
From: Michelle Kelly [REDACTED]
Sent: Tuesday, July 21, 2026 12:42 PM
To: City Council
Subject: Newspaper racks - suggestions
Attachments: Newspaper signs.pdf

Please post
TxS

Why regulate a rack every 100 feet? What is the reason for this? This seems like low hanging fruit, there is an opportunity to put a much better regulation in place to make sidewalks safer, compliant with the American with Disabilities Act (ADA) and add to the city's walkability. Let's not settle to simply put space between racks when you can do much more.

The encroachment on walkways in the city by newspaper and real estate marketing pamphlets has been a problem for pedestrians, especially differently abled, creating litter and homes for rats. Please clarify these racks are not all newspaper stands and not under the same regulations, be sure not to treat marketing material the same as news publications which are protected by what's left of the 1st amendment. The city does not need to host marketing materials. Removing the marketing racks will make a big difference.

Below is an AI summary of the **current Sebastopol Municipal Code** regulations, permit requirements, ADA clearance standards, enforcement procedures, and penalties for noncompliant sidewalk stands.

Encroachment Permits

Any object occupying a public sidewalk or right-of-way may require an encroachment permit. The City's Engineering Division requires:

- an application,
- plans or drawings when appropriate,
- insurance and indemnification for many permits,
- payment of applicable fees.

Highway 12 (Sebastopol Avenue/Main Street) and Highway 116 corridors often require **both City and Caltrans approval**. The **California Streets and Highways Code** governs encroachments into public rights-of-way.

Is this being done? By the wording in the proposed regulation it is not.

ADA Accessibility

Although Sebastopol's sign ordinance specifies a **minimum 4½-foot pedestrian path**, ADA accessibility standards may require more in certain situations depending on sidewalk geometry and accessible routes.

A display that blocks:

- wheelchair travel,
- curb ramps,
- crosswalk approaches,
- transit stops,

- or creates hazards for visually impaired pedestrians may violate federal accessibility requirements even if it otherwise complies with local sign regulations.

Are the racks out of compliance with these standards? ADA is NOT mentioned in the proposed regulation. By observation racks are currently along red curbs, block drivers and passengers access to vehicles and racks also visually block access to crosswalk lights.

Newspaper Racks

Newspaper distribution is protected by the First Amendment, cities cannot ban newspaper racks, they may regulate:

- Size
- Color
- Maintenance
- Safety
- Location
- Whether multiple racks must be grouped together

Most cities require one or more of the following:

- Sidewalk encroachment permit
- Right-of-way permit
- Encroachment agreement
- Annual license for newspaper racks or sidewalk displays

These rules often specify:

- Maximum size
- Placement
- Number of stands allowed
- Distance from intersections
- Distance from driveways
- Distance from benches, utility poles, and trees

Suggested Components of Newsrack Regulation

Define newsrack

Describe encroachment agreement, right of way permit, annual licence & application process

Require mandatory multiple racks grouped where possible

Define criteria for placement: location, size, ADA compliance, distance from key elements.

Maintenance requirements; what & how often

Define infractions for rack removal

Exclude all marketing racks from sidewalks.

Hope you'll consider a bigger picture with more benefits.
Thank you for you time,
M. Kelly