

Public Safety and Regulatory Services

NEWSRACKS Staff Report

August 19, 2009

On December 12, 2008 the City Council adopted Chapter 464 of the Minneapolis Code of Ordinances relating to Newsracks. The purpose of this Chapter is to promote public health and safety through the regulation of the placement, type, appearance and maintenance of Newsracks on the public right-of-way without compromising freedom of speech and freedom of the press. At the March 11, 2009 Public Safety and Regulatory Services committee meeting staff presented a recommendation for the program's administration, enforcement strategies and a proposed fee. The committee directed staff to meet with industry representatives and examine the feasibility of an alternative program for self regulating administrating the standards defined in Chapter 464 and report their findings to the PS & RS Committee at the April 15, 2009 meeting. At the April 15, 2009 PS & RS Committee meeting, staff recommended that the voluntary self regulating program that the industry has proposed begin immediately on a trial basis. Committee members decided that since the ordinance would not become effective until October 1, 2009, they postponed enacting fees for this administration and enforcement of this program. Staff was directed to monitor and report back to the PS & RS Committee meeting on August 19, 2009 the progress of a voluntary program that was presented by the industry leaders.

Recognizing a need for managing complaints of non-compliance newsracks, a system was created for receiving, communicating and tracking complaints through the City's 311 system. This system was able to be used during the voluntary self regulating program trail period. If fees were implemented and the program was funded, this system with some minor modification will be used by staff. This Newsrack 311 complaint system went live on July 6, 2008.

Staff has monitored the progress of the voluntary self regulating program through email communications, telephone conversations and observations of newsracks placements and conditions while performing other duties in the city. Some of those observations are:

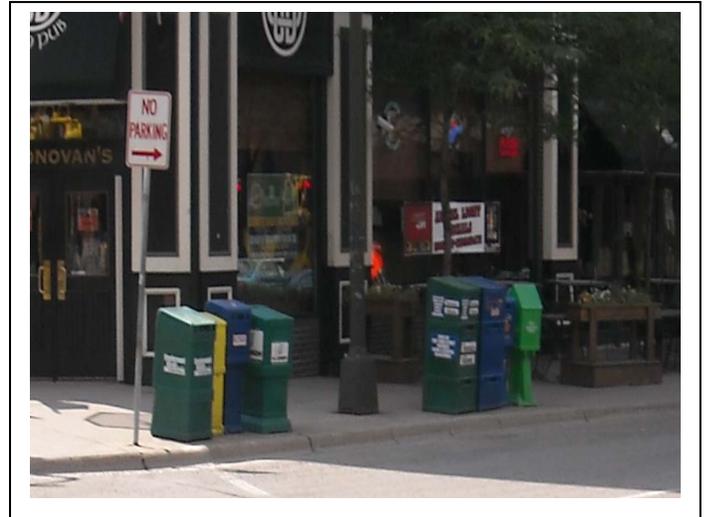
- The Industry has formed a Coalition that responds to with compliance issues that have been identified through complaint as well as dealing with proactive compliance. This Coalition has elected leadership positions for dealing with concerns.
- The Coalition has responded and corrected 10 complaints within 7 days of receiving the complaint which were forwarded to them from city staff.
- The Coalition consists of members responsible for 2,921 newsracks in the city. This number represents 98.6% of the total newsracks estimated by staff located in the city of Minneapolis.
- The Coalition has systematically inspected, cleaned, repaired and moved newsracks into compliance in ten high traffic business districts in the city.
- The Coalition is able to provide to staff a comprehensive list of the locations of all of their newsrack locations

- The collation is in the process of posting identification decals on newsracks of responsible parties for newsracks.

Staff has conducted inspections in locations of the city that were previously identified as being highly saturated with non-compliance newsracks. Below are photos that demonstrate what was typically found in those locations



Before



After



Before



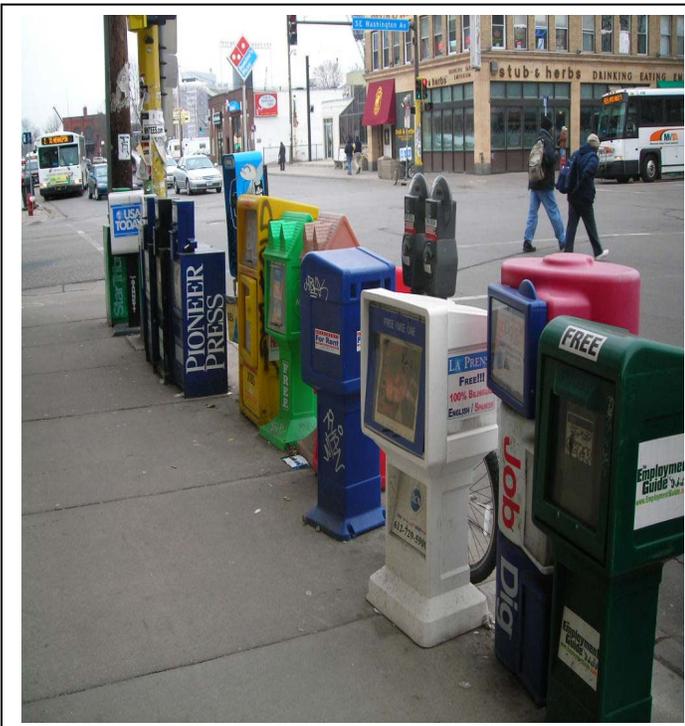
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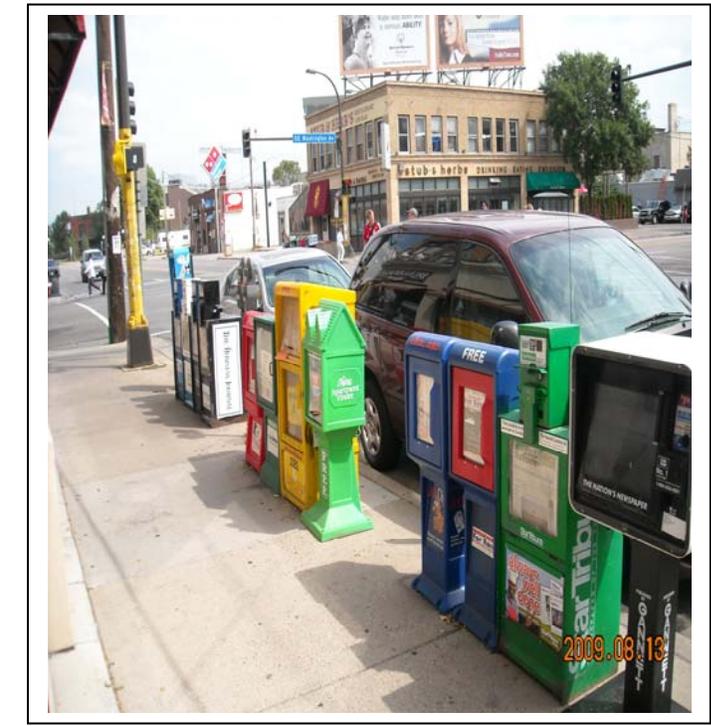
Before



After



Before



After

Staff Recommendations

Chapter 464 Newsrack becomes effective on October 1, 2009. This chapter sets standards for the locations and condition of the newsracks that are located in the city and would allow staff enforcement solutions to correct non-compliance newsracks. Staff recommends that the City Council allow the Coalition to further develop and maintain the voluntary self regulating program by responding to complaints and continue managing newsrack locations and conditions in the city. Staff will continue to monitor the Coalition's progress and report their finds back to the PS & RS committee in the fall of 2010.

Staff recommends changing Ordinance number 464.100 (o and p) regarding the size of the locking mechanism on the newsrack. Staff recognizes that if the voluntary self regulating program is allowed

to continue there are some modifications required of the Chapter 464. These modifications would focus on the reporting of the location of newsracks as well as all requirements needed if this program were charging a fee and having staff conducting the administration and enforcement of this ordinance. These changes would not alter the standards to the condition and locations of newsracks that are outlined in Chapter 464. If directed by city council, staff would begin the process of amending the ordinance to reflect the voluntary self regulating program.