

***Twin Cities Publications Coalition
Proposed Principles of
Voluntary Clean & Green Streets Project***

1. **Summary of Proposal:** Owners who maintain a majority of newsracks located on the public right-of way within the City of Minneapolis propose to join together as the Twin Cities Publications Coalition (“the Coalition”) to coordinate the Clean & Green Streets Project as an alternative to full City administration of Chapter 464 of the Minneapolis Code of Ordinances. This includes publishers of free and paid publications distributed through such newsracks.

2. **Description of the Coalition:** The Coalition is an unincorporated association of publishers and distributors (also referred to as “Participants” in this document). Participation is open to any and all owners/operators of newsracks located on the public right-of-way within the City of Minneapolis who sign and abide by the Coalition’s statement of principles. The Coalition will provide the Director of Licensing with the name, address, e-mail, and phone number of one or more contact persons.

3. **Phase I Compliance Locations:** Coalition Participants would commit in writing to begin addressing compliance issues at the following locations on or before June 1, 2009, and to bring their own newsracks at those locations into compliance with location and condition requirements of Chapter 464 on or before August 15, 2009:

- Up to three locations within each Ward of the City of Minneapolis, as designated by the council member representing that Ward and communicated by letter or e-mail to the Coalition on or before May 1, 2009 (or within four weeks of receipt of a letter or e-mail after May 1, 2009); and
- Up to 10 locations designated by the Director of Licensing.
- A single “location” for purposes of this proposal means (1) any side of any street between two corners, or (2) one-quarter of a block from any corner of any designated intersection.

4. **Ongoing Maintenance and Monitoring of Participant Newsracks :** Coalition Participants would commit in writing to take the following actions on or before August 15, 2009 as to their own newsracks located on the public right-of way within the City of Minneapolis:

- Prominently post the name and phone number for a contact person for that Participant on each newsrack.
- Through the Coalition, provide a consolidated up-to-date list of Participant-maintained locations to the City.

- Keep newsracks stocked with current publications.
- Maintain newsracks in neat and clean conditions and in good repair.
- Maintain coin returns in good working order.
- Keep newsrack exteriors free of any non-publication advertising signs and materials.
- Work with City staff to maintain a high degree of compliance as to their newsracks with the placement restrictions set forth in §§ 464.80, 464.90(a), and 464.100 at locations other than those identified in Paragraph 2 above.¹
- Promptly address all complaints associated with the Participant's newsracks.
- Establish a dedicated telephone line and/or e-mail address to receive and distribute public complaint information.
- Maintain appointed officers and cross-publication responsibility, to ensure that complaints are addressed in a timely and appropriate fashion.
- Establish common industry nomenclature to identify locations.
- Through the Coalition, provide a list of newsrack locations maintained by all Participants to the Director of Licensing each quarter.
- Through the Coalition, send written notice to any Participant of (1) complaints associated with that Participant's newsracks and (2) apparent non-compliance with the maintenance, condition, location, or abandonment provisions of Chapter 464. If the Participant does not respond within 10 days with an assurance that the matter has been addressed, the Coalition will send a second written notice to that Participant, with a copy to the Director of Licensing.² Notices will be sent to the last known address of the Participant, by mail, fax, personal delivery, or by e-mail.

5. Monitoring and Reporting on Non-Participants' Newsracks: Coalition Participants would commit in writing to taking the following actions on or before August 15, 2009 as to other newsracks placed at the same locations as their own newsracks located on the public right-of way within the City of Minneapolis:

- Monitor those newsracks for compliance with condition and location requirements of the Ordinance.
- Check the appearance and condition of other newsracks at locations where the Participant maintains its own newsracks and to report to the Director of Licensing any

¹ Each Participant anticipates a compliance rate of 70% or greater for its newsracks located on the public right-of-way within the City on or before October 1, 2009.

² If a complaint originates with or is referred to the Coalition by the Director of Licensing or a council member, the Coalition will provide a copy of the first letter and any response to the director and the council member.

newsracks that appear to be in poor condition, appear to be abandoned, or lack identifying information for a contact person.

- Establish quarterly review meetings with a representative of the Director of Licensing.
- Solicit community help to monitor newsracks for compliance with Chapter 464.
- Through the Coalition, send written notice to any non-Participant of (1) complaints associated with that non-Participant’s newsracks and (2) complaints of apparent non-compliance with the maintenance, condition, location, or abandonment provisions of Chapter 464. If the non-Participant does not respond within 10 days with an assurance that the matter has been addressed, the Coalition will send a second written notice to that non-Participant, with a copy to the Director of Licensing.³ Notices will be sent to the last known address of the non-Participant, by mail, fax, personal delivery, or by e-mail.

6. Amendments to the Newsrack Ordinance Allowing for the Voluntary Program:

Through the proper administrative and Council procedures, the City would:

- Amend § 464.60 to separate the fees for administration and for enforcement of Chapter 464 (see attached Exhibit 1).
- Amend § 464.180 to postpone the effective date of the city-maintained master list and sticker and the administrative fee sections of Chapter 464 (see attached Exhibit 2).

These amendments provide a critical incentive for Coalition Participants to engage in the voluntary program. The amendments would reduce the administrative burden to the City from the City-maintained master list and sticker, record-keeping, routine inspection, and fee collection functions. At the same time, the amendments retain an enforcement mechanism for non-compliant and abandoned newsracks as of the current effective date of the Ordinance.⁴ They encourage full and continuing industry cooperation through the voluntary program while providing a mechanism to implement the Ordinance completely if the City determines that the voluntary program has failed.

³ If a complaint originates with or is referred to the Coalition by the Director of Licensing or a council member, the Coalition will provide a copy of the first letter and any response to the director and the council member.

⁴ The March 11, 2009, Staff Report proposed a fee of \$117.10 per newsrack to “pick up, store, release and dispose of newsracks deemed to be in violation.” Based on past discussions with staff, it appears that a daily storage fee also might be imposed to recover actual storage costs. Additional actual enforcement costs might be recouped through a fee for citations for non-compliance; that system already is in place as administrative citations and civil fines under Minneapolis Code of Ordinances, Title 1, Chapter 2.

7. Deadline: The foregoing written commitments should be made on or before June 1, 2009, and the amendments should be enacted on or before September 1, 2009. These are reciprocal commitments by the Coalition through the industry participants and by City through the Council.

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4/2/2009

On behalf of the designated owner/operator of newsracks located on the public right-of way within the City of Minneapolis, and in conjunction with appropriate amendments to Chapter 464 of the Minneapolis Code of Ordinance, I commit to the proposals set forth in the preceding Twin Cities Publications Coalition Principles of Voluntary Clean & Green Streets Project.

Dated: _____, 2009

Signed: _____
[name]

[title]

[company name]

[address]

[phone]

[e-mail]

Owner/operator of _____ [number] newsracks located on the public right-of way within the City of Minneapolis.

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Exhibit 1

**AN ORDINANCE
OF THE
CITY OF MINNEAPOLIS**

By _____

**Amending Title 17, Chapter 464 of the Minneapolis Code of Ordinances
relating to Streets and Sidewalks**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That the Minneapolis Code of Ordinances be amended to read as follows:

CHAPTER 464. NEWSRACKS

464.60. Newsrack Administration Fee. A newsrack fee shall be set in an amount designed to reimburse the city for all its expenses incurred in the administration ~~and enforcement~~ of the terms and provisions of this chapter. The fee shall only be used for such purposes. The fee may only be imposed following the preparation of a report from the director to an appropriate Committee of the City Council reasonably describing such expenses, shall be based on the number of newsracks placed in the public right-of-way by a newsrack owner (not to exceed a maximum of Five Hundred Dollars (\$500.00) per application by a single owner, regardless of the number of newsracks identified within that application), and shall be established from time-to-time by resolution of the City Council.

464.65. Newsrack Violation Fees. Separate fees shall be set in an amount designed to reimburse the city for all its expenses incurred in the impoundment of non-compliant newsracks and the storage of non-compliant newsracks. The fees shall only be used for such designated purposes. The fees may only be imposed following the preparation of a report from the director to an appropriate Committee of the City Council reasonably describing such expenses and shall be established from time-to-time by resolution of the City Council. Non-compliance with the terms and provisions of this chapter shall be subject to administrative citations and civil fines as provided in Title 1, Chapter 2 of the Minneapolis Code of Ordinances.

Exhibit 2

**AN ORDINANCE
OF THE
CITY OF MINNEAPOLIS**

By _____

**Amending Title 17, Chapter 464 of the Minneapolis Code of Ordinances
relating to Streets and Sidewalks**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That the Minneapolis Code of Ordinances be amended to read as follows:

CHAPTER 464. NEWSRACKS

464.190. Effective Date.

(a) Sections 464.30, 464.40, and 464.90(e) shall be effective 60 days after City Council approval of a determination by the director that a substantial number of owners of newsracks located on the public right-of way within the City have failed to maintain a voluntary master list and stickers/statements containing the information required in those sections.

(b) Section 464.60 shall be effective 60 days after City Council approval of a determination by the director that a substantial number of the newsracks located on the public right-of way within the City are not in compliance with Sections 464.80, 464.90, 464.95, 464.100, and 464.120; provided, however, that Section 464.60 shall not be effective prior to April 1, 2010.

(c) All other provisions of this ~~This~~ chapter shall be effective as of October 1, 2009.

**AN ORDINANCE
OF THE
CITY OF MINNEAPOLIS**

By _____

**Amending Title 17, Chapter 464 of the Minneapolis Code of Ordinances
relating to Streets and Sidewalks**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That the Minneapolis Code of Ordinances be amended to read as follows:

CHAPTER 464. NEWSRACKS

464.100. Specific prohibitions. No newsrack shall be installed:

[no change to (a) through (n)]

(o) That exceeds thirty-six (36) inches in height and is within a distance of twenty (20) feet from the nearest curb of any intersecting street as measured from a straight line extension of the nearest curb of the intersecting street prior to the beginning of the corner curb section. If there is no curb on the intersecting street, the measurement shall be made from the nearest improved surface of the intersecting street. For the purposes of this paragraph, the height limitation does not include the height of a coin box or other attachment that is attached to the top of the newsrack that is nine (9) inches in width or less and eight (8) inches in depth or less. For purposes of this paragraph, lock guards, lock sleeves, rain-guards, coin-return buttons, and other small protuberances from the coin box or other attachment will not be included in the measurements of the coin box or other attachment.

(p) That exceeds thirty-six (36) inches in height and is within a distance of ten (10) feet from any curb cut of any alley intersecting a street. In the absence of a curb, the measurement shall be made from the nearest improved surface of the intersecting alley. For the purposes of this paragraph, the height limitation does not include the height of a coin box or other attachment that is attached to the top of the newsrack that is nine (9) inches in width or less and eight (8) inches in depth or less. For purposes of this paragraph, lock guards, lock sleeves, rain-guards, coin-return buttons, and other small protuberances from the coin box or other attachment will not be included in the measurements of the coin box or other attachment.

[no change to (q) through (t)]