

REAL ESTATE SERVICES

News Racks

Application Packet



Salt Lake City Corporation
Real Estate Services
Housing and Neighborhood Development
A Division of Community and Economic Development

451 South State Street, Room 425
P.O. BOX 145460
Salt Lake City, UT 84114-5460

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News Rack(s) Application Packet

Quick Facts

Thank you for your interest in locating news racks in Salt Lake City. This information packet is intended to provide a basic overview of the News Racks Application process. Our hope is that in just a couple easy steps you can obtain a News Rack Certificate from Salt Lake City. Potential news rack vendors should also read and familiarize themselves with the News Rack Ordinance in Chapter 14.36 of the Salt Lake City code to ensure a clear understanding of your responsibilities as news rack vendor.

Prior to displaying your News Rack on public property in Salt Lake City, you will need to provide the following:

- Completed Application
- Evidence of the applicant's Salt Lake City Business License
- Evidence of insurance required by section 14.36.100
- Area map plotting the proposed location(s) of the news rack(s). The area map shall include all information necessary to show compliance with the grouping, concentration, and location requirements stated in this chapter.
- An elevation plan sketch of the proposed news rack(s). The elevation plan shall include all information necessary to show compliance with the design standards stated in this chapter
- A description of the method for anchoring the news rack(s).
- Application fee \$50 plus \$5.00 Rack Certification Fee (NON-REFUNDABLE)

Please remit all items to:

Salt Lake City Real Estate Services
Attn: Amanda Fitzwater
PO BOX 145460, Salt Lake City, UT 84114-5460
Email – Amanda.Fitzwater@SLCgov.com
Fax – 801-535-6131

If you have any questions during the application process please feel free to contact Real Estate Services at (801) 535-7133.

We look forward to working with you!

NEWS RACK APPLICATION

Application is hereby made for a revocable permit to allow the distribution of an outdoor self-service or coin operated container, rack or structure used or maintained for the distribution of newspapers, news periodicals or other printed material. (Ord.7-15, 2015)

BUSINESS NAME _____ **TELEPHONE #** _____

BUSINESS ADDRESS _____ **EMAIL** _____

Individual Contact _____ **Telephone #** _____

Email _____ **Cell Phone #** _____

Name of Materials to be Distributed _____ **Number of News Racks** _____

Federal Information Number (FIN) _____

The undersigned permit applicant shall hold Salt Lake City, its officers, elected officials, employees and the adjacent property owner harmless from any and all liability and shall indemnify from any claims for damage to property or injury to persons including appeals there from, arising from and activity carried on as a result of granting of this permit. I acknowledge I have read and understand the requirements describe in this Application Packet as well as in Ordinance 5.65 of the Salt Lake City Code.

THE UNDERSIGNED HAS READ AND AGREES TO THE TERMS OF SALT LAKE CITY CODE CHAPTER 14.36

SIGNATURE OF APPLICANT _____ **DATE** _____

Please remit all items to:

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Ordinance Information for News Racks

14.36.010: PURPOSE AND INTENT OF PROVISIONS:

The city council hereby finds and declares:

- A. The primary intended use of the streets and sidewalks of the city is the movement of people and goods. Generally speaking, the city considers its streets and the real property interests therein to be a valuable asset, one that it intends to control by regulation and will not allow to be appropriated by private enterprise.
- B. The city has an obligation to the general public to ensure reasonably unobstructed passage over the public right of way in a clean, safe and orderly manner.
- C. The city has an obligation to protect the health and safety of the public, and to protect persons, including minors, from unwilling exposure to explicit sexual material.
- D. Inappropriately located news racks can pose a significant hazard and annoyance to pedestrians, abutting landowners, and vehicles, and can interfere with the maintenance of public improvements.
- E. The uncontrolled construction and placement of news racks unreasonably interferes with the public's right to safe and unobstructed passage and tends to physically and visually clutter the public rights of way. The placement, construction and maintenance of news racks must be reviewed in relationship to proximity, design and use of other existing or proposed street improvements including, but not limited to, signs and lampposts, parking meters, bus shelters and benches, planters, telephone booths, traffic devices, bus stop areas, loading zones, and landscaped setbacks.
- F. The city's central business district and an expanded area surrounding it, and the Sugar House business district are particularly congested and important areas. The aesthetically pleasing and functional design and regulation of the use of streets and sidewalks in the expanded central business district and Sugar House business district are extremely important in developing and maintaining order for the public good.
- G. The city has gone to great lengths in its street improvement program within the expanded central business district and the Sugar House business district to create an aesthetically pleasing, safe, efficient and harmonious streetscape. Outdoor news racks, as part of the streetscape furniture, should be designed, constructed and maintained to carry out those objectives.
- H. Historically, the use of the streets for commercial enterprise has been precluded to preserve the streets for public purposes and to avoid the appropriation of public property or the creation of unfair economic advantage to businesses competing in the business district on private property. Distribution of newspapers has been a

notable, but limited, exception allowed in business districts to accommodate convenient dissemination of the news to encourage an informed citizenry, even though such distribution from news racks competes with other retail or subscription methods. Use of city owned property and public rights of way in commercial districts where subscription is less common should not be absolutely denied, but such use is subordinate to the property's use for public purposes. This private use of the city owned property and public rights of way, afforded certain constitutional protection under freedom of expression, is being regulated to ensure subordination to public purposes and protection to the city and its residents.

- I. Daily newspapers of general circulation provide the most comprehensive and detailed information regarding local advertising and state and local news. This information is of greatest interest to those in the expanded central business district and Sugar House business district, and becomes stale on a daily basis requiring rapid turnover.
- J. The above strong compelling governmental interests compete against public interests in freedom of expression and the private commercial interests of distributors. The city desires, in the time, place and manner provisions codified in this chapter, to balance those interests. (Ord. 7-15, 2015)

14.36.020: TITLE:

This chapter may be referred to as the *SALT LAKE CITY NEWS RACK ORDINANCE*.
(Ord. 7-15, 2015)

14.36.030: DEFINITION OF NEWS RACK:

For the purpose of this chapter, "news rack" means any outdoor self-service or coin operated container, rack or structure used or maintained for the distribution of newspapers, news periodicals or other printed material. (Ord. 7-15, 2015)

14.36.040: NEWS RACKS ALLOWED ONLY IN SPECIFIED AREAS:

- A. News racks on city owned property or in the public right of way shall be lawful within the expanded central business district ("ECBD"), which is defined to include the area of downtown bounded on the north by the north side of North Temple Street; on the east by the east side of 200 East Street; on the south by the south side of 500 South Street; and on the west by the west side of 400 West Street.
- B. News racks shall be lawful on city owned property and in the public right of way within the Sugar House business district zoning districts (CSHBD1 and CSHBD2).
- C. Outside of the ECBD and the Sugar House business district the existing news racks that substantially conform to the provisions of this chapter and that are listed on exhibit A to the ordinance codified herein, a copy of which shall be filed with the city recorder along with said ordinance, may remain in their present location subject to

compliance with all design, maintenance and license regulations stated in this chapter.

- D. The airport may make such rules and regulations governing the location and fees for news racks as the airport director deems reasonably necessary to ensure the safety and efficient operation of the airport.
- E. Other than as allowed by subsections A, B, C and D of this section, it is unlawful to own, operate, place or maintain news racks on city owned property or in the public right of way. (Ord. 7-15, 2015)

14.36.050: LICENSE AND FEE REQUIRED:

- A. License Required: Anyone desiring to place a news rack on city owned property or in the public right of way shall be required to obtain a license from the city. One license will be issued per publication and will apply to all news racks that distribute that publication. The application for a license shall be submitted to the city before the installation of any news rack in accordance with the application procedures specified in section [14.36.060](#) of this chapter.
- B. Amendment To License: In the event of a change in any of the information submitted as part of the original license application, including any changes to the location of an approved news rack or a request for additional news racks, the licensee shall submit an application to amend the license. A licensee may install additional news racks or relocate an existing news rack only upon approval of the amended license.
- C. Licensing Term: A news rack license shall be valid for one year from the date of approval. A license may be renewed if, before its expiration, the licensee pays the renewal fee shown on the Salt Lake City consolidated fee schedule and provides evidence of insurance as required in section [14.36.100](#) of this chapter. (Ord. 7-15, 2015)

14.36.070: LICENSE FEE:

The license application shall be accompanied by the fee shown on the Salt Lake City consolidated fee schedule to partially defray the cost of reviewing and permitting the news rack license. (Ord. 7-15, 2015)

14.36.100: INSURANCE REQUIREMENTS:

Anyone owning or maintaining a news rack on city owned property or in the public right of way shall maintain liability insurance with an insurer that is licensed to transact business in the state of Utah and that is financially sound and reputable, as determined by the city attorney. Such liability insurance shall provide coverage for all liability that the owner or maintainer of the news rack may incur by virtue of the placement, care, use, operation and existence of the news rack. Such insurance shall have a minimum

limit of two hundred fifty thousand dollars (\$250,000.00) per occurrence and a five hundred thousand dollar (\$500,000.00) aggregate limit for personal injury and a one hundred thousand dollar (\$100,000.00) limit for property damage. Such insurance shall name the city as an additional insured and may not be cancelable without thirty (30) days' prior written notice to the city. The licensee shall provide evidence of insurance to the city's real property manager upon submittal of an application for a news rack license or upon renewal of an existing license. (Ord. 7-15, 2015)

14.36.110: NUMBER OF NEWS RACKS PER BLOCK:

No more than thirty two (32) news racks may be located on any one block, which, for this chapter, shall mean any numbered whole block as shown on the original plat of the city. (Ord. 7-15, 2015)

14.36.120: GROUPING OF NEWS RACKS:

Between intersecting streets that define blocks, news racks shall be placed together in not more than three (3) groups of not more than eight (8) news racks in any group. Each group on the same block face shall be separated by a distance of not less than one hundred feet (100'). Each news rack within a group shall be separated no more than two feet (2') from the nearest other news rack within the group. Groups located within thirty feet (30') of an intersection, measured from the centerlines of two (2) intersecting sidewalks, shall be considered to be on both block faces. In the event that the design of any special assessment area requires a different grouping pattern on any block face, the grouping on that block face shall be as required by the special assessment area design. (Ord. 7-15, 2015)

14.36.130: CONCENTRATION OF PUBLICATIONS:

No more than eight (8) news racks on any block may dispense the same publication. No more than three (3) news racks on any block face may dispense the same publication. News racks placed within thirty feet (30') of an intersection shall be counted in the total allowed for each block face, measured from the centerlines of two (2) intersecting sidewalks. (Ord. 7-15, 2015)

14.36.140: LOCATION RESTRICTIONS:

No news rack may be located adjacent to any mailbox, post, pole, water feature, art or monument, or adjacent to or within any raised planter, except when pedestrian circulation space between such items and the news rack is not needed and sufficient space for maintenance of such items and news racks is provided, or if the original design of such items specifically provides for news racks in an integrated design feature, or if the city engineer specifies a particular location for placement. The use of the news rack license locations must be compatible with the free flow of pedestrian and other traffic and with public safety. The city's property management division may modify an approved license location at any time a change is deemed necessary to ensure safe and

reasonable operating conditions for all users of the public right of way. No news rack shall:

- A. Impede or interfere with the reasonable use of a crosswalk, display window or building entrance;
- B. Impede or interfere with the reasonable use of any kiosk, bench, trash receptacle, drinking fountain, bicycle rack, driveway, alley, or bus shelter;
- C. Interfere with the reasonable use of any fire hydrant, traffic signal box, or other emergency facility. News racks may not be located within five feet (5') of a fire hydrant;
- D. Impair or interfere with pedestrian traffic;
- E. Interfere with or impair the vision of operators of vehicles at street intersections;
- F. Reduce the clear, unimpeded sidewalk width to:
 - 1. Ten feet (10') or less on sidewalks over twelve feet (12') in width, or
 - 2. Less than three-fourths ($\frac{3}{4}$) of the clear and unimpeded width of the sidewalk on sidewalks less than twelve feet (12') in width, and in no event less than six feet (6').

In determining whether a sidewalk is unimpeded, the city may consider features such as fountains, fire hydrants, planters, or any other feature that obstructs pedestrian movement. (Ord. 7-15, 2015)

14.36.150: RIGHTS GRANTED:

The approval of any location for use as a news rack shall not be construed as granting the licensee any right or interest to or in the property owned by the city. The rights granted by this chapter are merely a license to use the property for permitted purposes, subject to the provisions of this chapter. (Ord. 7-15, 2015)

14.36.160: ANCHORAGE OF NEWS RACKS:

News racks shall be anchored to the ground or sidewalk at their site. News racks may not be anchored to trees, posts or poles with chains, rope, cable or otherwise. The licensee shall be responsible for any damage or repairs caused or necessitated by the removal or installation of any news rack to bring the site to its original condition, ordinary wear and tear excepted. (Ord. 7-15, 2015)

14.36.170: DESIGN STANDARDS:

All permitted news racks shall comply with following design standards:

- A. Height: As measured from the surface of the sidewalk to the highest point of the news rack, no news rack shall exceed:
 - 1. A height of fifty inches (50") when located adjacent to a building or structure, including light poles and similar features, of equal or greater height; or
 - 2. A height of five feet (5') when located adjacent to a building stacked with multiple racks; or
 - 3. A height of three feet (3') in other locations.
- B. Other Dimensions: No news rack shall exceed:
 - 1. A depth of two feet (2');
 - 2. A length of two feet (2').
- C. Color: News racks shall be flat black, or the designated fixture color as part of any special assessment area with an overall street design theme that specifies particular colors. In the event that the design of a special assessment area requires that news racks be enclosed within particular materials or colors, any licensee with news racks within such district shall be notified of the pending requirements and shall comply with them.
- D. Advertising: News racks shall carry no advertising except a logo or other information identifying the newspaper or other printed material. This information may be displayed on the news rack up to a height of six inches (6") and width of thirteen inches (13") on the upper two-thirds ($\frac{2}{3}$) of the sides and a height of three inches (3") and width of twenty inches (20") on the bottom one-third ($\frac{1}{3}$) of the front.
- E. Licensee Information: Each news rack shall have permanently affixed in a readily visible place the current name, address, and telephone number of the licensee. (Ord. 7-15, 2015)

14.36.220: ABANDONMENT:

A news rack shall be deemed abandoned if it:

- A. Is removed pursuant to this chapter and is unclaimed for thirty (30) consecutive calendar days after the date of removal;
- B. Remains empty or without a publication for thirty (30) consecutive calendar days; or
- C. Is not maintained according to the provisions of this chapter.

News racks deemed abandoned may be treated in the manner provided in section [14.36.200](#) of this chapter. (Ord. 7-15, 2015)

14.36.230: MAINTENANCE:

Each news rack shall be continuously maintained in a reasonably neat and clean condition and in good repair including:

- A. Reasonably free of dirt, trash, debris, foreign objects, graffiti, stickers, dents, and grease;
- B. Reasonably free of chipped, faded, peeling, or cracked paint in any visible painted areas;
- C. Reasonably free of rust and corrosion in any visible areas;
- D. Any clear parts through which publications are visible shall be unbroken and reasonably free of cracks, scratches, dents, blemishes, and discoloration; and
- E. No structural components shall be broken or unduly misshapen. (Ord. 7-15, 2015)

**To review the complete list of Ordinances for News Racks, please see:
<http://www.slccgov.com/government/your-government-policies-ordinances>**

Certificate of Insurance Requirements

This information will assist you and your insurance agent in complying with City insurance requirements for News Rack(s) (Revocable Land Use) permits.

FAILURE TO PROVIDE INSURANCE IN COMPLIANCE WITH THESE REQUIREMENTS ARE A DEFAULT IN THE PROVISIONS OF YOUR AGREEMENT OR CONTRACT WITH THE CITY AND WILL BE TREATED ACCORDINGLY. IT IS YOUR RESPONSIBILITY TO PROVIDE A COPY OF THIS INSTRUCTION SHEET TO YOUR INSURANCE AGENT.

Salt Lake City requires:

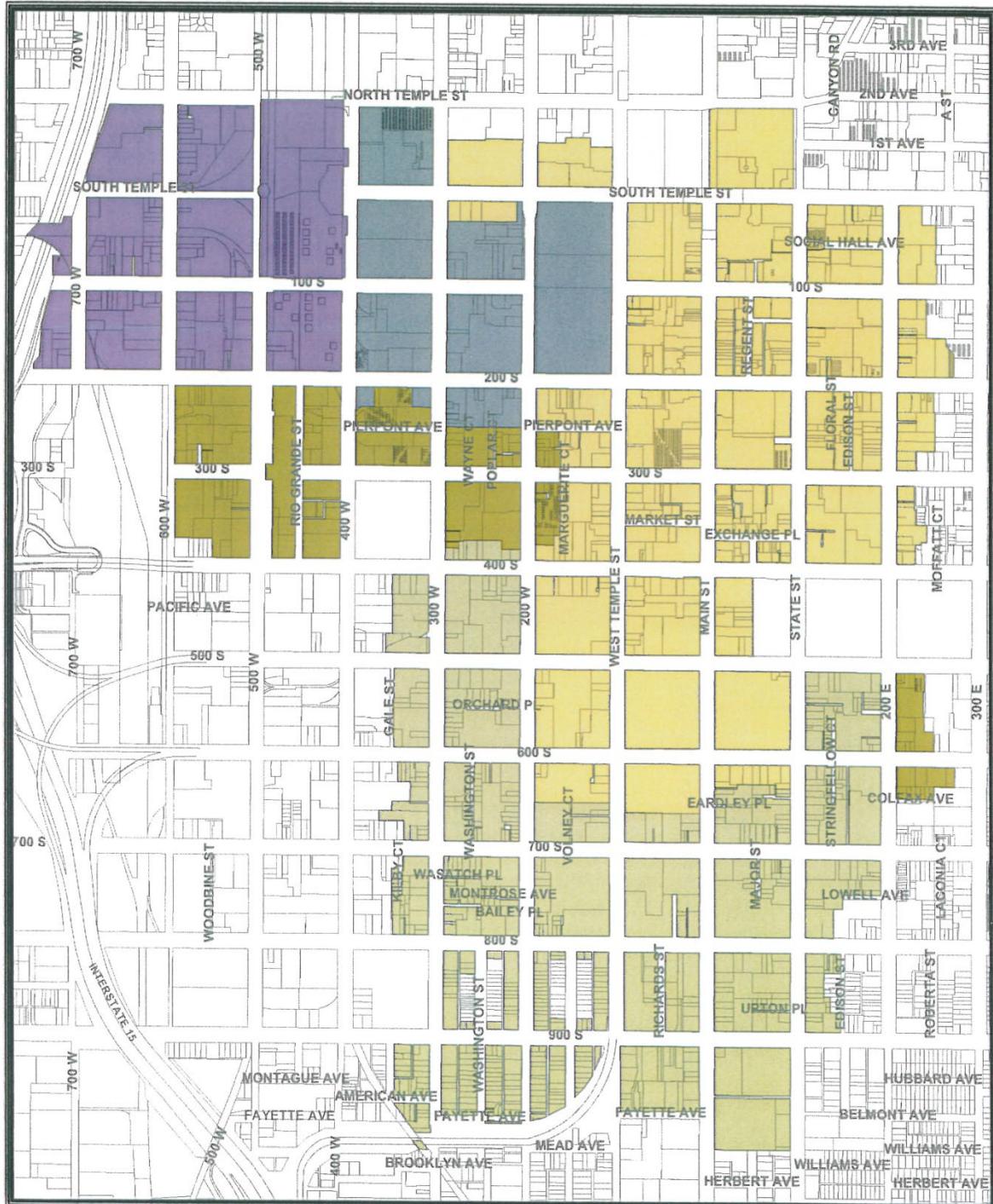
Commercial General Liability Insurance. The policy shall protect the Salt Lake City Corporation, the Permit holder, and any subcontractor from claims for damages for personal injury, including accidental death, and from claims for property damage that may arise from the Permit holder's operations under the Agreement or Contract, whether performed by Permit holder itself, any subcontractor, or anyone directly or indirectly employed by either of them.

1. **All Certificates of Insurance shall:**
 - (a) Be original
 - (b) Have an original or laser generated signature
 - (c) Name Salt Lake City Corporation as an additional insured and certificate holder as follows:

**Salt Lake City Corporation
Real Estate Services
451 South State Street
P.O. Box 145460
Salt Lake City, UT 84114-5460**
 - (d) Minimum insured amounts of \$500,000 aggregate limit for personal injury, \$250,000 per occurrence and \$100,000 limit for property damage.
 - (e) All required certificates and polices shall provide that coverage there under shall not be canceled or modified without providing thirty (30) written notice to the City in a manner approved by the City Attorney's office.
2. **Endorsement Page:** The issuing insurance company shall provide to the City, a certificate of insurance **and** an original endorsement page. This endorsement page shall:
 - (a) Reference the policy number to match the certificate of insurance.
 - (b) Show Salt Lake City Corporation as an additional insured
3. **Insurance Companies:** All policies of insurance provided shall be issued by insurance companies licensed to do business in the State of Utah and shall be either:
 - (a) Rated with an A- or better rating in the most current edition of **A.M. Best's Key Rating Guide Property-Casualty United States.**

OR
 - (b) Listed in the Federal Register, "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds";

ACORD forms are not mandatory as long as the above requirements are in a format acceptable to the City Attorney's Office.



Downtown Zoning Districts

- D-1, Central Business District
- D-2, Downtown Support District

D-3, Downtown Warehouse/Residential

- D-4, Secondary Central Business District
- GMU, Gateway Mixed Use

Salt Lake City Planning Division
Geographic Information System
May 2010
Made by Kathy Schroeder