



# Staff Report

PLANNING DIVISION  
COMMUNITY & ECONOMIC DEVELOPMENT

To: Salt Lake City Planning Commission

From: Wayne Mills  
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Date: April 3, 2014

Re: PLNPCM2012-00793 Amendments to Ordinance Regulating Newsracks in the Public Right-of-Way

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## City Code Amendment

**REQUEST:** This petition was initiated by the Mayor at the request of the Planning Director to analyze changes to the ordinance regulating newsracks in the public right-of-way. The original purpose of the petition was to change the administration authority over the ordinance from the Zoning Administrator to the City Engineer. Upon review of the ordinance, Staff identified additional issues and has recommended a number of amendments.

**RECOMMENDATION:** The Planning Division recommends that the Planning Commission review the proposed changes to the Newsrack ordinance and provide comments. Comments and suggested changes provided by the Planning Commission will be forwarded to the City Council for consideration. The Planning Commission does not have authority over this ordinance and a formal recommendation is not required.

**ATTACHMENTS:**

- A. Map of Expanded Central Business District (ECBD)
- B. Summary of Proposed Amendments
- C. Proposed Ordinance – Strike and Underline
- D. Public Process and Comments
- E. City Department Comments

**PROJECT DESCRIPTION:**

The Newsrack ordinance was adopted in 1991 and provides specific provisions related to the location and design of newsracks located in the public right-of-way. The ordinance limits the placement of newsracks to an area referred to as the Expanded Central Business District (ECBD), but allows newsracks that were already in place outside of the ECBD to remain. A map of the ECBD is attached as Attachment A.

The Newsrack ordinance identifies the Zoning Administrator as the individual who is responsible for reviewing and approving permits for newsracks and enforcing the Newsrack ordinance. This process has been problematic because the responsibility of the Zoning Administrator is to interpret and enforce the Zoning Ordinance, which generally applies to public and private parcels of property, not the public right-of-way. The permitting and enforcing of encroachments in the public right-of-way is the responsibility of the Real Property Manager and City Engineer. The initial intent of the petition to amend the Newsrack ordinance was to change administrating authority from the Zoning Administrator to the City Engineer; however, upon further review, the Department of Community and Economic Development decided that the Property Manager would be the appropriate administrator. The Property Manager currently permits and administers leases for all other public right-of-way encroachments.

Through the petition review process, the project staff identified other issues with the ordinance that should be addressed. Particularly, regulations pertaining to the permitting process need to be revised in an effort to provide better mechanisms for monitoring and inventorying the location of newsracks. Other amendments are also proposed in an effort to clarify regulations and adjust the permit fees to reflect the City's cost for permitting, monitoring and enforcement. A summary of proposed changes, including the reasons for the changes is attached as Attachment B. A strike and underline version of the ordinance is attached as Attachment C. Strike shows text to be removed and underlined text has been added.

**KEY ISSUES:**

The key issues listed below have been identified through the analysis of the project, public input and department review comments.

1. *Application Fee:* The newspaper distributors that responded have concerns regarding the increase in fees.
2. The proposed amended ordinance reflects changes suggested by various City departments, including Property Management, Engineering, Transportation, and the City Attorney.

**NEXT STEPS:**

The regulations for newsracks in the public right-of-way are located in Title, 14, Chapter 14.36 of the Salt Lake City Code. Typically, the Planning Commission reviews and makes recommendations to the City Council on amendments to the Zoning Ordinance, which is Title 21A of the City code. In this case, the Planning Division is not requesting a formal recommendation, but is seeking comments from the Planning Commission on the proposed amendments. Holding a public hearing before the Planning Commission also provides a venue for public input prior to the City Council process. The recommendations from the Planning Commission will be forwarded to the City Council who has the final decision making authority over amendments to the City Code.

## **ATTACHMENT A: MAP OF ECBD**

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# Newsrack Area Boundary

North Temple St

South Temple St

West Temple St

100 S

Main St

State St

200 E

200 S

300 S

400 S

500 S

200 W

300 W

400 W

## Legend

 Expanded Central Business District

Newsracks located in the public right-of-way are allowed only within the expanded central business district. There are no proposed changes to the area where newsracks are allowed in the right-of-way.



**ATTACHMENT B: SUMMARY OF PROPOSED  
AMENDMENTS**

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# NEWSRACK ORDINANCE

## Proposed Changes

### Administration

<p><u>Current Ordinance</u></p> <p>The Zoning Administrator is the permitting and monitoring authority.</p>	<p><u>Proposed Change</u></p> <p>The Real Property Manager is the administrative authority.</p>	<p><u>Reason</u></p> <p>The Real Property Manager is the administrative authority over the issuance of leases for the private use of public property.</p>
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### Permitting Process

<p><u>Current Ordinance</u></p> <p>A newsrack distributor is required to submit an initial application before placing a newsrack in the public right-of-way. The distributor is then required to submit a certificate application every year that includes any changes that were made in the number of newsracks or location of the newsracks. A newsrack distributor is not required to notify the City regarding location changes until the yearly renewal period.</p>	<p><u>Proposed Change</u></p> <p>A newsrack distributor is required to submit a license application to the Real Property Manager. One license will be issued per publication and will apply to all newsracks that distribute that publication. Upon approval of the license application, the location of each newsrack will be documented in the City's mapping system.</p> <p>The term of the license is two years. A license will be renewed upon payment of the renewal fee and proof of insurance.</p> <p>Any change to any information submitted as part of the original license application, including any changes to the location of a newsrack or request for additional newsracks, requires an amendment to the publication license. An existing newsrack cannot be relocated and a new newsrack cannot be installed until the City approves the amendment to the license.</p>	<p><u>Reason</u></p> <p>The main purpose of the proposed changes to the permitting system is to provide a mechanism for the City to monitor encroachments in the public right-of-way. The current ordinance allows the relocation of a newsrack and the installation of new newsracks at any time throughout the year without notification to the City. There is no way that the City can distinguish between approved (legal) newsracks and those that are not approved. The yearly certificate is also problematic. Most of the newsracks located within the City are not currently legal because the newsrack distributors have not submitted the required yearly certificate.</p>
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## Application Requirements

<p><b><u>Current Ordinance</u></b></p> <p>The application requirements include the contact information, business license information, name of the materials that will be distributed, evidence of insurance, and the number of newsracks that will be located on City property.</p>	<p><b><u>Proposed Change</u></b></p> <p>In addition to the existing requirements, applications for a publication license will require a site plan showing the proposed location of all newsracks, an elevation drawing of the newsrack, and a description of the method for anchoring the newsracks.</p>	<p><b><u>Reason</u></b></p> <p>The additional information is needed to properly review an application for an encroachment into the public right-of-way in order to ensure that proposed newsracks meet City regulations.</p>	
<p><b><u>Fees</u></b></p>			
<p><b><u>Current Ordinance</u></b></p> <p>Initial permit application = \$5.00 per newsrack          Yearly certificate fee = \$5.00 per newsrack</p>	<p><b><u>Proposed Change</u></b></p> <p>Initial publication license          Application fee = \$200.00          Property lease fee = \$10.00 per newsrack</p> <p>License renewal (every two years) = \$10.00 per newsrack</p> <p>License amendments          Existing newsrack relocation = \$10.00 per newsrack          Additional newsracks = \$10.00 lease fee per newsrack</p>	<p><b><u>Reason</u></b></p> <p>The existing fees were created in 1991 and do not reflect the cost to administer the permitting, monitoring, and enforcement of the newsrack ordinance. A substantial amount of City staff time is required to review the review the applications, review the location of each newsrack, map the newsrack locations, and monitor/enforce.</p>	
<p><b><u>Insurance</u></b></p>	<p><b><u>Current Ordinance</u></b></p> <p>Liability insurance must have a limit of no less than \$250,000 for each occurrence.</p>	<p><b><u>Proposed Change</u></b></p> <p>Liability insurance must have a minimum limit of \$250,000 per occurrence and a \$500,000 aggregate limit for personal injury and \$100,000 limit for property damage.</p>	<p><b><u>Reason</u></b></p> <p>The proposed changes are based on current legal provisions in the Utah Governmental Immunity Act and current City standards for contractual insurance requirements.</p>

## **Location Restrictions**

### **Current Ordinance**

The ordinance currently states that a newsrack cannot interfere with the reasonable use of any fire hydrant.

Newsracks cannot reduce the clear, unimpeded width of a sidewalk that is 12 feet in width to less than 10 feet in width. Sidewalks that are less than 12 feet in width cannot be reduced to less than three-quarters of its width. In no event can a newsrack reduce the unimpeded sidewalk width to less than four feet.

### **Proposed Change**

Newsracks must be located at least five feet from a fire hydrant.

There are no changes proposed regarding sidewalks over 12 feet. The proposal would raise the minimum unimpeded width from four feet to six feet on sidewalks less than 12 feet in width.

### **Reason**

This ensures adequate emergency access to fire hydrants.

Newsracks are allowed only in the downtown area. The intent of all development and public way design regulations is to encourage a safe and efficient pedestrian experience. The proposed minimum width would help to ensure adequate room for pedestrian movement.

## **Newsrack Identification**

### **Current Ordinance**

There are currently no stipulations that require a distributor to identify the owner of a newsrack.

### **Proposed Change**

Each newsrack must have the name, address, and telephone number of the distributor permanently affixed in a visible manner.

### **Reason**

Providing contact information on the newsrack will enable inspectors to call a newsrack distributor from the field. This should provide better customer service to the newsrack distributors if an issue arises with their newsrack.

## **Denial, Suspension, Revocation**

### **Current Ordinance**

There are currently no stipulations for denial, suspension, or revocation of a newsrack license.

### **Proposed Change**

The City can deny, suspend, or revoke a license if the licensee has violated provisions of the ordinance, the licensee does not have valid insurance, or the newsrack(s) have been abandoned.

### **Reason**

Provides legal parameters for denying, suspending or revoking a newsrack license.



## Abandonment

### Current Ordinance

There are currently no stipulations defining an abandoned newsrack.

### Proposed Change

An existing newsrack is considered abandoned if it remains empty without a publication for thirty continuous calendar days and/or is not maintained according to the requirements in the ordinance. A newsrack that is abandoned will be removed by the City.

### Reason

Newsracks that remain empty of publications have become trash receptacles and targets for graffiti.

## Maintenance

### Current Ordinance

There are currently no maintenance requirements in the ordinance.

### Proposed Change

Newsracks must be continuously maintained and in good condition. They must be reasonably free of trash, dirt, graffiti, stickers, rust, corrosion and dents. Painted areas, structural elements, and clear parts where publications are visible must be in good condition.

### Reason

Newsracks are part of the streetscape furniture and are an important part of the urban design of downtown. All street furniture must be maintained to create an aesthetically pleasing and safe environment.

# **ATTACHMENT C: PROPOSED ORDINANCE**

## Chapter 14.36

### ~~NEWSRACKS~~ 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 ~~property and goods~~. Generally speaking, the city considers its streets and the real property interests therein to be a valuable asset, one ~~which 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 ways 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 ~~newsracks~~ 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 and maintenance of newsracks 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, ~~and required setbacks~~. Such The placement, construction and maintenance of ~~newsracks~~ news racks must be reviewed in relationship to proximity, design and use of other existing or proposed street improvements ~~and furniture of the streetscape~~, 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 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 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 ~~in existing and proposed beautification projects~~ within the expanded central business district to create an aesthetically pleasing, safe, efficient and harmonious streetscape ~~which that also functions safely and efficiently~~. Outdoor ~~newsracks~~ news racks, as part of the streetscape furniture, should be designed, constructed and placed maintained in this area ~~according to the proposed pattern~~ 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 ~~newsracks~~ news racks competes with ~~normal~~ other retail or subscription methods. Use of city owned property and ~~publicly owned sidewalks~~ 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 ~~publicly owned sidewalks~~ 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, ~~by indemnifying the city against any liability arising out of this use of public property.~~

- 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 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. 18-91 § 1, 1991: prior code § 20-39-1)

**14.36.020: TITLE:**

This chapter may be referred to as the *SALT LAKE CITY ~~NEWSRACK~~ NEWS RACK ORDINANCE*. (Ord. 18-91 § 3, 1991)

**14.36.030: PERMIT REQUIRED:**

It is unlawful to place or maintain a ~~newsrack~~ news rack on property owned by the city or on ~~publicly owned sidewalks~~ without obtaining a permit and obtaining a lease for distributing materials through ~~newsracks~~ on such property pursuant to the provisions of this chapter. (Ord. 18-91 § 3, 1991)

**14.36.040 ~~14.36.030~~: DEFINITION OF NEWSRACK NEWS RACK:**

For the purpose of this chapter, ~~"newsrack"~~ "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. 18-91 § 3, 1991)

**14.36.050 ~~14.36.040~~: NEWSRACK NEWS RACK ALLOWED ONLY IN SPECIFIED AREAS:**

- A. ~~Newsracks~~ News racks on city owned property or on ~~publicly owned sidewalks~~ 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. Outside of the ECBD the existing ~~newsracks~~ news racks ~~which that~~ substantially conform to the provisions of this chapter and ~~which 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 ~~section 14.36.260 of this chapter~~ compliance with all design, maintenance and license regulations stated in this chapter.
- C. The airport may make such rules and regulations governing the location and fees for ~~newsracks~~ news racks as the airport director deems reasonably necessary to ensure the safety and efficient operation of the airport.
- D. Other than as allowed by subsections A, B and C of this section, it is unlawful to own, operate, place or maintain a ~~newsrack~~ news racks on city owned property or ~~publicly owned sidewalks~~ in the public right-of-way. (Ord. 18-91 § 3, 1991)

**14.36.060 14.36.050: YEARLY PERMIT OR CERTIFICATION LICENSE AND FEE REQUIRED:**

Anyone desiring to use ~~newsracks~~ on city owned property ~~publicly owned sidewalks~~ shall, prior to any initial use, and thereafter before July 31 of each year, submit the required permit application or certification as specified below. (Ord. 18-91 § 3, 1991)

A. 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 the any news rack in accordance with the application procedures specified in section 14.36.060.

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 two (2) years 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.

**14.36.070 14.36.060: PERMIT LICENSE APPLICATION:**

An application for a ~~permit~~ license to ~~place a new news rack or relocate an existing news rack~~ distribute through newsracks on city owned property or ~~in the public right-of-way~~ publicly owned sidewalks ("permit" "license") shall be filed with ~~the Zoning Administrator~~ Property Management upon a form provided by the ~~administrator~~ city and shall include the following:

- A. The name, address, and telephone number of the applicant;

- B. The name, address, and telephone number of a responsible person whom the city may notify or contact at any time concerning the applicant's ~~newsracks~~ news racks;
- C. Evidence of the applicant's qualification to do business in the state of Utah;
- D. Evidence of the applicant's Salt Lake City business license;
- E. The name of the materials to be distributed by the ~~newsrack~~ news rack;
- F. ~~The number of newsracks on city owned property or publicly owned sidewalks which will be, or are expected to be, maintained by the applicant; and~~
- ~~G-F.~~ The evidence of insurance ~~or self insurance~~ required by section ~~14.36.140~~ 14.36.100 of this chapter;
- G. A site plan showing the proposed location of the news rack(s). The site plan shall include all information necessary to show compliance with the grouping, concentration, and location requirements stated in this chapter;
- H. An elevation plan 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; and
- I. A description of the method for anchoring the news rack(s).

**~~14.36.080~~ 14.36.070: PERMIT LICENSE FEE:**

The ~~permit license~~ application shall be accompanied by the fee shown on the Salt Lake City consolidated fee schedule, ~~per newsrack to partially defray the cost of reviewing and permitting the news rack license the permit application.~~

**~~14.36.090~~ 14.36.080: ISSUANCE OF PERMIT LICENSE:**

The zoning administrator Real Property Manager shall issue a permit license upon filing the completed application and necessary payment of the application fees, ~~and upon meeting all standards and regulations stated in this chapter.~~

After the filing of the completed license application and the payment of the required fee, the Real Property Manager shall issue a license if the application satisfies all requirements of this chapter.

**~~14.36.100~~: CERTIFICATION APPLICATION:**

~~For any subsequent year after a newsrack permit has been issued the permittee shall, on or before July 31 of each subsequent year, submit a certificate, on a form to be provided by the city, which shall include the following:~~

- A. ~~Any changes in the information provided to the city by the permit application; and~~

B. A map of the expanded central business district and the city showing the location of newsracks subject to the permit which are maintained by the permittee. If the permit holder distributes more than one publication through the newsracks the map shall identify which publication is distributed at which newsrack location. (Ord. 18-91 § 3, 1991)

**14.36.110: CERTIFICATE FEE:**

Accompanying the certificate filing shall be the fee shown on the Salt Lake City consolidated fee schedule, per newsrack to partially defray the city's cost of reviewing the certificate and the information contained therein. (Ord. 24-11, 2011)

**14.36.120: TRANSITIONAL FILINGS:**

After the ordinance codified herein becomes effective, any person owning or maintaining a newsrack on city owned property or publicly owned sidewalks shall obtain a permit by filing a permit application and section B of the yearly certification on or before July 31, 1991. The filing shall be accompanied by a fee in the amount of five dollars (\$5.00) per newsrack to partially defray the city's costs of processing the permit and certification. This initial filing shall be all the filing required until July 31, 1992. (Ord. 18-91 § 3, 1991)

**14.36.130 14.36.090: INDEMNITY; HOLD HARMLESS:**

Anyone owning or maintaining a ~~newsrack~~ news rack on city owned property or ~~publicly owned~~ sidewalks in the public right-of-way shall indemnify, defend and hold harmless Salt Lake City and its officers and employees ~~harmless~~ for any loss or damage, including attorney fees, arising out of the use or placement of such ~~newsrack~~ news rack(s). (Ord. 18-91 § 3, 1991)

**14.36.140 14.36.100: INSURANCE REQUIREMENTS:**

Anyone owning or maintaining a ~~newsrack~~ news rack on city owned property or ~~publicly owned~~ sidewalks 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. ~~insuring against~~ Such liability insurance shall provide coverage for all liability that the owner or maintainer of the ~~newsrack~~ news rack may incur by virtue of the placement, care, use, operation and existence of the ~~newsrack~~ news rack. Such insurance shall have a ~~limit of no less than two hundred fifty thousand dollars (\$250,000.00) for each occurrence or, if the provisions of the Utah governmental immunity act are modified, such other limit as may be required to protect the city from liability~~ 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 one hundred thousand dollars (\$100,000.00) limit for property damage. ~~This~~ 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. ~~In lieu of such insurance, a permittee licensee may obtain a waiver of such insurance from the zoning administrator~~ Real Property Manager upon a showing, acceptable to the city attorney, that such person has sufficient unencumbered assets available for attachment and execution to satisfy any judgment that would be rendered against it up to two hundred fifty thousand dollars (\$250,000.00). The permittee licensee shall provide evidence of insurance ~~or evidence of sufficient assets, as the case may be,~~ to the ~~zoning administrator~~ Real Property Manager ~~each year with the permit application or certification upon~~



submittal of an application for a news rack license or upon renewal of an existing license. (Ord. 18-91 § 3, 1991)

**~~14.36.150~~ 14.36.110: NUMBER OF NEWSRACKS NEWS RACKS PER BLOCK:**

~~There shall be no~~ No more than thirty two (32) newsracks 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. 18-91 § 3, 1991)

**~~14.36.160~~ 14.36.120: GROUPING OF NEWSRACKS NEWS RACKS:**

Between intersecting streets ~~which that~~ define blocks, newsracks news racks shall be placed together in not more than three (3) groups of not more than eight (8) newsracks news racks in any group. Each group on the same block face of any block shall be separated by a distance of not less than one hundred feet (100'). Each newsrack news rack within a group shall be separated no more than two feet (2') from the nearest other newsrack news rack within the group. Groups located within thirty feet (30') of an intersection, measured from the centerlines of two intersecting sidewalks, shall be considered to be on both block faces. In the event that the design of any special improvement district assessment area requires a different grouping pattern on any block face, the grouping on that block face shall be as required by the special improvement district assessment area design. (Ord. 18-91 § 3, 1991)

**~~14.36.170~~ 14.36.130: CONCENTRATION OF PUBLICATIONS:**

No more than eight (8) ~~newsracks news racks~~ news racks on any block may dispense the same publication. No more than three (3) ~~newsracks news racks~~ news racks on any block face shall ~~may~~ dispense the same publication. ~~Newsracks 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 intersecting sidewalks. (Ord. 18-91 § 3, 1991)

**~~14.36.180~~ 14.36.140: LOCATION RESTRICTIONS:**

No ~~newsrack news rack shall may~~ news rack 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 ~~newsrack news rack~~ news rack is not needed and sufficient space for maintenance of such items and ~~newsracks news racks~~ news racks is provided, or if the original design of such items specifically provides for ~~newsracks news racks~~ news racks in an integrated design feature, or if the city engineer specifies a particular location for placement, ~~or in a manner which~~ The use of the news rack license locations must be compatible with the free flow of pedestrian and other traffic and with public safety. Property Management 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 unsafely:

- A. Impedes or interferes with the reasonable use of a crosswalk, display window or building entrance;
- B. Impedes or interferes with the reasonable use of any kiosk, bench, trash receptacle, drinking fountain, bicycle rack, driveway, alley, or bus shelter;



C. Interferes with the reasonable use of any fire hydrant, traffic signal box, ~~fire call box, police call box,~~ or other emergency facility. News racks may not be located within five (5) feet of a fire hydrant;

D. Impairs or interferes with pedestrian traffic;

E. Interferes with or impairs the vision of operators of vehicles at street intersections;

F. Reduces 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, ~~with a~~ and in no event less than four foot (4') six (6) feet. minimum.
3. 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. 18-91 § 3, 1991)

~~In determining an unimpeded whether a sidewalk is unimpeded, the city may consider features such as fountains, fire hydrants or similar structures. shall be considered. (Ord. 18-91 § 3, 1991)~~

**~~14.36.190: LOCATION CHANGES:~~**

~~So long as the provisions of this chapter are complied with, newsracks may be moved from one permitted location to another permitted location. Additional complying newsracks may be installed by a permittee during the year of any permit or certification. If any newsracks are added after the yearly permit or certification filing, the permittee shall pay the past full year's fee for such added locations at the time of the next yearly filing. (Ord. 18-91 § 3, 1991)~~

**~~14.36.200~~14.36.150: RIGHTS GRANTED:**

The approval of any location for use as a ~~newsrack~~ news rack shall not be construed as granting the ~~user~~ 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. 18-91 § 3, 1991)

**~~14.36.210~~14.36.160: ANCHORAGE OF NEWSRACKS NEWS RACKS:**

~~Newsracks~~ News racks shall be anchored to the ground or sidewalk at their site. ~~Newsracks~~ News racks may not be anchored to trees, posts or poles with chains, rope, cable or otherwise. The ~~permittee~~ licensee shall be responsible for any damage or repairs caused or necessitated by the removal or installation of any ~~newsrack~~ news rack to bring the site to its original condition, ordinary wear and tear excepted. (Ord. 18-91 § 3, 1991)

**~~14.36.220~~14.36.170: DESIGN STANDARDS:**

All permitted ~~newsracks~~ news racks shall comply with following design standards:

A. Height: As measured from the surface of the sidewalk to the highest point of the ~~newsrack~~ news rack, no ~~newsrack~~ 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~~ three feet (3') in other locations.

B. Other Dimensions: No ~~newsrack~~ news rack shall exceed:

1. A depth of two feet (2'); and

2. A length of two feet (2').

C. Color: ~~Newsracks~~ News racks shall be flat black, or the designated fixture color as part of any special improvement district assessment area with an overall street design theme ~~which that~~ which specifies particular colors. In the event that the design of a special improvement district assessment area requires that ~~newsracks~~ news racks be enclosed within particular materials or colors, any ~~permittee~~ licensee with ~~newsracks~~ news racks within such district shall be notified of the pending requirements and shall comply with them.

D. Advertising: ~~Newsracks~~ 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 ~~newsrack~~ news rack ~~limited up~~ limited 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. (Ord. 18-91 § 3, 1991)

E. Each news rack shall have permanently affixed in a readily visible place the current name, address, and telephone number of the licensee.

#### **14.36.180 Denial, Suspension or Revocation of news rack licenses:**

A. The City may deny, suspend or revoke the news rack license or deny renewal thereof, if the City finds:

1. That such licensee has violated or failed to meet any of the provisions of this chapter;

2. The licensee does not have a currently effective insurance policy in the minimum amount provided in this chapter; or

3. That the licensee has abandoned the use of the news rack(s) as defined in this chapter.

#### **14.36.23014.36.190: NONEMERGENCY REMOVAL OF NEWS RACKS; PERMITTEES LICENSEES:**

A. Notice: If at any time it is determined by the city that a ~~permittee's licensee's newsrack~~ news rack is not in compliance with the requirements of this chapter, ~~the city shall give a written a "notice of intent to remove" shall be issued, in writing,~~ to the ~~permittee licensee~~. Such notice ~~will~~ shall state the violation or violations ~~which that~~ constitute the basis of the proposed removal. The notice shall ~~contain~~ state the date, time and place for a hearing to be held before removal.

B. Hearing: The hearing shall be held not less than ten (10) days from after the time of service of the notice. ~~Prior to~~ Before the hearing, the ~~permittee licensee~~ may file a written response to the notice specifically setting forth the reason or reasons the ~~newsrack~~ news rack should not be removed. At the hearing the ~~zoning administrator~~ Real Property Manager shall determine whether the ~~newsrack~~ news rack complies with the provisions of this chapter. In the event that the ~~zoning administrator~~ Real Property Manager determines that the ~~newsrack~~ news rack is not in compliance ~~does not comply~~ with this chapter, the licensee shall remove or bring into compliance the ~~newsrack~~ news rack ~~shall be removed by the owner licensee~~ within ten (10) days or otherwise brought into compliance. If the ~~newsrack~~ news rack is not ~~moved~~ removed or brought into compliance as required, the city may remove the ~~newsrack~~ news rack and recover the expense of removal from the ~~owner licensee~~.

~~C. B.~~ Appeal: The ~~permittee licensee~~ may appeal any removal decision or order to the mayor or the mayor's designee. Any appeal shall be filed in writing within ten (10) days ~~of~~ after the decision and shall specify the basis for the appeal. The mayor shall consider the appeal based on the written submissions. (Ord. 18-91 § 3, 1991)

#### **14.36.24014.36.200: EMERGENCY REMOVAL; PERMITTEES LICENSEES:**

A. Removal: In the event ~~that~~ a city ~~zoning inspector or the city police or fire department official~~ determines that the location or operation of the ~~newsrack~~ news rack constitutes an immediate physical threat to public life, safety or health, ~~the city may remove the newsrack news rack may be removed by the city~~ immediately without any prior notice ~~or hearing~~. This provision shall not be enforced in any way related to the content ~~or expression~~ of the material distributed by the ~~newsrack~~ news rack.

B. Notice And Hearing: In the event of such an emergency removal, the city shall immediately contact the ~~permittee's representative designated pursuant to subsection 14.36.070B of this chapter~~ licensee's representative and inform the representative of the removal, ~~and the reason(s) therefor for the removal, and of the licensee's right to request a hearing before the Real Property Manager regarding such removal~~. If requested by the representative, the city shall hold an immediate hearing before the ~~zoning administrator~~ Real Property Manager to determine whether or not the removed ~~newsrack~~ news rack constituted an immediate threat to the public's life, safety ~~and or~~ health. In the event that the ~~zoning administrator~~ Real Property Manager determines that the ~~newsrack~~ news rack did not constitute such an immediate threat, the city shall immediately, at its own expense, replace the ~~newsrack~~ news rack at its location. In the event that no immediate hearing is requested by the ~~permittee's licensee's~~ representative, a hearing as provided in subsection ~~14.36.230B~~ 14.36.180B of this chapter shall be held, except that the process shall occur after the removal of the news rack.

C. Appeal: The ~~permittee licensee~~ may appeal any decision or order to the mayor or the mayor's designee. Any appeal shall be filed in writing within ten (10) days ~~of~~ after the decision and shall

specify the basis for the appeal. The mayor shall consider the appeal based on the written submissions. (Ord. 18-91 § 3, 1991)

**~~14.36.250~~14.36.210: REMOVAL OF UNAUTHORIZED NEWSRACKS NEWS RACKS:**

Any unauthorized newsracks news racks on city owned property or publicly owned sidewalks in the public right-of-way, except those for which a license has been obtained pursuant to this chapter, shall be impounded by the city without prior notice or hearing. The city shall take reasonable efforts to determine the owner of the newsrack news rack and shall notify the owner of the impoundment. The owner of any impounded newsrack news rack shall be responsible for the expense of removal and storage of such newsrack news rack. If the owner fails to reclaim the impounded newsrack news rack and pay the expenses of removal and storage within thirty (30) days from after notice of impoundment, the newsrack news rack may be deemed unclaimed property and may be disposed of pursuant to law. (Ord. 18-91 § 3, 1991)

A. Notice: Any newsrack on city owned property or in the public right-of-way, except one for which a license has been obtained pursuant to this chapter, is an unauthorized newsrack. The city shall make reasonable efforts to identify the owner of the unauthorized newsrack. If the city identifies the owner, the city shall give a written "notice of intent to remove" to the owner. Such notice shall state that the newsrack is not licensed by the city and may be subject to removal by the city. The notice shall state the date, time, and place for a hearing to be held before removal.

B. Hearing: The hearing shall be held not less than ten (10) days after the time of service of the notice. Before the hearing, the owner may file a written response to the notice specifically setting forth the reason or reasons the newsrack should not be removed. At the hearing the Real Property Manager shall determine whether the newsrack is licensed pursuant to this chapter. In the event that the Real Property Manager determines that the newsrack is not licensed pursuant to this chapter, the owner shall remove or license the newsrack within ten (10) days. If the newsrack is not removed or licensed as required, the city may remove the newsrack and recover the expense of removal from the owner.

C. Appeal: The owner may appeal any removal decision or order to the mayor or the mayor's designee. Any appeal shall be filed in writing within ten (10) days of after the decision and shall specify the basis for the appeal. The mayor shall consider the appeal based on the written submissions.

D. Removal: If the city is unable to identify the owner of an unauthorized newsrack, the city may remove the newsrack. The owner of any removed newsrack shall be responsible for the expense of removal and storage of such newsrack. If the owner fails to reclaim the removed newsrack and pay the expenses of removal and storage within thirty (30) days after the removal, the newsrack may be deemed unclaimed property and may be disposed of pursuant to law.

**~~14.36.260: NONCOMPLYING DESIGNS OUTSIDE ECBD:~~**

A. Newsracks which are not in the ECBD but whose location is permitted by subsection [14.36.050B](#) of this chapter, as listed on exhibit A, and for which a permit has been obtained, shall comply with the design standards of section [14.36.220](#) of this chapter before July 1, 2001, or at any such earlier date when the city owned property or publicly owned sidewalk where the newsrack is located is

substantially repaired or altered by a special improvement district or other similar project. (Ord. 18-91 § 3, 1991)

**14.36.270: NONCOMPLYING LOCATIONS WITHIN ECBD:**

Newsracks for which a permit has been obtained and which either comply with the design standards of section 14.36.220 of this chapter, or are temporarily exempted from such compliance pursuant to section 14.36.280 of this chapter, which are located at a site which does not comply with the location requirements of section 14.36.180 of this chapter may remain in the present location until July 1, 1996, or any such earlier date when the city owned property or publicly owned sidewalk where such newsrack is located is substantially repaired or altered by a special improvement district or other similar project. (Ord. 18-91 § 3, 1991)

**14.36.280: NONCOMPLYING DESIGNS WITHIN ECBD:**

Newsracks for which a permit has been obtained, which are anchored to a location permitted by either section 14.36.180 or 14.36.270 of this chapter and which are substantially in compliance with the design provisions of section 14.36.220 of this chapter, except that the colors allowable may include white newsracks or blue and white newsracks, may remain with their present design until July 1, 1996, or any such earlier date when the city owned property or publicly owned sidewalk where the newsrack is located is substantially repaired or altered by a special improvement district or similar project. (Ord. 18-91 § 3, 1991)

**14.36.220: ABANDONEMENT:**

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.

Newsracks News racks deemed abandoned may be treated in the manner provided in section 14.36.200.

**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 ~~unpainted metal~~ 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.

**14.36.240: EXISTING NEWS RACK LICENSING**

All news racks that were permitted at the time of the passing of this ordinance or that are outside of the ECBD and conform to the provisions of this chapter must be licensed according to the provisions of this chapter no later than July 1, 2015.

DRAFT



## **ATTACHMENT F: PUBLIC PROCESS AND COMMENTS**

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### **Public Process:**

The Planning Division held a public open house meeting regarding the proposed ordinance on September 19, 2013. The open house meeting notice was sent on September 5, 2013 through the Planning Division listserve, which includes all community council chairs. In addition to the standard noticing, Planning Division staff sent a copy of the proposed ordinance, and a summary of the changes to the ordinance, to the distributors with newsracks currently located in Salt Lake City. This information was sent to the newsrack distributors prior to the open house in order to provide sufficient time for the distributors to review and weigh in on the changes.

Since the open house meeting was held, changes were made to the ordinance in response to feedback received from the newsrack distributors and the various City departments. Planning Division staff sent the final draft of the proposed ordinance to the newsracks distributors on March 6, 2014 to provide them sufficient time to review the draft prior to the decision making process.

The following comments were received throughout the public process:

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Thank you for sending me the packet about the proposed changes. Most of these changes are necessary for our growing city. I have a few opinions regarding these changes, going in the order of the proposed changes and the changes to the chapters.

The first issue I have is the application fee of \$20.00 to \$200.00. This hike seems a bit extreme, especially for the smaller publications that are already spending a good amount of money ordering news racks that conform to the current and proposed ordinance.

Second: This is more of a question about the identification of the owners and people in charge of maintaining each news rack. Where would the information need to be placed in order to be properly visible? In my professional opinion and in the interest of the cityscape, adhering to both the guidelines and the proposed changes to advertisements/logos, this information would be best displayed inside of each new rack.

In the end of chapter 14.36.220, there is a proposal to have an up-to-date maintenance log. What would this log consist of and how often would the licensee have to inspect each news rack, Also what would this log consist of?

In chapter 14.36.230, I feel existing news racks that have conformed to the current ordinance should be grandfathered into the changed ordinance.

The majority of the proposed changes are needed to amend the current ordinance. Few publications adhere to the current ordinance, and that needs to change to make it an even playing field for all publications.

Thank you for allowing me the opportunity to review these proposed changes and giving me a chance to voice my opinions on these proposed changes.

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I have the following concerns for the proposed changes:

The publication application fee of \$200 is this a onetime fee? and the cost seems high (publications have a limited budget)

Follow through on the customer service to contact to the newsrack distributor from the field. This has always been an issue we do not receive any notice that there is a problem with the box and they are removed without any notice. The newsrack distributor has incurred the expense to anchor the box down and has maintained the boxes to only have them removed without notice.

For Rent is a monthly publication and Dominion Distribution delivers once an issue Dominion Distribution is currently checking the boxes bi-weekly for graffiti and trash and to insure the publications are stocked due to the boxes being removed without any notice.



## **ATTACHMENT G: DEPARTMENT REVIEW COMMENTS**

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**Department/Division:** Police  
**Reviewer:** Michelle Ross  
**Review Comments:** No comments received.

**Department/Division:** Fire  
**Reviewer:** Ed Itchon  
**Review Comments:** No comments received.

**Department/Division:** Public Utilities  
**Reviewer:** Justin Stoker  
**Review Comments:** No comments regarding the proposed code changes. We will work with Property Management about how permitting may impact the utility systems and vice-versa.

**Department/Division:** Engineering  
**Reviewer:** Pat Petersen  
**Review Comments:** In the placement possibly include:

- 5' from fire hydrants,
- 10' from cross walks (or be less than 30" tall), that would keep the line-of-sight clear and also keep the space needed for access to the pedestrian buttons clear.

**Department/Division:** Transportation  
**Reviewer:** Barry Walsh  
**Review Comments:** It is recommended that the location of the New Racks section 14.36.140 F be reviewed for item 1 & 2 to comply with other issues in management of the public sidewalks as follows:

The sidewalk width shall maintain a minimum width of ten feet (10') on Main Street in the CBD area and eight feet (8') through out the rest of the CBD area. The minimum width in other retail areas shall be six feet (6'). In all areas the minimum width is five feet (5') when abutting the back of curb and four feet (4') when abutting a park strip.

**Department/Division:** Building Services  
**Reviewer:** Larry Butcher  
**Review Comments:** No comments

**Department/Division:** City Attorney  
**Reviewer:** Boyd Ferguson  
**Review Comments:** Provided redlines on proposed ordinance. Most of the comments are related to the wording of the text. Additional text related to the removal of unauthorized newsracks was added by the attorney.

**Department/Division:** Property Management

**Reviewer:** Ryan McFarland

**Review Comments:** Thank you for preparing the revised news rack ordinance. Our group has gone through the proposed ordinance and we like the modifications. There are some modifications we would like to suggest and they are attached for your review. If you have some time and would like additional clarification on our proposed modifications we would be happy to review them with you.

We are happy to see this modified ordinance move forward. Once it is adopted we will need your groups help identifying, contacting and formulating licenses with each agency. It is wonderful to see the news rack ordinance modified and changed so that it becomes more manageable in the future. The modified news rack ordinance is a great starting point and with your help we are confident we can create a efficient method of licensing all of the outstanding news racks in the right of way.