

- C. Notwithstanding the obtaining of variances where necessary, no coin-operated vending machines shall be located in the public right-of-way where such location or placement shall be in conflict with the provisions of § 288-4 of the Code of the Borough of South Plainfield.
- D. The dimensions of coin-operated vending machines shall be in accordance with any requirements of the Building Department and Code Enforcement Officer of the Borough of South Plainfield.

§ 462-14. Violations and penalties. [Added 9-23-1985; amended 4-14-1986 by Ord. No. 1044]

Any person, association or corporation maintaining coin-operated vending machines in the Borough of South Plainfield without same being properly licensed in accordance with the provisions of this article, as amended and hereby supplemented, shall, upon conviction, be fined not in excess of \$500 for each violation. Each day that said coin-operated vending machines are maintained without proper licensing shall be considered a separate violation.

§ 462-15. Repealer; construal of provisions. [Added 9-23-1985]

All ordinances or parts of ordinances inconsistent with this article are hereby repealed. However, the enactment of this article shall not be construed as granting any waivers of the licensing requirements for coin-operated vending machines, which may already be located within the Borough of South Plainfield, it being the intent of this article that all such machines be licensed in accordance with the provisions of this article.

ARTICLE II

Newspaper Vending Machines

[Adopted 6-9-1986 by Ord. No. 1051; amended in its entirety 10-14-1986 by Ord. No. 1066 (Ch. 190, Art. II, of the 1982 Code)]

§ 462-16. Application for and issuance of permits; fees.

Where the vending machines sought to be licensed under this article are for the distribution of newspapers, books and/or magazines, the following shall apply:

- A. Application for permit. Where any person, firm or corporation places, maintains or operates a vending machine for the sale and/or distribution of newspapers, magazines or books within the public right-of-way within the confines of the Borough of South Plainfield, and such public right-of-way shall include any public streets or sidewalks, an application for a permit for such vending machine shall be applied for from the Borough Clerk within five business days from the date of the placement of said vending machines.
- B. Conditions for permit issuance. Such an application may include a single or any number of proposed specific locations of the vending machines and shall be made, in writing, to the Borough Clerk upon a form as provided and shall contain the name and address of the applicant and the proposed specific location of the vending machines, and the application shall be signed by the applicant and accompanied with a fee of \$5 per

vending machine. The Borough Clerk shall, upon receipt of the application, request an examination by the Traffic Safety Officer of the South Plainfield Police Department and the Code Enforcement Officer of the Borough of South Plainfield, to each certify as to the placement locations of the applied for vending machines. Within 10 days after the application has been filed, the Clerk shall certify to the Mayor and Council those applications which are complete and are ready for the issuance of permits. In the event that a permit is not to be issued by the Mayor and Council, the Clerk shall soon notify the applicant, who may then appeal within 10 days from the date of receipt of notice of the denial of the permit for the specific vending machine at the specific location. At such an appeal hearing, the Mayor and Council will review the application and its location in conjunction with the various standards for the placement of said vending machines as contained in this article.

§ 462-17. Term of permit; renewal; fees.

Such permits as are issued shall be valid for a period of one year, beginning June 1 and expiring May 31 of the following year, and shall be renewable on an annual basis thereafter upon the payment of \$5 per machine per location. Permits shall be renewed with nothing further required of the applicant, provided that the machine location is not to be changed.

§ 462-18. Standards for maintenance and installation.

Any newspaper vending machine which, in whole or in part, rests upon or over any public sidewalk shall comply with the following standards:

- A. No vending machine shall exceed 60 inches in height, 24 inches in width or 20 inches in thickness.
- B. No vending machine shall be used for advertising signs or publicity purposes other than that dealing with the display, sale or purchase of the newspaper, magazine or book sold and/or distributed therein.
- C. Each vending machine shall be equipped with a coin-return mechanism in good working order.
- D. Each vending machine shall have affixed to it in a readily visible place, so as to be seen by anyone using the vending machine, a notice setting forth the name and address of the distributor and the telephone number of a working telephone service to call to report a malfunction or to secure a refund in the event of a malfunction of the coin-return mechanism, or to give the notice as provided for in this article.
- E. Each vending machine shall be maintained in a neat and clean condition and in good repair at all times. Specifically, but without limiting the generality of the foregoing, each vending machine shall be serviced and maintained so that:
 - (1) It is reasonably free of chipped, faded, peeling and cracked paint in the visible painted areas thereof;

- (2) It is reasonably free of rust and corrosion in the visible and painted metal areas thereon;
- (3) Its clear plastic or glass parts thereof, if any, through which the publications therein are viewed are unbroken and reasonably free of cracks, dents, blemishes and discolorations;
- (4) The paper or cardboard parts or inserts thereof, if any, are reasonably free of tears, peeling or fading;
- (5) The structural parts thereof are not broken or unduly misshapen.

§ 462-19. Location and placement.

Any vending machine for the sale and/or distribution of newspapers, books and/or magazines, which rests in whole or in part upon or on any portion of the public right-of-way, or which projects onto, into or over any part of a public right-of-way, shall be located in accordance with the provisions of this section:

- A. No vending machine shall be used or maintained which projects onto, into or over any part of the roadway of any public street, or which rests wholly or in part along or over any portion of the roadway of any public street.
- B. No vending machine shall be used or maintained which when located in a public right-of-way provides access to the printed materials from the roadside of the public right-of-way thus enable persons in automobiles to obtain the printed materials while remaining in their vehicles.
- C. No vending machine shall be permitted to rest upon, in or over any public sidewalk when such installation, use or maintenance:
 - (1) Endangers the safety of persons or property;
 - (2) Unreasonably interferes with or impedes the flow of pedestrians or vehicular traffic, including any legally parked or stopped vehicle;
 - (3) Unreasonably interferes with the ingress or egress of any residence or place of business; or
 - (4) Unreasonably interferes with the use of traffic signs or signals or fire hydrants permitted at or near said location.
- D. Vending machines shall be weighted so as to prevent their being blown down or around the public right-of-way; said machines shall not be chained to public signs or utility poles for such purpose.
- E. Vending machines may be placed next to each other, provided that no group of vending machines shall extend for a distance of more than six feet along a curb. By "group" is meant up to three machines and separated from any other group by a distance of at least three feet.

- F. No vending machine shall be placed, installed, used or maintained:
- (1) Within three feet of any marked crosswalk;
 - (2) Within 12 feet of the curb return of any unmarked crosswalk;
 - (3) Within five feet of any fire hydrant, fire callbox, police callbox or other emergency facility;
 - (4) Within five feet of any driveway;
 - (5) Within three feet of or on any public area improved with lawn, flowers, shrubs, trees or other landscaping, except those areas between curblines and sidewalk locations, whether existing or not;
 - (6) Within 100 feet of any other vending machine on the same side of the street in the same block containing the same issue or edition of the same publication;
 - (7) Within five feet of any no-stopping no-standing zone.

§ 462-20. Violations and penalties.

Any person, association or corporation maintaining a coin-operated vending machine for the sale and/or distribution of newspapers, magazines or books in the Borough of South Plainfield without obtaining proper permits in accordance with the provisions of this article, as amended and supplemented, shall, upon conviction, be fined up to \$100 per violation. Further, at the option of the Borough of South Plainfield, vending machines for which no permit is obtained may be confiscated by the Borough after notice of the violation of the provisions of this article are given to the machine owner five days prior thereto.

§ 462-21. Repealer; construal of provisions.

All ordinances or parts of ordinances inconsistent with this article as they are applied to vending machines for the sale and/or distribution of newspapers, magazines or books shall be superseded by the provisions of this article. The enactment of these sections of this article shall, however, not be construed as granting any waivers of the licensing and permit requirements for coin-operated vending machines for the sale and/or distribution of newspapers, magazines or books which may already be located within the Borough of South Plainfield, it being the intent of this article that all such machines obtain permits and be licensed in accordance with the provisions of these sections of this article.