
Subject: NEWSPAPER VENDING MACHINES (1982)**No. 40.4****Date: September 27, 1982****Page: 1 of: 4**

POLICY:

To establish regulations regarding the placement of newspaper vending machines on public sidewalks.

SCOPE:

Applies to the placement of any/all newspaper vending machines in the City of Kalamazoo rights-of-way.

POLICY:

1. Newspaper vending machines may be placed upon public sidewalks within the City of Kalamazoo providing all of the following conditions are complied with:
 - A. The placement of the machines shall not interfere with or cause a hazard to pedestrian or vehicular travel.
 - B. The placement of the machines shall not interfere with maintenance, cleaning, or snow removal operations.
 - C. The machines shall not be attached to, or reduce the effectiveness or access to any utility pole, sign, or traffic control device.
 - D. The placement of the machines shall not interfere with the operations or passengers of the Metro Transit System.
 - E. The placement of the machines shall not interfere with the use of the abutting private property.
 - F. No more than one (1) machine per newspaper or distributor may be placed at any one location.
 - G. Each machine shall be kept in good repair and working order and in a slightly condition, including painting.
 - H. The following additional conditions shall apply to any machine located in the Central Business District (the boundaries of which are described in Exhibit A:

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- (1) The machine shall be a single rack of solid enclosed metal (no wire frame) with a solid base (no wire or angle iron legs).
- (2) The machine shall be painted a dark brown and shall have no advertising, graphics or lettering on its external surfaces except for wording identifying the name and price of the newspaper on the front of the machine.
2. If the City Manager or his agent observes any machine in violation of any of these terms and conditions, he or she shall contact the publisher or distributor of the newspaper and request the condition be corrected. If said condition is not corrected within forty-eight (48) hours of said notice, he or she may remove the machine from the public sidewalk and store it in a safe place until claimed by the owner thereof.
3. Notwithstanding any other provisions in this resolution, the City Manager or his delegated agent may immediately remove from the sidewalk any newspaper vending machine which, because of said newspaper vending machine shall be stored in a safe place and the seller, publisher, or distributor shall be notified and requested to reclaim the machine.
4. Any newspaper seller, publisher, or distributor who places a newspaper vending machine on the public sidewalk shall defend, identify, and hold harmless the City of Kalamazoo, its officials, employees, and agents from any and all claims, suits, liability, damage, judgments, etc., in any way arising out of the placing of such machine on the public sidewalk.
5. Any newspaper seller, publisher, or distributor who places a newspaper vending machine on the public sidewalk agrees to these terms and conditions by virtue of said placement.

EFFECTIVE DATE: September 27, 1982**ALSO SEE:**

Resolution No. 82-276