



## Legislation Text

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**File #:** Ord. 2017-70(b), **Version:** 1

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### **AGENDA CAPTION:**

Consider approval of Ordinance 2017-70, on the second of two readings, amending Chapter 74 of the San Marcos City Code by creating a new Article 7 for the purpose of regulating the placement and maintenance of newsracks on City sidewalks and Rights-of-Way; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.

**Meeting date:** 12/19/2017 1<sup>st</sup> Reading

02/06/2018 2<sup>nd</sup> Reading

**Department:** CMO - Kevin Burke, Economic Development & Downtown Administrator

### **Amount & Source of Funding**

**Funds Required:** \$20,000 - \$30,000

**Account Number:** See Fiscal Note

**Funds Available:** See Fiscal Note

**Account Name:** See Fiscal Note

### **Fiscal Note:**

**Prior Council Action:** This project is not included in the FY 2018 budget. Should Council approve the Ordinance as presented, staff will identify salary savings in the current fiscal year. Alternatively, this project can be prioritized for inclusion in the FY 2019 budget.

### **City Council Goal:**

Goal #2 Beautify & Enhance the Quality of Place

### **Comprehensive Plan Element (s):**

- ☐ Economic Development
- ☐ Environment & Resource Protection
- ☐ Land Use
- ☐ Neighborhoods & Housing
- ☒ Parks, Public Spaces & Facilities Well maintained public facilities that meet needs of our community
- ☐ Transportation
- ☐ Not Applicable

**Background Information:** The attached memorandum, dated August 29, 2017, provides information regarding downtown magazine and newspaper racks, and opportunities to consolidate existing private racks in multi-vendor, modular units. On October 2, 2017, staff presented this information to City Council and received direction to prepare an ordinance regulating the appearance, location and other standards for newsracks.

Currently unregulated, newsracks create visual clutter in certain areas and may interfere with the public use of, and access to, sidewalks. The uncontrolled placement and maintenance of newsracks on public sidewalks and rights-of-way presents a danger to the safety and welfare of persons using such rights-of way, including pedestrians, persons entering or exiting vehicles and buildings, and persons performing essential utility, traffic control, and emergency services.

This ordinance establishes a basic regulatory scheme for newsracks located in the public right-of-way, anywhere in the City. The ordinance requires that vendors obtain a newsrack permit and comply with standards for maintenance and display, size and design, as well as placement and location. For example, newsracks must be constructed of metal, the city may review proposed locations to determine whether newsracks interfere with access to sidewalks, and vendors must maintain newsracks free of graffiti. Vendors that fail to comply with these standards are subject to permit suspension, as well as seizure and removal of newsracks.

This ordinance also establishes standards specifically for the Main Street District, requiring that the City supply “multiple newsrack kiosks” from which all vendors must display their publications. Staff anticipates that four to six of the multiple newsrack kiosks will be required within the Main Street District to meet publisher demand and ensure adequate geographic distribution. The purchase and installation of each multiple newsrack kiosk is estimated at \$5,000. Upon approval of this ordinance, staff will work with publishers and other downtown stakeholders to develop a plan that includes the number and proposed location of multiple newsrack kiosks, as well as the process for allocation of space that will ensure that no vendors are given preferential treatment.

The ordinance provides for a one year delayed effective date to allow for staff implementation, and to allow publishers adequate time to comply with these regulations.

**Council Committee, Board/Commission Action:**

**Alternatives:**

- Apply uniform standards for all newsracks in the city rather than require city-provided kiosks in the Main Street District. This alternative has no fiscal impact.
- Take no action / do not regulate newsracks.

**Recommendation:** Staff recommends approval of an ordinance regulating the placement and maintenance of newsracks on City sidewalks and Rights-of-Way.