



## Legislation Details (With Text)

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<b>Type:</b>	Action Item	<b>Status:</b>		Failed	
<b>File created:</b>	5/3/2017	<b>In control:</b>		City Council	
<b>On agenda:</b>	5/25/2017	<b>Final action:</b>		5/25/2017	
<b>Title:</b>	BILL - (For Introduction) adding Article 7 to Chapter 13 of the Fresno Municipal Code relating to Newsracks Citywide and in Special Districts				
<b>Sponsors:</b>	Public Works Department				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. PW Standard Drawing P-87.pdf, 2. Newsrack Ord 5-12-17.pdf, 3. Newstand Ordinance Workshop Flyer.pdf, 4. Newsrack PowerPoint 5-12-17 City Council ajb.pdf				

Date	Ver.	Action By	Action	Result
5/25/2017	1	City Council	rejected	Pass

## REPORT TO THE CITY COUNCIL

**May 25, 2017**

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### SUBJECT

BILL - (For Introduction) adding Article 7 to Chapter 13 of the Fresno Municipal Code relating to Newsracks Citywide and in Special Districts

### RECOMMENDATION

It is recommended that the Council introduce the attached ordinance adding Article 7 to Chapter 13 of the Fresno Municipal Code related to Newsracks Citywide and in Special Districts within the City of Fresno.

### EXECUTIVE SUMMARY

City staff is presenting this Newsrack Ordinance so the Council may consider its introduction by adding Article 7 to Chapter 13 of the Municipal Code. This proposed ordinance applies to newsracks in the public right-of-way and creates a Special Newsrack Area bounded by State Route 99, State

Route 41 and State Route 180 which is commonly known as the Downtown Triangle. Within the Downtown Triangle Special Newsrack Area, a visual standard will be applied which will require metal racks of an aesthetic quality as depicted in the attached Public Works Standard Drawing. Throughout the rest of the City, a street work permit will only be required if the vendor wishes to bolt the newsrack to the sidewalk, but no new requirements will apply. The ordinance provides the Council with the ability to designate additional special newsrack areas in the future by resolution.

## **BACKGROUND**

Newsracks have been in use within the City for many years. However, the City has never adopted standards governing their use within the public right-of-way. Recently, it has become apparent that some regulation is necessary in order to control the placement and appearance of newsracks. In November 2014, staff began working with the City Attorney's Office in developing an ordinance to standardize the use, location and style of newsracks.

A public meeting hosted by the City of Fresno and the Downtown Fresno Partnership was held on June 10, 2015 with the following newsrack owners: Community Alliance Paper, Certified ROI, El Clasificado and Los Angeles Times. The Fresno Bee did not attend the June 2015 meeting but staff made an extra effort to reach out and establish a point of contact. Staff submitted the prepared ordinance to the Fresno Bee's attorney.

On November 29, 2016 staff held a follow up stakeholders meeting. In attendance were representatives from Community Alliance, The Fresno Bee and El Clasificado.

The ordinance balances the right to distribute information through newsracks with the right of persons to reasonable access and use of public property. The public health, safety, welfare, and convenience require that interference with vehicular, bicycle, mobility devices, or pedestrian traffic be avoided as well as visual obstruction of traffic signs. The placement of newsracks should also not interfere with ingress into, or egress from any place of business, public facility or legally parked vehicles. Newsracks placed and maintained on public property absent some reasonable regulation, may unreasonably interfere with the use of both public and private property and may present hazards to persons and property. Newsracks placed on private property will not be subject to the proposed ordinance.

The Ordinance identifies "Special Newsrack Areas". The Ordinance defines Downtown Fresno as a Special Newsrack Area, bounded by State Route 99, State Route 41 and State Route 180 which is more commonly known as the Downtown Triangle. All newsracks within a Special Newsrack Area shall meet the requirements as set forth in the Public Works Standard Drawing for Newsracks in Special Districts. Newsracks of all types will be allowed citywide, outside of the Special Newsrack Area without any fees or permits, except that a Street Work Permit will be required if the vendor wants to bolt the newsrack to the sidewalk. Within the Downtown Triangle the newracks must be metal racks as shown in the Standard Drawing (attached).

The ordinance has been reviewed and approved as to form by the City Attorney's Office.

## **ENVIRONMENTAL FINDINGS**

By the definition provided in the California Environmental Quality Act (CEQA) Guidelines Section 15378 this item does not qualify as a "project" as defined by CEQA.

## **LOCAL PREFERENCE**

Local preference was not implemented because this item is not an award of a construction or services contract.

## **FISCAL IMPACT**

Approval of the Ordinance will have no new impact on the General Fund because enforcement will be provided within the normal course of their duties with existing staff from Traffic Operations, Street Division and Parking Services.

### **Attachments:**

Ordinance

PW Standard Drawing P-87

Newsstand Ordinance Workshop Flyer

Newsrack Presentation Slides