

RESOLUTION NO. 7068

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA ESTABLISHING UNIFORM NEWS RACK LOCATIONS ALONG CRENSHAW BOULEVARD, PRAIRIE AVENUE, HAWTHORNE BOULEVARD, INGLEWOOD AVENUE, AVIATION BOULEVARD, ROSECRANS AVENUE, EL SEGUNDO BOULEVARD, 120TH STREET AND IMPERIAL HIGHWAY PURSUANT TO HAWTHORNE MUNICIPAL CODE SECTION 12.34.160, REGULATING NEWS RACKS AND ESTABLISHING FEES TO REIMBURSE THE CITY FOR ITS ADMINISTRATIVE COSTS.

WHEREAS, the City Council of the City of Hawthorne ("City") approved Ordinance No. 1797 adding Chapter 12.34 to the Hawthorne Municipal Code pertaining to the regulation of news racks on the City's public right-of-way; and

WHEREAS, Hawthorne Municipal Code Section 12.34.160 provides that the City Council may, by resolution and from time to time, establish uniform news rack locations; and

WHEREAS, on October 24, 2006, the City Council held a public hearing regarding the establishment of uniform news rack locations along the following public right-of-way in the City: Crenshaw Boulevard; Prairie Avenue; Hawthorne Boulevard; Inglewood Avenue; Aviation Boulevard; Rosecrans Avenue; El Segundo Boulevard; 120th Street; and Imperial Highway; and

WHEREAS, pursuant to Hawthorne Municipal Code Section 12.34.160, notice of such public hearing was sent 15 (fifteen) days in advance to all persons requesting notice and to all persons whose name and address appears on news racks existing at such public right-of-way.

THE CITY COUNCIL OF THE CITY OF HAWTHORNE DOES RESOLVE AS FOLLOWS:

SECTION 1: FINDINGS. The City Council finds and declares as follows:

- A. The unregulated placement of news racks in public rights-of-way presents an inconvenience and danger to the health, safety and welfare of the inhabitants and visitors of the City.
- B. Unless regulated, news racks may:
 1. Interfere with the safe flow of pedestrian and vehicular traffic;
 2. Impair the vision of motorists and pedestrians, particularly small children;
 3. Inhibit safe entry and departure from vehicles or buildings;

4. Detract from the appearance of streets, sidewalks and adjacent businesses;
 5. Cause loss of funds to patrons in the event of malfunction; and
 6. Allow minors to view harmful matter.
- C. The major City corridors are as follows: Crenshaw Boulevard; Prairie Avenue; Hawthorne Boulevard; Inglewood Avenue; Aviation Boulevard; Rosecrans Avenue; El Segundo Boulevard; 120th Street; and Imperial Highway.
- D. The major City corridors carry a substantial volume of pedestrian or vehicular traffic.
- E. Uniform news racks are feasible at the major City corridors.
- F. The City has expended significant public resources to beautify the major City corridors to benefit residents and businesses. Accordingly, uniform news racks at the major City corridors are in the public interest.
- G. This Resolution is not intended to unreasonably restrict, nor shall it be construed as unreasonably restricting, the rights of a free media under the applicable protections of the United States and California Constitutions. Rather, the regulations imposed by this Resolution are intended to establish reasonable time, place and manner restrictions on the use of public right-of-way.

SECTION 2: LOCATION DESCRIPTIONS. Crenshaw Boulevard, Prairie Avenue, Hawthorne Boulevard, Inglewood Avenue, Aviation Boulevard, Rosecrans Avenue, El Segundo Boulevard, 120th Street and Imperial Highway, as well as 100 feet along any side street from the curb return connecting to these boulevards, are each designated a "uniform news rack location."

SECTION 3: INSTALLATION POINTS. The general location where uniform news racks may be installed at the uniform news rack locations identified in Section 2 are shown on Exhibit "A" attached to this Resolution.

SECTION 4: MAXIMUM NUMBER. The maximum number of uniform news racks to be allowed at the uniform news rack locations shall be governed by Hawthorne Municipal Code §§ 12.34.180 C [Grouping of Newsracks] and 12.34.190 [Prohibited Areas].

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SECTION 5: ATTRIBUTE SPECIFICATIONS. The style of news rack for the uniform news rack locations specified in Section 2 shall be the KJ 100 T Flattop with a color of K-Jack's RAL 6026 (a shade of green). The attribute specifications of this news rack are set forth in Exhibit "B" attached to this Resolution. All news racks installed in the uniform news rack locations identified in Section 2 shall conform to such specifications and color regardless of manufacturer or distributor. This requirement is not intended to require, and shall not be construed as requiring, that news racks installed in the uniform news rack locations identified in Section 2 be purchased from any particular manufacturer or distributor.

SECTION 6: ENFORCEMENT. The Public Works Department is directed to monitor the placement and installation of news racks (including kiosks, pedestals or other support structures) in the uniform news rack locations identified in Section 2.

SECTION 7. PERMITS. The Public Works Department is authorized to commence accepting applications and issue uniform news rack permits not earlier than 65 (sixty-five) days after this Resolution is adopted by the City Council.

SECTION 8. FEES. The City Council hereby approves the following fees for implementation of the uniform news rack program pursuant to Hawthorne Municipal Code Section 12.34.070. The cost justification of the fees is attached as Exhibit "C" to this Resolution.

- I. **News Rack Permit Application Fee** (Hawthorne Municipal Code § 12.34.080(D))
 - A. Administrative fee for processing permit application.....\$35.00
 - 1. Additional fee if permittee fails to give administrator timely written notice of a change in information contained in the application.....\$15.00
- II. **Recovering City Expenses for Removal of News Rack** (Hawthorne Municipal Code §§ 12.34.310 and 12.34.320).
 - 1. Single \$50.00


SECTION 9. CEQA. This Resolution is exempt from review under the California Environmental Quality Act (California Public Resources Code Sections 21000, et seq., "CEQA") and CEQA regulations (14 California Code of Regulations Sections 15000, et seq.) because, when implemented, it will cause a minor alteration to existing private facilities involving no expansion of use beyond that existing at the time of this determination. This Resolution, therefore, is categorically exempt from further CEQA review under Cal. Code Regs. Title 14, Section 15301.

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SECTION 10. **CERTIFICATION/EFFECTIVE DATE.** The City Clerk shall certify to the adoption of this Resolution and thereafter the same shall be in full force and effect.

SECTION 11. **REPEAL.** All other resolutions in conflict herewith are hereby repealed.

PASSED, APPROVED and ADOPTED this 24th day of October, 2006.



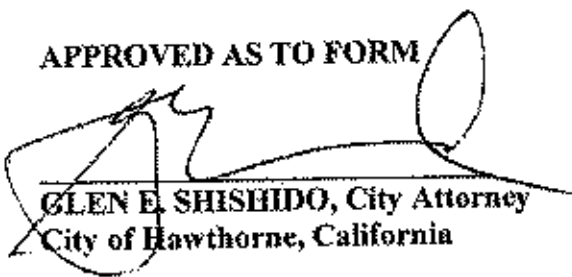
LAWRENCE M. GUIDI, Mayor
City of Hawthorne, California

ATTEST:



ANGIE REYES ENGLISH, City Clerk
City of Hawthorne, California

APPROVED AS TO FORM



GLEN E. SHISHIDO, City Attorney
City of Hawthorne, California