structures.

**12.08.065 Maintenance Standards**

Every person issued a permit for a newsrack under this Chapter shall observe and comply with the following standards, and any person failing to observe these standards shall be liable for civil penalties set forth in section 12.08.150 of this Chapter for each day of violation after an administrative citation is given pursuant to Chapter 1.26:

A. Each newsrack shall be maintained and serviced so that it is reasonably free of:

1. General dirt and grease;
2. Chipped, faded, peeling, and cracked paint, or graffiti, on all visible painted areas;
3. Rust and corrosion on all visible unpainted metal areas;
4. Cracks, dents, blemishes, and discoloration in the clear plastic and glass parts, if any, through which publications are viewed;

5. Tears, peeling, or fading in the paper or cardboard parts and inserts; and

6. Broken and misshapen structural parts.

B. Each newsrack, including any coin-return mechanism, shall be mechanically operable.

C. Newsracks shall contain current editions of the publication for which the permit was issued and new editions placed in the newsrack at no less than the frequency for which any priority was given for a permit in that location.

D. No newsrack shall be used for advertising signs or publicity purposes other than that directly related to the display, sale or purchase of the publication sold therein.

E. No newsrack shall remain empty for a period of 15 consecutive days or longer.

F. No newsrack may contain a publication other than the one for which the permit was issued. The primary applicant for a shared permit may add or remove publications from a shared permit or permit renewal by making application to the director and providing the information set forth in section 12.08.050(B).

G. Each newsrack will have the name, address and telephone number of the person who owns the newsrack affixed thereto in a place where it may be seen by anyone viewing the newsrack.

H. When use of a newsrack is permanently discontinued, it shall be removed and the location restored to its previous condition, including, but not limited to, repair of any portion of the sidewalk or parkway damaged by the newsrack or its removal and according to specifications provided by the director.

I. Except as set forth herein, permits shall not be sold or transferred other than as a part of the sale of all of the assets of the permitted and any other attempted sale or transfer shall void the permit.

**12.08.080 Hold harmless agreement.**

A condition for issuance of a permit pursuant to this chapter is that every permittee, and person on a shared permit, agrees to indemnify and hold harmless the city, its officers, directors and employees, from any loss or liability or damage, including expenses and costs, for bodily or personal injury, and for property damage sustained by any person as a result of the installation, use or maintenance of a newsrack within the city, and the permit application shall include an indemnification provision consistent with this section and approved by the city attorney.

**12.08.090 Insurance required.**

A condition for issuance of a permit pursuant to this chapter is that every permittee, and person on a shared permit,

agrees to maintain a policy of public liability insurance, naming the city as an additional insured, in an amount not less than \$50,000 combined single limit for any injury to persons and/or damage to property by reason of installation, use and maintenance of such newsrack on public property. The policy shall provide that the insurance coverage shall not be cancelled or reduced by the insurance carrier without the city having been given 30 days' prior written notice thereof by such carrier. The permittee shall provide and keep in force that policy of public liability insurance during such time as it continues to operate any newsrack under the terms of this ordinance. If the insurance is canceled at any time during the term of the permit, it shall be grounds for revocation of the permit. The application for a permit and all renewal applications shall require applicant's proof of such a policy of public liability insurance in a form acceptable to the director.

**12.08.100           Newsracks placed along the Tournament of Roses  
Parade route and the Tournament of Roses Post  
Parade.**

A. All newsracks placed along the Tournament of Roses parade route and along the Tournament of Roses post parade shall be removed by the permittee from the public right-of-way no later than 12:00 noon the day before the parade. When removed, the sidewalk shall be left in a manner that is safe for pedestrians.

B. If a newsrack is not removed from the Tournament of Roses parade route and the Tournament of Roses post parade by a permittee by the time specified in paragraph A of this Section, then the director shall cause the newsrack to be removed and processed in accordance with section 12.08.111.

C. Newsracks may be replaced by a permittee along the Tournament of Roses parade route at any time after 2:00 p.m. on the day of the parade. Newsracks shall be placed back in their original, permitted locations.

D. Newsracks may be replaced by a permittee along the Tournament of Roses post parade area at any time after 8:00 a.m. on the fourth day following the parade, unless otherwise determined by the director. Newsracks shall be placed back in their original, permitted locations.

**12.08.110 Newsracks with permits which are in violation of this chapter.**

Upon determination by the director that a newsrack for which a person has been issued a permit has been installed, used or maintained in violation of the provisions of this Chapter, including, but without limitation failure to observe any term or condition of the permit or not meeting conditions related to priority for the location of any permit, an order to comply pursuant to Chapter 1.25 or administrative citation pursuant to Chapter 1.26 may be issued to the person who holds the permit

for the newsrack. The city shall not enforce a compliance order while an appeal therefrom is pending.

**12.08.111 Summary removal of newsracks.**

In the event the director determines that the condition or placement of a newsrack constitutes a dangerous condition or obstruction, as defined in section 12.08.040, or that a newsrack has been placed on a public sidewalk or parkway without a permit, the director may cause the newsrack to be removed summarily and without a hearing. An administrative citation shall be served upon the person who owns the newsrack within 2 business days of removal in the manner set forth in Section 1.26.050, and if the owner cannot be identified, the newsrack shall be treated as abandoned property.

**12.08.112 Removal of newsracks for public purpose.**

When the director determines that it is necessary to remove a newsrack for the construction or installation of public improvements, an order to comply pursuant to Chapter 1.25 may be issued for the purpose of suspending or terminating the newsrack permit. The person who holds the permit for the newsrack shall be entitled, on permittee's election, to either a pro-rata refund of fees or to a new permit, without additional fee, in the original location or as close to the original location as the standards set forth in this chapter allow.

**12.08.115 Newsracks displaying harmful matter.**

Newsracks which exhibit harmful matter and which are located in a public place, other than a public place from which minors are excluded, shall be blinder racks.

**12.08.120 Appeals procedure**

Any person or entity aggrieved by a finding, determination, notice, action, or failure to act taken under the provisions of this Chapter with respect to issuing a permit under this Chapter, only, may appeal such finding, determination, notice, action or failure. An appeal must be perfected within 3 days after receipt of notice of any protested finding, determination, notice, action or failure to act by filing with the director a letter of appeal briefly stating therein the basis for such appeal. A hearing shall be held on a date no more than 15 days after receipt of the letter of appeal unless appellant requests a longer time period. Appellant shall be given at least 5 days notice of the time and place of the hearing. A hearing officer, appointed by the city manager, shall give the appellant, and any other interested party, a reasonable opportunity to be heard, in order to show cause why the finding, determination, notice, action or failure to act should not be upheld. In all such cases, the burden of proof shall be upon the appellant to show that there was no substantial evidence to support the matter appealed. At the conclusion of the hearing, the hearing officer



shall make a final and conclusive determination. The appeal process set forth in this section does not apply to administrative citations pursuant to Chapter 1.26 or to orders to comply pursuant to Chapter 1.25.

**12.08.140 Business License.**

A permit issued under this chapter shall not substitute for any business license otherwise required under this code.

**12.08.150 Violation - Misdemeanor or civil penalty.**

It is unlawful for any person to violate any provision or to fail to comply with any of the requirements of this title. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this title is guilty of a misdemeanor unless it is specified that the offense is one subject only to a civil penalty in which case the person shall be liable for a civil penalty.

**12.08.151 Violation - Penalties.**

A. Any person convicted of a misdemeanor under the provisions of this title, unless provision is otherwise herein made, shall be punishable by a fine of not more than \$1,000.00 or by imprisonment for a period of not more than 12 months or by both such fine and imprisonment.

B. Any person found liable for a civil penalty under the provisions of this title shall be required to pay the penalty provided on the schedule of penalties, late payment penalties,

administrative fees, and other related charges as shall be established by resolution of the city council.

**12.08.155 Remedies not exclusive.**

Remedies under this chapter are in addition to and do not supersede or limit any and all other remedies, civil or criminal. The remedies provided for herein shall be cumulative and not exclusive."

**SECTION 3.** The definition of 'administrator' in Section 1.25.020 of this code is hereby amended to read as follows:

'Administrator' means the administrator who is charged with the responsibility for enforcement of the applicable division of the Pasadena Municipal Code or his or her designee."

**SECTION 4.** Section 1.25.050(E) of this code is hereby amended to read as follows:

"E. If the administrator or his or her designee does not succeed in serving the responsible party personally, or by certified mail or regular mail, the administrator or his or her designee shall post the compliance order on any real property within the city in which the city has knowledge that the responsible party has a legal interest, and such posting shall be deemed effective service. If the administrative citation pertains to Chapter 12.08, the newsrack ordinance, affixing it to the newsrack shall be deemed effective service."

**SECTION 5.** Section 1.26.040(C) of this code is hereby amended to read as follows:

"C. The amount of the fine imposed for the violation and the time within which and the place at which the fine shall be paid and, if applicable, the fact that any other privilege or permit may be suspended, revoked or terminated."

**SECTION 6.** Section 1.26.050(E) of this code is hereby amended to read:

"E. If the enforcement official does not succeed in serving the responsible party personally, or by certified mail or regular mail, the enforcement official shall post the administrative citation on any real property within the city in which the city has knowledge that the responsible party has a legal interest, and such posting shall be deemed effective service. If the administrative citation pertains to Chapter 12.08, the newsrack ordinance, affixing it to the newsrack shall be deemed effective service."

**SECTION 7.** A new Section 1.26.065 is added to Chapter 1.26 of this code to read:

**"Section 1.26.066. Loss of newsrack permit.**

For violation of Chapter 12.08 of this code, in addition to other penalties specified herein, a newsrack permit may be suspended or revoked or a priority for a permit may be suspended or revoked."

**SECTION 8.** The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published by title and summary.

**SECTION 9.** This ordinance shall take effect thirty days following its publication by title and summary.

Signed and approved this \_\_\_\_ day of \_\_\_\_\_, 2001.

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Bill Bogaard  
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted  
by the City Council of the City of Pasadena at its meeting held  
\_\_\_\_\_, 2001, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

PUBLISHED:

\_\_\_\_\_  
Jane L. Rodriguez, CMC  
CITY CLERK

APPROVED AS TO FORM:



\_\_\_\_\_  
Nicholas George Rodriguez  
Assistant City Attorney