

**Transportation and Public Works
Staff Report Regarding Newsracks
November 26, 2008**

The term news rack refers to any type of unmanned device for vending or free distribution of newspaper, news periodicals, advertising supplements, advertising periodicals, political periodicals and similar publications. These news racks are sometimes referred to as newsstands. Council Member Remington requested staff to investigate the establishment of modern news rack requirements and to better regulate the placement of, and maintenance of, an estimated 3,500 news racks in the City of Minneapolis.

The amendment being proposed repeals Chapter 451 of Title 17 and replaces it with Chapter 464 that will better define the location, responsibility and accountability of news racks. The purpose of this Chapter is to promote safety, public health through the regulation of the placement, type, appearance and servicing of news rack on the public right-of-way, as well as maintaining and preserving the freedom of speech and freedom of the press.

Some of the problems that have been observed include large numbers of news racks that are chained together preventing easy passage for pedestrians and emergency personnel. News racks often restrict access to vehicles, MTC Busses, and building entrances. The complaints of poor news rack appearance due to graffiti, lack of maintenance, abandonment, have resulted in documented proof that regulations must be developed to control their negative effects.

The photos below illustrate some but not all of the problems and concerns that have been raised as a result of Minneapolis news racks.



Continuous row of newsracks impedes Pedestrians ability enter the sidewalk



Broken newsrack on First Avenue



Emptied box with bar handbills placed in it.



Row of newsrack in the walk way surrounding light poles and traffic lights



Continuous Row of newsracks on 34th Ave S



Row of newsracks in front of a business on carriage walk preventing pedestrians use of the walk



Portion of a continuous row of 19 newsracks on

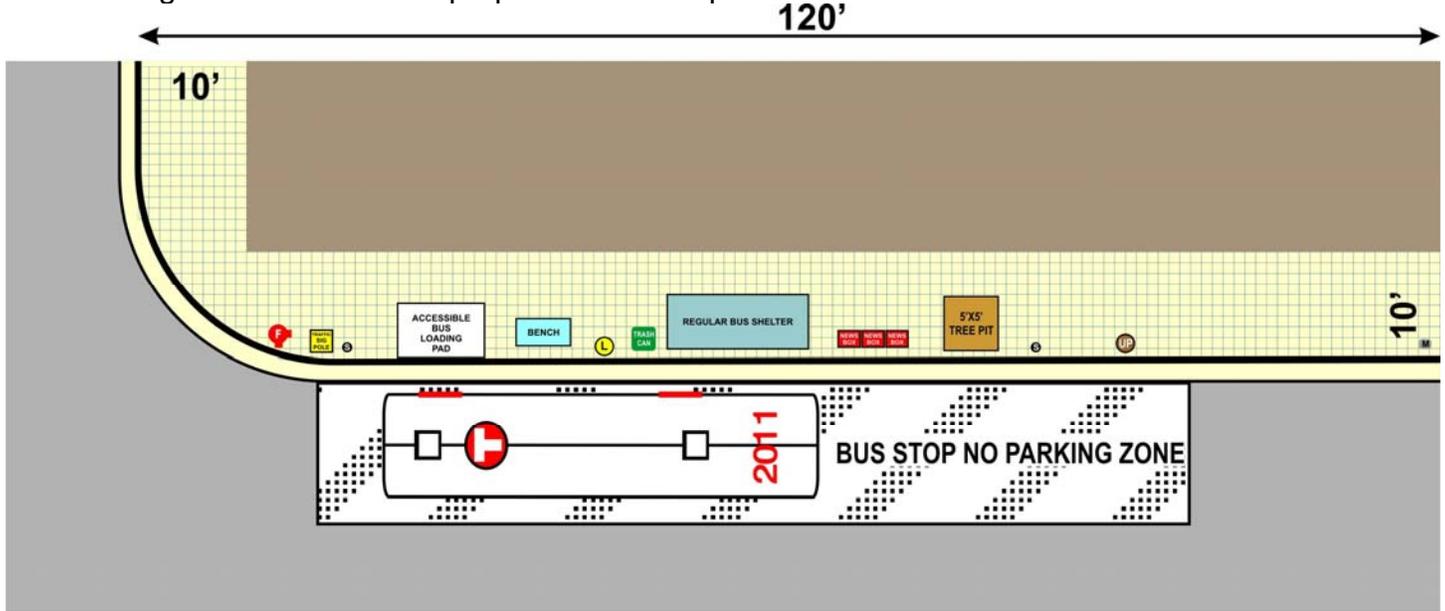


Newsrack bolted to a City owned traffic sign



Newsracks extending in public right-a-way, encroaching on an unmarked crosswalk

The proposed ordinance describes approved locations where news racks may be placed, and below is a drawing that demonstrates proper newsracks placement.



NEWS BOX Newsbox shown in non-offending position

Staff researched the requirements for news racks with 22 cities. 12 of those cities have a permit or license requirement for news racks. Four of the cities that do not have a license or permit do have other regulations that allow them to require repairs, and have processes and fees associated with the removing and storing of news racks that are found to be in violation. Other cities comparison report accompanies this report

The administration and the enforcement of this proposed ordinance will be the responsibility of the City of Minneapolis License and Consumer Services Division. The City of Minneapolis' Public Works Department will assist with a variety of duties. Applications and fees will be processed through the Licenses and Consumer Services Division. When the applications for placement are reviewed and approved, staff will issue a certificate of compliance permit and a decal to be placed on the news racks. Enforcement activities will be done by a designated inspector in the Licenses and Consumer

Services Division. The License Inspector will work with city staff from Public Works to impound, store and dispose of news racks that are found to not be in compliance.

Administration and enforcement activity will be funded through a cost recovery model. One full time employee (FTE) will be required for managing this proposed ordinance. The cost for that FTE is \$144,600.00. Since the City Council may wish to consider options to permit a higher maximum fee than what is proposed, the calculation below indicates the costs based on the estimate that there are 17 companies involved in placing news racks in the City of Minneapolis, the estimated number of 3,500 news racks currently located in the city, and the FTE cost.

FTE cost \$144,600.00

\$125.00 administrative cost for processing the application, 17 x \$125.00 = \$2,125.00

\$40.00 annual fee per news rack, 3500 x \$40.70= \$142,450.00

We recognize there will be other cost associated with this program for administrative time and enforcement activity, and therefore the fees may require adjustment for those activities. We proposed the fee for this program will be incorporated into Appendix J to be adjusted annually for inflation.

On December 2, 2008 Transportation and Public Works Committee will be conducting a Public Hearing for the proposed ordinance. Notice for this public hearing is posted on the City of Minneapolis Web site. Notices were sent electronically to the City of Minneapolis neighborhood associations and business association. Notice was also sent electronically to industry vendors and representatives that utilize the newsracks.