

COUNCIL STAFF REPORT

CITY COUNCIL of SALT LAKE CITY

TO: City Council Members

FROM: Nick Tarbet, Policy Analyst

DATE: January 13, 2015

RE: Newsrack Amendments Chapter 14.36 PLNPCM2012-00793 **PROJECT TIMELINE:**

Briefing: Aug 19, 2014/Jan 13, 2015 Set Date: Jan 20, 2015 Public Hearing: Feb 24, 2015 Potential Action: March 3, 2015

Council Sponsor: *Not Required – Petition from Mayor*

VIEW ADMINISTRATION'S SUPPLEMENTAL PROPOSAL – Received Nov 7, 2014 VIEW ADMINISTRATION'S ORIGINAL PROPOSAL – Received May 30, 2014

NEW INFORMATION

During the August 19 work session briefing three items for follow-up were identified:

- 1- Consider allowing newsracks in Sugar House Business District
- 2- Cost justification for newsrack fee
- 3- Streamlined view of insurance requirements in the City code

The Administration has provided supplemental information regarding the questions about the fee and potentially allowing newsracks in the Sugar House Business District.

Consider Allowing Newsracks in Sugar House Business District (pages 2-3 of supplemental transmittal)

Planning Staff was asked to review whether or not allowing newsracks in Sugar House Business District (SHBD) would be appropriate. Planning conducted an initial review of sidewalk widths in SHBD. They found that some areas have sufficient sidewalk width to accommodate newsracks in the public way **(See map on page 5 of supplemental transmittal).**

Planning recommends that Section 14.36.040 of the City Code be amended to include the SHBD as a geographical area where newsracks are permitted in accordance with the design and location criteria either existing or previously proposed in the newsrack ordinance.

If the City Council agrees with this recommendation, Staff will work with the Salt Lake City Attorney and draft the specific ordinance language.

COUNCIL.SLCGOV.COM TEL 801-535-7600 FAX 801-535-7651



Does the Council support allowing newsracks in the Sugar House Business District?

The Attorney's Office was asked to weigh in on potential free speech issues regarding newsrack fees. They provided this response:

"In considering whether fees for newsrack permits are constitutionally permissible, courts have held that a state or municipality may charge no more than the amount needed to cover administrative costs. The government may not profit by imposing licensing or permit fees on the exercise of first amendment rights, and is prohibited from raising revenue under the guise of **defraying its administrative costs."**

According to the revised proposal, the new fee is lower than the Administrative costs identified by the Fee Analysis / Cost Justification.

Cost Justification for Newsrack Fee

The City Council requested a cost justification for the proposed newsrack **fees. The City's** Finance Department completed an analysis related to the cost of administering the newsrack ordinance. **(See page 3 of the supplemental transmittal and Exhibit A)**

According to the Finance Department's analysis, the City's cost to administer the newsrack program \$890.89 a year, per newsrack and enforcement on a non-compliant newsrack is \$281.86.

Proposed Fee

The Administration has proposed that newsrack distributors pay a yearly encroachment fee of \$100, plus \$10 for each separate newsrack in the public right of way. The yearly permit fee will be included in the **City's Consolidated Fee Schedule.**

This yearly encroachment permit for newsracks in the right of way is the same as other encroachments in the public way i.e. outdoor dining, awnings, stairs, ramps, canopies, etc.

Property Management explained that the total encroachment area is calculated and then multiplied by the cost per square foot (sf). The average cost per sf for land in the Central Business District (CBD) is approximately \$40 per sf. The average newsrack is 3 ft. square. The **City's standard** use charge for encroachments is 9% annually.

The calculation for this fee is: 40 per sf x 3 sf x 9% = 10.80 or 10 per rack annually.

See next page for comparison of proposed fee changes:

	Current Ordinance	1 st Proposed Fee Change (5.30.14)	Final Proposed Fee Change (9.18.14)
Permit Fee	\$5.00 per newsrack	Initial application fee: \$200 (one time publication license fee) + \$10 per newsrack property lease fee License Renewal Fee \$10.00 per newsrack every 2 years	\$100 + \$10 per newsrack
Estimated cost for a distributor operating 10 newsracks over a 10-year period	\$500.00	\$700.00	\$2,000.00
Estimated cost for City to administer the newsrack program over a 10- year period	\$8,908.90	\$8,908.90	\$8,908.90

Consider creating a centralized insurance requirement section of City code

During the briefing, it was asked whether it would be better to simply reference the insurance requirements, rather than specifically list the fee. Additionally, Council staff **worked with the Attorney's** and **Recorder's Offices** to review the possibility of creating a centralized insurance requirement section of City code. Currently, there is not a section of the code that includes all insurance requirements in one place, similar to the consolidated fee schedule.

The idea was to make searching for insurance requirements easier. This suggestion was based on some frustrations Council Members have expressed with the search function of the current system.

The Recorder's Office recommended against having insurance amounts separate from the regulations for the following reasons:

• Could be confusing for users having to find the legislation in one section and insurance requirements in another.

- Future changes to the code and a consolidated insurance section could lead to errors.
- Increased costs due to making changes to the legislation text and the proposed insurance fee schedule.
- Removing all insurance references would be time consuming and costly.
- Finding insurance references in the City code can easily be found through the word search function online.

Additionally, the City Attorney Office provided the following comments regarding this proposal:

- They expressed concern that this route could lead to more confusion because when people search the code, many begin their search by looking for the substantive provision at issue. For example, a person interested in special events or subdivisions (both of which have insurance components) **probably would search those terms first, rather than searching for "insurance."**
- If the person finds the relevant section, they would probably prefer to have all relevant information in one section and not have to link to a separate schedule about insurance.
- In general, insurance is different than the fee situation because there are far fewer instances where insurance requirements (dollar amounts) are set out inside a section of the code. This is because in many instances City code contemplates that the City will negotiate insurance amounts in a way that best meets the needs of the City given the risks involved.

The Attorney's Office asked that Purchasing and Contracts Management provide feedback as well. They said that a consolidated insurance section could have some merit, as long as there was a reference to the consolidated insurance code in each of the various places that insurance requirements are currently found in the City code. If a consolidated insurance section was created in another chapter, references should then be included to direct readers to the applicable insurance requirement or there is a risk that insurance may not be provided as needed to protect the City and its interests.

The policy purpose behind the consolidated fee schedule was to increase transparency. The Council could weigh whether transparency is an overriding argument to consolidate insurance information.

Would the Council like to initiate a legislative action requesting a review of the City code in order to consider the creation of a consolidated insurance requirement section?

The following information was provided for the August 19 work session. It is provided again for background purposes. The original proposal is included in this section.

ISSUE AT-A-GLANCE

The Council will be briefed on a proposal regarding newsracks in the public right-of-way. The proposal would **increase licensing fees for newsracks and would make the City's Property Manager responsible for reviewing permits and enforcing the newsrack ordinance. Currently, the City's Zoning Administrator is responsible.** The ordinance limits the placement of newsracks to the area identified as the Expanded Central Business District. These boundaries include the area bounded by North Temple to 500 South and 400 West to 200 East – *see attachment A of the Planning Commission Staff report.*

Chapter 14.36 - Newsracks and the City's Consolidated Fee Schedule would be amended if the Council adopts the proposed changes.

Although Chapter 14 of the City code is not under the purview of the Planning Commission, Planning staff had the Planning Commission review the proposed changes and provide feedback. Planning staff felt that was a good opportunity to get feedback from the public. No one from the public spoke during the public hearing.

The Planning Commission did not make a formal recommendation but provided two comments for the Council to consider:

- Consider allowing newsracks in other business areas in the City, not just downtown.
- Raising the fees could discourage distributors from placing news racks on the sidewalk, which seems detrimental in providing accessible information to pedestrians in the business areas.

PUBLIC PROCESS

• Planning Division Open House

September 13, 2013 April 9, 2014

Planning Commission Public Hearing

Summary of Proposed Changes

See **Attachment B of the Planning Commission Staff** report for full details and comparison of current/proposed ordinance.

Application Requirements

- The City's Property Manager becomes the administrative authority
- Newsrack distributors are required to submit a license application
 - o One license per distributor will apply to all newsracks locations
 - o Term of the license is two years
 - o Any change of location of newsracks will require an amendment to the license
 - Existing newsracks cannot be relocated and new ones installed, until the City approves the amendment to the license.
 - Site plan showing propose location of all newsracks, elevation drawing and anchoring method required.

Fees

- Initial publication license is \$200. Property lease fee is \$10 per newsrack. (*The current fee structure, adopted in 1991, requires\$5 for the initial permit application and \$5 yearly certificate fee per newsrack.*)
 - o License good for two years.
 - o \$10 fee for new and relocating existing newsracks.

Insurance

• Increased insurance requirements.

Location Restrictions

- Newsracks must be located at least five feet from a fire hydrant.
- Minimum unimpeded width on sidewalk must be six feet.

Newsrack Identification

• Each newsrack much have contact information affixed in a visible manner.

Denial, Suspension, Revocation

• A license can be revoked if a licensee has violated the ordinance.

Abandonment

• If a newsrack is empty for 30 days and/or is not maintained it can be considered abandoned and the City may remove it.

Maintenance

• Must be continuously maintained in good condition.

CC: David Everitt, Karen Hale, Art Raymond, Holly Hilton, Eric Shaw, Mary De La Mare-Schafer, Wilf Sommerkorn, Cheri Coffey, Nick Norris, Michaela Oktay, Wayne Mills, Orion Goff, Les Koch, Larry Butcher, Margaret Plane, Paul Nielson, City Council Liaisons, Mayors Liaisons

File Location: Community and Economic Development Dept., Planning Division, Newsrack Amendments, Chapter 14.36. Consolidated Fee Schedule

Back to Staff Report

ERIC D. SHAW

MARY DE LA MARE-SCHAEFER

SALT'LAKE' GHIY CORPORATION

DEPARTMENT OF COMMUNITY & CONOMIC DEVELOPMENT OFFICE OF THE DIRECTOR

CITY COUNCIL TRANSMITTAL

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Date Received: _____/4/20

David Everitt, Chief of Staff

Date sent to Council: 11/7/2014

TO: Salt Lake City Council Charlie Luke, Chair DATE:

FROM: Mary DeLa Mare-Schaefer, Acting CED Director

SUBJECT: Follow-up information regarding Petition PLNPCM2012-00793, Amendments to Chapter 14.36 of the Salt Lake City Code referred to as the Newsrack Ordinance.

STAFF CONTACT: Wayne Mills, Senior Planner at (801) 535-7282 or wayne.mills@slcgov.com

COUNCIL SPONSOR: Exempt

DOCUMENT TYPE: Information only

RECOMMENDATION: Pass the ordinance amending Chapter 14.36 of the Salt Lake City Code and amending the Consolidated Fee Schedule

BACKGROUND/DISCUSSION: On August 19, 2014 representatives from the Planning Division and Division of Real Estate Services briefed the City Council on proposed changes to the Chapter 14.36 of the Salt Lake City Code, referred to as the Newsrack Ordinance. In response to the briefing, the City Council requested the following additional information from the Administration staff:

- 1. Provisions to allow newsracks within the Sugar House Business District; and
- 2. More detailed information regarding the proposed fee increase. Specifically, a cost justification approved by the Finance Department.

Sugar House Business District

451 SOUTH STATE STREET, ROOM 404 P.O. BOX 145486, SALT LAKE CITY, UTAH 84114-5486 TELEPHONE: 801-535-6230 FAX: 801-535-6005 WWW.SLCGOV.COM/GED



The purpose of the newsrack ordinance (in summary) is to allow the dissemination of information to the public, while protecting public property and ensuring unobstructed access over the pedestrian rights-of-way.

The existing newsrack ordinance allows newsracks in an area referred to as the Expanded Central Business District (ECBD), which is an area slightly larger than the Downtown Central Business District. The ordinance includes specific design and location criteria to ensure that sidewalks continue to serve their intended use as pedestrian thoroughfares.

The urban design and pedestrian activity of the Central Business District has made it conducive to allowing newsracks in the public way. In other areas, such as neighborhood business districts, the sidewalks are typically not wide enough to allow for obstructions without hindering pedestrian movement. In those instances, newsrack distributors have made arrangements with the local businesses to distribute their publications within the businesses.

In recent years, the Sugar House Business District (SHBD) has developed into a vibrant, high density urban environment. With the increase in pedestrian traffic and associated improvements to the public right-of-way, it might be appropriate to expand the geographical boundaries of the newsrack ordinance to allow for newsracks on the sidewalks within the SHBD.

The SHBD is generally defined as the area located within the CSHBD Sugar House Business District zoning districts as shown on the map in Attachment 1. The purpose of the CSHBD district is to:

"...promote a walkable community with a transit oriented, mixed use town center that can support a twenty four (24) hour population. The CSHBD provides for residential, commercial and office use opportunities, with incentives for high density residential land use in a manner compatible with the existing form and function of the Sugar House master plan and the Sugar House business district."

Staff has conducted cursory review of the sidewalk widths within the SHBD using GIS and aerial photography and found that there are portions of sidewalks along 900 East, 2100 South, and Highland Drive that have sufficient width to meet the minimum unobstructed width requirements to allow newsracks in the public way (see map, Attachment 1). This cursory review accounts for existing conditions only. Future development in the SHBD could result in infrastructure improvements that increase the sidewalk widths in other areas of the district. It is important to note that this is a cursory review. Applications for newsracks in these areas would require a more thorough review of the existing sidewalk conditions.

In reviewing the purpose of allowing newsracks in the public right-of-way as well as the purpose and design of the CSHBD zoning district, Staff recommends that Section 14.36.040 of the City Code be amended to include the SHBD as a geographical area

where newsracks are permitted in accordance with the design and location criteria either existing or previously proposed in the Newsrack ordinance. If the City Council agrees with this recommendation, Staff will work with the Salt Lake City Attorney and draft the specific ordinance language.

Fee Analysis and Cost Justification

As part of the proposed amendments to the Salt Lake City newsrack ordinance, the administration is proposing a change in the way newsracks are assessed. Salt Lake City's most recent newsrack ordinance was established in 1991 and may not reflect the true cost to administer, monitor and enforce the ordinance. The current permit application fee is \$5.00 per newsrack with an additional yearly certificate fee of \$5.00 per newsrack.

Financial Analysis. In response to the City Council's request for a justification of the proposed fees, the Salt Lake City Finance Department completed a comprehensive analysis related to the cost of administering the newsrack ordinance (see Cost Analysis, Attachment 2 for a detailed breakdown). These findings may be considered the maximum allowable fee based on the cost to the City. The City Council has the discretion to lower the fees if they so desire.

According to the Finance Department's analysis, the City's cost to administer the newsrack program is a yearly fee of **\$890.89** and enforcement on non-compliant newsracks is **\$281.86**.

Benchmarks. In an effort to establish comparable market rates, Real Estate Services evaluated newsrack fees in various markets (see Benchmark Analysis, Attachment 3). Findings fluctuated from city to city however most municipalities charge a per newsrack fee of \$5- \$50 and an administrative fee of \$20-\$300 per publication. Houston, Texas had the most comparable rates at \$300 per publication and a \$5 per newsrack. The newsrack permit is valid for 3 years in Houston.

Fee. Based on a comprehensive financial cost analysis, comparable market rate research and impact to the public right–of-way (see Land Cost Comparables, Attachment 4), Real Estate Services has concluded that permitting newsracks should be treated the same as any other encroachment in the public way. In this case, Real Estate Services proposes that newsrack distributors obtain a yearly encroachment permit for news racks in the right of way. This yearly permit fee for the newsracks shall be disclosed in the City's Consolidated Fee Schedule to cover a portion of City's administrative costs and **\$10** for each individual newsrack stand in the right-of-way which will be addressed in a separate encroachment lease. Newsrack distributors that desire to relocate a newsrack will be charged a fee that is also disclosed in the City's Consolidated Fee Schedule. The administrative application fee, the cost for each additional news rack and relocation (if needed) shall be outlined in the budget amendment which will revise the Consolidated Fee Schedule (CFS). Renewals for newsracks will be done on an annual basis.

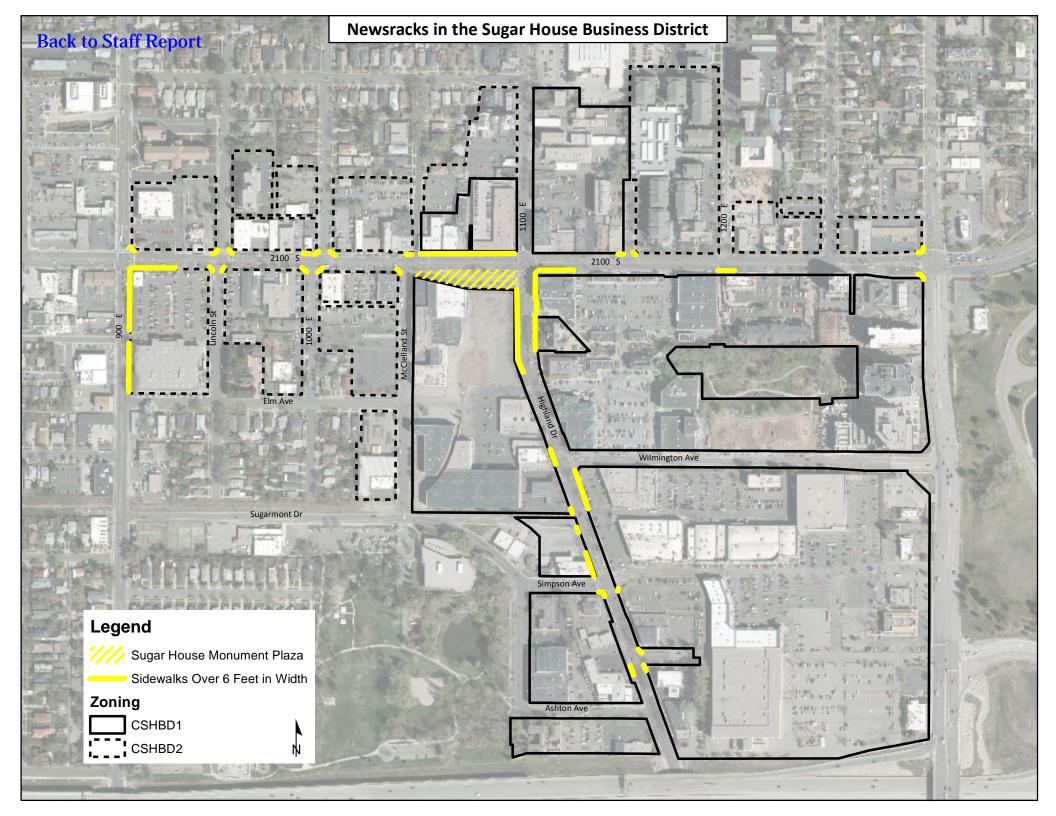
As seen above, the City's administrative cost is considerably higher than the fees proposed as part of the newsrack amendment petition. The proposed fees were

developed according to the City's procedures on administering leases for encroachments in the public right-of-way, and are justified because they are substantially similar to the fees charged by the City for any other encroachment in the public way.

Enforcement and Non-compliance. Salt Lake City Engineering determines whether a newsrack is abandoned or in violation of the newsrack ordinance and will request the newsrack distributor remedy the problem voluntarily within 30 days. If the newsrack distributor does not act Salt Lake City Public Services may remove the newsrack and recover all reasonable costs, including processing, removal, storage and sidewalk repair. The cost for inspection from Engineering and for Public Services to remove each newsrack is **\$281.86** and **\$5** per newsrack for each day the newsrack is stored at a City facility. The removal fees will also be listed in the Consolidated Fee Schedule. If no one claims a newsrack after 60 days, the City disposes of it as abandoned property. Salt Lake City Finance Department will follow standard collection procedures for any non-compliant newsracks removed from the right-of-way.

Attachments:

- 1. Map: Newsracks in the Sugar House Business District
- 2. Salt Lake City Finance Cost Analysis
- 3. Benchmark Ånalysis
- 4. Land Costs Comparables



Salt Lake City Finance Cost Analysis Fee Levels for News Rack Applications

	FULLY	LOADED	DIRE	CT COSTS
Expenditures Per Application	\$	890.89	\$	645.23
Total City Cost for Non-Compliance* * \$5 per day/per rack additional cost for storage	\$	281.86	\$	103.60
News Rack Application Fee @ 75% of Cost (rounded down to the nearest dollar)	\$	668.00		
Non-Compliance Penalty (rounded down to the nearest dollar) - Plus \$5 per day storage for each rack removed and withholding of permit for non-payment.	\$	281.00		
Annual number of applications anticipated		30		

EXHIBIT A

News Rack Application Cost Analysis Cost Analysis Methodology Total Expenditures Per News Rack Application

	FUI	LY LOADED	DIR	RECT COSTS
Note 1	F	ully Depreciated		
Note 2		1,714.61		
Note 3		3,061.67		
Note 4	\$	12,072.78	\$	12,072.78
	\$	16,849.06	\$	12,072.78
		Pool Vehicle		
Note 5	\$	428.65		
Note 6	\$	207.05		
Note 7	\$	3,811.18	\$	3,811.18
	\$	4,446.88	\$	3,811.18
Note 8	\$	87.61		
Note 9	\$	281.63		
Note 10	\$	2,417.36	\$	2,417.36
	\$	2,786.61	\$	2,417.36
Note 11	\$	91.37		
Note 12	\$	550.41		
Note 13	\$	677.48	\$	677.48
	\$	1,319.26	\$	677.48
Note 14	\$	521.08		
Note 15	\$	425.54		
Note 16	\$	378.23	\$	378.23
	\$	1,324.86	\$	378.23
	\$	26,726.66	\$	19,357.04
	\$	890.89	\$	645.23
	\$	281.86	\$	103.60
	Note 2 Note 3 Note 4 Note 5 Note 6 Note 7 Note 7 Note 8 Note 9 Note 10 Note 11 Note 12 Note 13	Note 1 Fr Note 3 \$ Note 3 \$ Note 4 \$ Note 4 \$ Note 5 \$ Note 6 \$ Note 7 \$ Note 8 \$ Note 9 \$ Note 10 \$ \$ \$ Note 11 \$ Note 12 \$ Note 13 \$ \$ \$ Note 14 \$ Note 15 \$ Note 16 \$ \$ \$	Note 2\$ $1,714.61$ Note 3\$ $3,061.67$ Note 4\$ $12,072.78$ \$ $16,849.06$ Note 5\$ 428.65 Note 6\$ 207.05 Note 7\$ $3,811.18$ \$ $4,446.88$ Note 8\$ 87.61 Note 9\$ 281.63 Note 10\$ $2,417.36$ \$ $2,417.36$ \$ $2,786.61$ Note 11\$ 91.37 Note 12\$ 550.41 Note 13\$ 677.48 \$ $1,319.26$ Note 14\$ 521.08 Note 15\$ 425.54 Note 16\$ 378.23 \$ $1,324.86$ \$ $26,726.66$ \$ 890.89	Note 1 Note 2Fully Depreciated $1,714.61$ Note 3SNote 3\$ $3,061.67$ Note 4\$Note 4\$ $12,072.78$ \$\$16,849.06\$Note 5\$ 428.65 \$\$Note 6\$ 207.05 \$\$Note 7\$ $3,811.18$ \$\$4,446.88\$Note 8\$ 87.61 \$\$Note 9\$ 281.63 \$\$Note 10\$ $2,417.36$ \$\$\$ $2,417.36$ \$\$Note 11\$ 91.37 \$Note 12\$ 550.41 \$Note 13\$ 677.48 \$\$ $1,319.26$ \$\$Note 14\$ 521.08 \$Note 15\$ 425.54 \$Note 16\$ 378.23 \$\$ $1,324.86$ \$\$\$ $26,726.66$ \$\$\$ 890.89 \$

Benchmark Analysis

Houston

http://www.houstontx.gov/parking/newsracks.htm

- Newsrack definition "distribution without charge" but design standards contain regulations for coin mechanisms
- Permit application fee \$300 per publication \$5 decal fee per newsrack
- Permit valid for three years renewal fee of \$5 per newsrack
- Lists maintenance regulations
- Typical location regs
- Abandoned newsrack clause

San Francisco

Program Website: <u>http://sfdpw.org/index.aspx?page=371</u> Code:

http://www.amlegal.com/nxt/gateway.dll/California/publicworks/article54regulationofnewsrac ks?f=templates\$fn=default.htm\$3.0\$vid=amlegal:sanfrancisco_ca

- Submit newsrack certificate
- Basic location regulations do not locate within a certain distance from...
- Refers to an advisory committee newspaper distributors, concerned citizens to interpret and enforce code recommend guidelines
- Violations must send notice 10 days prior to seizure of racks person notified may request hearing
- In certain areas (zones) fixed pedestal newsracks
 - Contracted with vendor for installation and maintenance
- Annual permit fee \$50 for each newsrack box
- Whole slew of regulations pertaining to establishment of fixed pedestal zones

San Diego

http://docs.sandiego.gov/municode/MuniCodeChapter06/Ch06Art02Division10.pdf

- \$15.00 per newsrack annually
- General maintenance requirements reasonably free of dirt, trash, graffiti, chipped paint, rust... maintenance log documenting permittees inspection of each newsrack shall be maintained by permittee and available for inspection by City
- Typical location requirements
- One permit issued per applicant covering all newsracks permit may be amended quarterly - existing permittee may install 5% additional newsracks than approved in the permit without amendment of the permit or prior payment of applicable fees, which will be due at the next permit application or permit payment period
- Annual renewal annually by Jan 15

Denver

http://library.municode.com/index.aspx?clientId=10257&stateId=6&stateName=Colorado

- Ordinance is very similar to Salt Lake City's
- Permit valid for 1 year permit fee \$6 per newsrack
- Typical location requirements
- Maintenance regulations
- Abandonment clause

Boston

http://www.cityofboston.gov/images_documents/News%20Racks%20%20Ordinance%2016-38_tcm3-40903.pdf

- \$100 to cover the administrative costs
- \$25 per news rack
- \$25 per rack to change location

Fort Worth

http://fortworthtexas.gov/uploadedFiles/Planning and Development/Permits and Plans Exa m (template)/newsrack%20permit%20application 5%20(3).pdf

- \$20 application fee
- \$5 per rack

Local Utah Municipalities

Ogden

- The permit application, and each annual renewal, shall be accompanied by a fee in the amount of five dollars (\$5.00) for each single box newsrack, or fifteen dollars (\$15.00) for each multibox newsrack.
- Post a bond in the form of cash or a surety bond to ensure the proper removal of the newsrack. The bond shall be determined by the total number of newsracks the applicant maintains throughout the city.
- The amount of the bond shall be in the following amounts:
 - Total Number of Newsracks
 - o **1-4 \$600**
 - o **5-12 \$1000**
 - o 13 or more \$1500
 - o Any violation\$20 application fee
 - o \$5 per rack

Provo

- Certificate fee of \$10 per newsrack.
- Annual fee in the amount of ten dollars (\$10.00) for each single newsrack.

Land Cost Comparables

Comparable Property as per the Salt Lake County Assessor's Office						
Property Owner	Location	APN	Acreage	Land Value	Total Sq. Ft	Cost per sq. ft.
111 South Main LLC	111 S. Main Street	16-06-105-062-0000	0.4	\$ 1,362,000	17,424	\$ 78.17
Dees Inc	75 E 200 S	16-06-151-016-0000	0.45	\$ 882,100	19,602	\$ 45.00
Guardian State Bank	218 S 200 E	16-06-176-026-0000	0.34	\$ 630,000	14,810	\$ 42.54
Garff Family LLC	190 E 500 S	16-06-352-011-0000	0.3	\$ 373,600	13,068	\$ 28.59
Alta Club	100 E South Temple	16-06-102-001-0000	0.33	\$ 645,100	14,375	\$ 44.88
West Salt Lake Acquisition Partners	178 S Rio Grande	15-01-176-019-0000	0.73	\$ 604,200	31,799	\$ 19.00
Heb Salt Lake Property LLC	375 S 300 W	15-01-402-023-0000	0.4	\$ 372,400	17,424	\$ 21.37
International Investment & Development C	40 E 300 S	16-06-153-005-0000	0.6	\$ 838,500	26,136	\$ 32.08
VMM Arrow Press LLC	51 E 400 S	15-01-229-012-0000	0.25	\$ 432,500	10,890	\$ 39.72
Metro Mortgage LLC	276 W 100 S	15-01-204-040-0000	0.27	\$ 586,100	11,761	\$ 49.83
141 Pierpont LLC	414 W Pierpont Ave	15-01-277-031-0000	0.27	\$ 479,800	11,761	\$ 40.80
Average					-	\$ 40.18

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OFFICE OF THE DIRECTOR

CITY COUNCIL TRANSMITTAL

DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT

MARY DE LA MARE-SCHAEFER

David Everitt, Chief of Staff

TO: Salt Lake City Council Charlie Luke, Chair

May 29, 2014 DATE:

Date sent to Council:

Date Received: 5 29

FROM: Eric Shaw, CED Director

SUBJECT: Petition PLNPCM2012-00793: Amendments to Chapter 14.36 of the Salt Lake City Code referred to as the Newsrack Ordinance

STAFF CONTACT:	Wayne Mills, Senior Planner			
	(801) 535-7282 or wayne.mills@slcgov.com			

- COUNCIL SPONSOR: Exempt
- DOCUMENT TYPE: Ordinance
- **RECOMMENDATION:** That the City Council pass the proposed ordinance

BUDGET IMPACT: The proposed amendments include an increase in licensing fees in an effort to offset the cost of administering and enforcing the newsrack ordinance.

BACKGROUND/DISCUSSION: The petition was initiated by the Mayor for the purpose of reviewing and recommending changes to the ordinance regulating newsracks in the public right-of-way. The original purpose of the petition was to change the administration authority over the ordinance from the Zoning Administrator to the City Engineer. Upon review of the ordinance, additional issues were identified and amendments recommended.

The Newsrack ordinance was adopted in 1991 and provides specific provisions related to the location and design of newsracks located in the public right-of-way. The ordinance limits the placement of newsracks to an area referred to as the Expanded Central Business District (ECBD), but allows newsracks that were already in place outside of the ECBD to

451 SOUTH STATE STREET, ROOM 404 P.O. BOX 145486, SALT LAKE CITY, UTAH 84114-5486 TELEPHONE: 801-535-6230 FAX: 901-535-6005 WWW.sLCGOV.COM/CED

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SCANNED TO: Mayn SCANNED BY: Rache DATE: S. 29. 14

BEENCLED PAPER

remain. A map of the ECBD is attached to the Planning Commission Staff Report (Exhibit 5).

The Newsrack ordinance identifies the Zoning Administrator as the individual who is responsible for reviewing and approving permits for newsracks and enforcing the newsrack ordinance. The Zoning Administrator typically interprets and enforces the Zoning Ordinance, which generally applies to public and private parcels of property, not the public right-of-way. The permitting and enforcing of encroachments in the public right-of-way is the responsibility of the Real Property Manager and City Engineer. The initial intent of the petition to amend the newsrack ordinance was to change the administrating authority from the Zoning Administrator to the City Engineer. However, upon further review, it was determined that the Property Manager would be the appropriate administrator. The Property Manager currently permits and administers leases for all other public right-of-way encroachments.

Through the petition review process, the project staff identified other issues with the ordinance that should be addressed. Particularly, regulations pertaining to the permitting process need to be considered in an effort to provide better mechanisms for monitoring and inventorying the location of newsracks. Other amendments are also proposed in an effort to clarify regulations and adjust the permit fees to reflect the City's cost for permitting, monitoring and enforcement. A summary of proposed changes, including the reasons for the changes is attached as Attachment B in the Planning Commission Staff Report (Exhibit 5).

PUBLIC PROCESS: The Planning Division held a public open house on September 19, 2013. The open house meeting notice was sent on September 5, 2013 through the Planning Division listserve, which includes all community council chairs. In addition to the standard noticing, Planning Division staff sent a copy of the proposed ordinance, and a summary of the changes to the ordinance, to the distributors with newsracks currently located in Salt Lake City. This information was sent to the newsrack distributors prior to the open house in order to provide sufficient time for the distributors to review and weigh in on the changes.

On April 9, 2014 the Planning Division presented the proposed amendments to the Planning Commission in a public hearing. In addition to the standard public hearing notification process, distributors with newsracks currently located in Salt Lake City were sent a copy of the proposed ordinance and notified of the hearing date. Amendments to Title 14 of the City Code are not under the purview of the Planning Commission; therefore, they did not make a formal recommendation but did provide the following comments to the City Council:

- Consider allowing newsracks in other business areas in the City, not just downtown.
- Raising the fees could discourage the distributors from placing news racks on the sidewalk, which seems detrimental in providing accessible information to pedestrians in the business areas.

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- 6. ORIGINAL PETITION

1. CHRONOLOGY

PROJECT CHRONOLOGY Petition # PLNPCM2012-00793

November 5, 2012	Petition initiated
November 13, 2012	Petition assigned to Wayne Mills, Senior Planner
September 5, 2013	Emailed notice of open house through Planning Division listserve
September 9, 2013	Sent proposed changes to newsrack ordinance and notice of open house to newsrack distributors
September 19, 2013	Public open house
September 27, 2013	City Department/Division Review Memorandum prepared and routed
March 6, 2014	Sent proposed changes to newsrack ordinance to newsrack distributors and informed them that the project will be forwarded to the Planning Commission for review and then to the City Council for public hearing and final decision
March 27, 2014	Mailed and emailed Planning Commission Notice of Public Hearing
March 27, 2014	Planning Commission Notice of Public Hearing posted on Utah Public Meeting Notice website
April 3, 2014	Staff report posted on Planning Division website
April 9, 2014	Planning Commission meeting. Planning Commission did not make a formal recommendation regarding the petition
April 23, 2014	Planning Commission ratified minutes of April 9, 2014 meeting

2. ORDINANCE

SALT LAKE CITY ORDINANCE No. ____ of 2014

(Amending Chapter 14.36 of the *Salt Lake City Code* and the Consolidated Fee Schedule pertaining to news racks in the public right-of-way)

An ordinance amending Chapter 14.36 of the *Salt Lake City Code* and the Consolidated Fee Schedule concerning news racks in the public right-of-way pursuant to Petition No. PLNPCM2012-00793.

WHEREAS, the Salt Lake City Planning Commission held a public hearing on April 9,

2014 on an application submitted by Mayor Ralph Becker ("Applicant") to amend Chapter 14.36

(Streets, Sidewalks and Public Places: Newsracks) of the Salt Lake City Code and the

Consolidated Fee Schedule to modify the regulation of news racks in the public right-of-way

pursuant to Petition No. PLNPCM2012-00793; and

WHEREAS, at its April 9, 2014 meeting, the planning commission provided comments to the Salt Lake City Council on said application; and

WHEREAS, after a public hearing on this matter the city council has determined that adopting this ordinance is in the city's best interests.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. <u>Amending Chapter 14.36 of Salt Lake City Code</u>. That Chapter 14.36 of the Salt Lake City Code (Streets, Sidewalks and Public Places: Newsracks), shall be, and hereby is, amended to read as follows:

Chapter 14.36 NEWSRACKS NEWS RACKS

14.36.010: PURPOSE AND INTENT OF PROVISIONS:

The city council hereby finds and declares:

- A. The primary intended use of the streets and sidewalks of the city is the movement of people and property goods. Generally speaking, the city considers its streets and the real property interests therein to be a valuable asset, one which that it intends to control by regulation and will not allow to be appropriated by private enterprise.
- B. The city has an obligation to the general public to ensure reasonably unobstructed passage over the public <u>right of ways</u> in a clean, safe and orderly manner.
- C. The city has an obligation to protect the health and safety of the public, and to protect persons, including minors, from unwilling exposure to explicit sexual material.
- D. Inappropriately located newsracks <u>news racks</u> can pose a significant hazard and annoyance to pedestrians, abutting landowners, <u>and</u> vehicles, and <u>can interfere with</u> the maintenance of public improvements.
- E. The uncontrolled construction, and placement and maintenance of newsracks news racks unreasonably interferes with the public's right to safe and unobstructed passage and tends to physically and visually clutter the public rights of way. and required setbacks. Such The placement, construction and maintenance of newsracks news racks must be reviewed in relationship to proximity, design and use of other existing or proposed street improvements and furniture of the streetscape, including, but not limited to, signs and lampposts, parking meters, bus shelters and benches, planters, telephone booths, traffic devices, bus stop areas, loading zones, and landscaped setbacks.
- F. The city's central business district and an expanded area surrounding it are particularly congested and important areas. The aesthetically pleasing and functional design and regulation of the use of streets and sidewalks in the expanded central business district are extremely important in developing and maintaining order for the public good.
- G. The city has gone to great lengths in its street improvement program in existing and proposed beautification projects within the expanded central business district to create an aesthetically pleasing, safe, efficient and harmonious streetscape which that also functions safely and efficiently. Outdoor newsracks news racks, as part of the streetscape furniture, should be designed, constructed and placed maintained in this area according to the proposed pattern to carry out those objectives.
- H. Historically, the use of the streets for commercial enterprise has been precluded to preserve the streets for public purposes and to avoid the appropriation of public property or the creation of unfair economic advantage to businesses competing in the business district on private property. Distribution of newspapers has been a notable, but limited, exception allowed in business districts to accommodate convenient dissemination of the news to encourage an informed citizenry, even though such distribution from newsracks news racks competes with normal other retail or

subscription methods. Use of city owned property and <u>publicly owned sidewalks</u> <u>public rights-of-way</u> in commercial districts where subscription is less common should not be absolutely denied, but <u>such use</u> is subordinate to the property's use for public purposes. This private use of the city owned property and publicly owned sidewalks <u>public rights-of-way</u>, afforded certain constitutional protection under freedom of expression, is being regulated to ensure subordination to public purposes and protection to the city and its residents., by indemnifying the city against any liability arising out of this use of public property.

- I. Daily newspapers of general circulation provide the most comprehensive and detailed information regarding local advertising and state and local news. This information is of greatest interest to those in the expanded central business district, and becomes stale on a daily basis requiring rapid turnover.
- J. The above strong compelling governmental interests compete against public interests in freedom of expression and the private commercial interests of distributors. The city desires, in the time, place and manner provisions codified in this chapter, to balance those interests.

14.36.020: TITLE:

This chapter may be referred to as the SALT LAKE CITY NEWSRACK <u>NEWS RACK</u> ORDINANCE.

14.36.030: PERMIT REQUIRED:

It is unlawful to place or maintain a newsrack on property owned by the city or on publicly owned sidewalks without obtaining a permit and obtaining a lease for distributing materials through newsracks on such property pursuant to the provisions of this chapter.

14.36.040 14.36.030: DEFINITION OF NEWSRACK NEWS RACK:

For the purpose of this chapter, "newsrack" <u>"news rack"</u> means any outdoor self-service or coin operated container, rack or structure used or maintained for the distribution of newspapers, news periodicals or other printed material.

14.36.050 14.36.040: NEWSRACK NEWS RACK ALLOWED ONLY IN SPECIFIED AREAS:

- A. <u>Newsracks News racks on city owned property or on publicly owned sidewalks in the public right-of-way shall be lawful within the expanded central business district ("ECBD"), which is defined to include the area of downtown bounded on the north by the north side of North Temple Street; on the east by the east side of 200 East Street; on the south by the south side of 500 South Street; and on the west by the west side of 400 West <u>Street</u>.</u>
- B. Outside <u>of</u> the ECBD the existing newsracks <u>news racks</u> which <u>that</u> substantially conform to the provisions of this chapter and which <u>that</u> are listed on exhibit A to the ordinance codified herein, a copy of which shall be filed with the city recorder along with said ordinance, may remain in their present location subject to section 14.36.260 of this chapter compliance with all design, maintenance and license regulations stated in this chapter.
- C. The airport may make such rules and regulations governing the location and fees for newsracks <u>news racks</u> as the airport director deems reasonably necessary to ensure the safety and efficient operation of the airport.
- D. Other than as allowed by subsections A, B and C of this section, it is unlawful to own, operate, place or maintain a newsrack news racks on city owned property or publicly owned sidewalks in the public right-of-way.

14.36.060 <u>14.36.050</u>: YEARLY PERMIT OR CERTIFICATION <u>LICENSE AND</u> <u>FEE REQUIRED</u>:

Anyone desiring to use newsracks on city owned property publicly owned sidewalks shall, prior to any initial use, and thereafter before July 31 of each year, submit the required permit application or certification as specified below.

- A. Anyone desiring to place a news rack on city owned property or in the public rightof-way shall be required to obtain a license from the city. One license will be issued per publication and will apply to all news racks that distribute that publication. The application for a license shall be submitted to the city before the installation of the any news rack in accordance with the application procedures specified in Section <u>14.36.060.</u>
- B. Amendment to License: In the event of a change in any of the information submitted as part of the original license application, including any changes to the location of an approved news rack or a request for additional news racks, the licensee shall submit an application to amend the license. A licensee may install additional news racks or relocate an existing news rack only upon approval of the amended license.
- C. Licensing Term: A news rack license shall be valid for two (2) years from the date of approval. A license may be renewed if, before its expiration, the licensee pays the

renewal fee shown on the Salt Lake City consolidated fee schedule and provides evidence of insurance as required in Section 14.36.100.

14.36.070 14.36.060: PERMIT LICENSE APPLICATION:

An application for a permit license to place a new news rack or relocate an existing news rack distribute through newsracks on city owned property or in the public right-of-way publicly owned sidewalks ("permit" "license") shall be filed with the Zoning Administrator city's real estate services division upon a form provided by the administrator city and shall include the following:

- A. The name, address, and telephone number of the applicant;
- B. The name, address, and telephone number of a responsible person whom the city may notify or contact at any time concerning the applicant's newsracks news racks;
- C. Evidence of the applicant's qualification to do business in the state of Utah;
- D. Evidence of the applicant's Salt Lake City business license;
- E. The name of the materials to be distributed by the newsrack news rack;
- F. The number of newsracks on city owned property or publicly owned sidewalks which will be, or are expected to be, maintained by the applicant; and
- G.<u>F.</u> The evidence of insurance or self-insurance required by <u>sSection 14.36.140</u> <u>14.36.100</u> of this chapter.
- <u>G.</u> A site plan showing the proposed location of the news rack(s). The site plan shall include all information necessary to show compliance with the grouping, concentration, and location requirements stated in this chapter;
- H. An elevation plan of the proposed news rack(s). The elevation plan shall include all information necessary to show compliance with the design standards stated in this chapter; and
 - A description of the method for anchoring the news rack(s).

14.36.080 14.36.070: PERMIT LICENSE FEE:

The <u>permit license</u> application shall be accompanied by the fee shown on the Salt Lake City consolidated fee schedule, <u>per newsrack</u> to partially defray the cost of reviewing <u>and</u> <u>permitting the news rack license</u> the <u>permit application</u>.

14.36.090 14.36.080: ISSUANCE OF PERMIT LICENSE:

The zoning administrator Real Property Manager shall issue a permit license upon filing the completed application and necessary payment of the application fees,. and upon meeting all standards and regulations stated in this chapter.

After the filing of the completed license application and the payment of the required fee, the city's real property manager shall issue a license if the application satisfies all requirements of this chapter.

14.36.100: CERTIFICATION APPLICATION:

For any subsequent year after a newsrack permit has been issued the permittee shall, on or before July 31 of each subsequent year, submit a certificate, on a form to be provided by the city, which shall include the following:

A. Any changes in the information provided to the city by the permit application; and

B. A map of the expanded central business district and the city showing the location of newsracks subject to the permit which are maintained by the permittee. If the permit holder distributes more than one publication through the newsracks the map shall identify which publication is distributed at which newsrack location.

14.36.110: CERTIFICATE FEE:

Accompanying the certificate filing shall be the fee shown on the Salt Lake City consolidated fee schedule, per newsrack to partially defray the city's cost of reviewing the certificate and the information contained therein.

14.36.120: TRANSITIONAL FILINGS:

After the ordinance codified herein becomes effective, any person owning or maintaining a newsrack on city owned property or publicly owned sidewalks shall obtain a permit by filing a permit application and section B of the yearly certification on or before July 31, 1991. The filing shall be accompanied by a fee in the amount of five dollars (\$5.00) per newsrack to partially defray the city's costs of processing the permit and certification. This initial filing shall be all the filing required until July 31, 1992.

14.36.130 14.36.090: INDEMNITY; HOLD HARMLESS:

Anyone owning or maintaining a newsrack <u>news rack</u> on city owned property or publicly owned sidewalks <u>in the public right-of-way</u> shall indemnify, defend and hold <u>harmless</u> Salt Lake City and its officers and employees harmless for any loss or damage, including attorney fees, arising out of the use or placement of such newsrack <u>news rack(s)</u>.

14.36.140 14.36.100: INSURANCE REQUIREMENTS:

Anyone owning or maintaining a newsrack news rack on city owned property or publicly owned sidewalks in the public right-of-way shall maintain liability insurance with an insurer that is licensed to transact business in the state of Utah and that is financially sound and reputable, as determined by the city attorney. insuring against Such liability insurance shall provide coverage for all liability that the owner or maintainer of the newsrack news rack may incur by virtue of the placement, care, use, operation and existence of the newsrack news rack. Such insurance shall have a limit of no less than two hundred fifty thousand dollars (\$250,000.00) for each occurrence or, if the provisions of the Utah governmental immunity act are modified, such other limit as may be required to protect the city from liability minimum limit of two hundred fifty thousand dollars (\$250,000.00) per occurrence and a five hundred thousand dollar (\$500,000.00) aggregate limit for personal injury and one hundred thousand dollars (\$100,000.00) limit for property damage. This Such insurance shall name the city as an additional insured and may not be cancelable without thirty (30) days' prior written notice to the city. In lieu of such insurance, a permittee may obtain a waiver of such insurance from the zoning administrator upon a showing, acceptable to the city attorney, that such person has sufficient unencumbered assets available for attachment and execution to satisfy any judgment that would be rendered against it up to two hundred fifty thousand dollars (\$250,000.00). The permittee licensee shall provide evidence of insurance or evidence of sufficient assets, as the case may be, to the zoning administrator city's real property manager each year with the permit application or certification upon submittal of an application for a news rack license or upon renewal of an existing license.

14.36.150 14.36.110: NUMBER OF NEWSRACKS NEWS RACKS PER BLOCK:

There shall be no No more than thirty two (32) newsracks <u>news racks may be located</u> on any one block, which, for this chapter, shall mean any numbered whole block as shown on the original plat of the city.

14.36.160 14.36.120: GROUPING OF NEWSRACKS NEWS RACKS:

Between intersecting streets which that define blocks, newsracks news racks shall be placed together in not more than three (3) groups of not more than eight (8) newsracks news racks in any group. Each group on the same block face of any block shall be

separated by a distance of not less than one hundred feet (100'). Each newsrack news rack within a group shall be separated no more than two feet (2') from the nearest other newsrack news rack within the group. Groups located within thirty feet (30') of an intersection, measured from the centerlines of two intersecting sidewalks, shall be considered to be on both block faces. In the event that the design of any special improvement district assessment area requires a different grouping pattern on any block face, the grouping on that block face shall be as required by the special improvement design.

14.36.17014.36.130: CONCENTRATION OF PUBLICATIONS:

No more than eight (8) newsracks <u>news racks</u> on any block may dispense the same publication. No more than three (3) newsracks <u>news racks</u> on any block face shall <u>may</u> dispense the same publication. Newsracks <u>News racks</u> placed within thirty feet (30') of an intersection shall be counted in the total allowed for each block face, <u>measured from the centerlines of two intersecting sidewalks</u>.

14.36.18014.36.140: LOCATION RESTRICTIONS:

No newsrack <u>news rack shall may</u> be located adjacent to any mailbox, post, pole, water feature, art or monument, or adjacent to or within any raised planter, except when pedestrian circulation space between such items and the <u>newsrack news rack</u> is not needed and sufficient space for maintenance of such items and <u>newsracks news racks</u> is provided, or if the original design of such items specifically provides for newsracks <u>news racks</u> is news <u>racks</u> in an integrated design feature, or if the city engineer specifies a particular location for placement, <u>or in a manner which The use of the news rack license locations must be compatible with the free flow of pedestrian and other traffic and with public safety. The city's property management division may modify an approved license location at any time a change is deemed necessary to ensure safe and reasonable operating conditions for all users of the public right of way. No news rack shall unsafely:</u>

- A. Impedes or interferes with the reasonable use of a crosswalk, display window or building entrance;
- B. Impedes or interferes with the reasonable use of any kiosk, bench, trash receptacle, drinking fountain, bicycle rack, driveway, alley, or bus shelter;
- C. Interferes with the reasonable use of any fire hydrant, traffic signal box, fire call box, police call box, or other emergency facility. News racks may not be located within five (5) feet of a fire hydrant;
- D. Impairs or interferes with pedestrian traffic;

- E. Interferes with or impairs the vision of operators of vehicles at street intersections;
- F. Reduces the clear, unimpeded sidewalk width to:
 - 1. Ten feet (10') or less on sidewalks over twelve feet (12') in width, or
 - Less than three-fourths (³/₄) of the <u>clear and unimpeded</u> width of the sidewalk on sidewalks less than twelve feet (12') <u>in width</u>, with a <u>and in no event less than</u> four foot (4') six (6) feet. minimum.
 - 3. In determining whether a sidewalk is unimpeded, the city may consider features such as fountains, fire hydrants, planters, or any other feature that obstructs pedestrian movement.

In determining an unimpeded whether a sidewalk is unimpeded, the city may consider features such as fountains, fire hydrants or similar structures. shall be considered.

14.36.190: LOCATION CHANGES:

So long as the provisions of this chapter are complied with, newsracks may be moved from one permitted location to another permitted location. Additional complying newsracks may be installed by a permittee during the year of any permit or certification. If any newsracks are added after the yearly permit or certification filing, the permittee shall pay the past full year's fee for such added locations at the time of the next yearly filing.

14.36.20014.36.150: RIGHTS GRANTED:

The approval of any location for use as a newsrack <u>news rack</u> shall not be construed as granting the <u>user licensee</u> any right or interest to or in the property owned by the city. The rights granted by this chapter are merely a license to use the property for permitted purposes, subject to the provisions of this chapter.

14.36.21014.36.160: ANCHORAGE OF NEWSRACKS NEWS RACKS:

Newsracks <u>News racks</u> shall be anchored to the ground or sidewalk at their site. <u>Newsracks</u> <u>News racks</u> may not be anchored to trees, posts or poles with chains, rope, cable or otherwise. The <u>permittee licensee</u> shall be responsible for any damage or repairs caused or necessitated by the removal or installation of any <u>newsrack news rack</u> to bring the site to its original condition, ordinary wear and tear excepted.

14.36.22014.36.170: DESIGN STANDARDS:

All permitted newsracks news racks shall comply with following design standards:

- A. Height: As measured from the surface of the sidewalk to the highest point of the newsrack news rack, no newsrack news rack shall exceed:
 - 1. A height of fifty inches (50") when located adjacent to a building or structure, including light poles and similar features, of equal or greater height; or
 - 2. A height of five feet (5') when located adjacent to a building stacked with multiple racks; or
 - 3. <u>A height of T_{three} feet (3') in other locations.</u>
- B. Other Dimensions: No newsrack news rack shall exceed.
 - 1. A depth of two feet (2'); and
 - 2. A length of two feet (2').
- C. Color: Newsracks <u>News racks</u> shall be flat black, or the designated fixture color as part of any special improvement district assessment area with an overall street design theme which that specifies particular colors. In the event that the design of a special improvement district assessment area requires that newsracks <u>news racks</u> be enclosed within particular materials or colors, any permittee licensee with newsracks <u>news racks</u> mews racks within such district shall be notified of the pending requirements and shall comply with them.
- D. Advertising: Newsracks News racks shall carry no advertising except a logo or other information identifying the newspaper or other printed material. This information may be displayed on the newsrack news rack limited up to a height of six inches (6") and width of thirteen inches (13") on the upper two-thirds $(^{2}/_{3})$ of the sides and a height of three inches (3") and width of twenty inches (20") on the bottom one-third $(^{1}/_{3})$ of the front.
- E. Each news rack shall have permanently affixed in a readily visible place the current name, address, and telephone number of the licensee.

14.36.180: DENIAL, SUSPENSION OR REVOCATION OF NEWS RACK LICENSES:

A. The city may deny, suspend or revoke the news rack license or deny renewal thereof, if the city finds:

- 1. That such licensee has violated or failed to meet any of the provisions of this chapter;
- 2. The licensee does not have a currently effective insurance policy in the minimum amount provided in this chapter; or
- 3. That the licensee has abandoned the use of the news rack(s) as defined in this chapter.

14.36.230<u>1</u>4.36.190: NONEMERGENCY REMOVAL <u>OF NEWS RACKS;:</u> PERMITTEES <u>LICENSEES</u>:

- A. Notice: If at any time it is determined by the city that a permittee's licensee's newsrack news rack is not in compliance with the requirements of this chapter, the city shall give a written a "notice of intent to remove" shall be issued, in writing, to the permittee licensee. Such notice will shall state the violation or violations which that constitute the basis of the proposed removal. The notice shall contain state the date, time and place for <u>a</u> hearing to be held before removal.
- B. Hearing: The hearing shall be held not less than ten (10) days from <u>after</u> the time of service of <u>the</u> notice. Prior to <u>Before</u> the hearing, the <u>permittee licensee</u> may file a written response to the notice specifically setting forth the reason or reasons the <u>newsrack news rack</u> should not be removed. At the hearing the <u>zoning administrator real property manager</u> shall determine whether the <u>newsrack news rack</u> complies with the provisions of this chapter. In the event that the <u>zoning administrator real property manager</u> determines <u>that</u> the <u>newsrack news rack is not in compliance does not comply with this chapter, the licensee shall remove or bring into compliance the newsrack news rack shall be removed by the owner licensee within ten (10) days or otherwise brought into compliance. If the newsrack news rack is not <u>moved removed or brought into compliance</u> as required, the city may remove the <u>newsrack news rack news rack</u> and recover the expense of removal from the owner licensee.</u>
- C. <u>B.</u> Appeal: The <u>permittee licensee</u> may appeal any <u>removal</u> decision or order to the mayor or the mayor's designee. Any appeal shall be filed in writing within ten (10) days of <u>after</u> the decision and shall specify the basis for the appeal. The mayor shall consider the appeal based on the written submissions.

14.36.24014.36.200: EMERGENCY REMOVAL;: PERMITTEES LICENSEES:

A. Removal: In the event that a city zoning inspector or the city police or fire department <u>official</u> determines that the location or operation of the newsrack <u>news rack</u> constitutes an immediate physical threat to public life, safety or health, the city may

<u>remove</u> the <u>newsrack</u> <u>news rack</u> <u>may be removed by the city</u> immediately without any prior notice or <u>hearing</u>. This provision shall not be enforced in any way related to the content or <u>expression</u> of the material distributed by the <u>newsrack</u> <u>news rack</u>.

- B. Notice And Hearing: In the event of such an emergency removal, the city shall immediately contact the permittee's representative designated pursuant to subsection 14.36.070B of this chapter licensee's representative and inform the representative of the removal, and the reason(s) therefor for the removal, and of the licensee's right to request a hearing before the real property manager regarding such removal. If requested by the representative, the city shall hold an immediate hearing before the zoning administrator real property manager to determine whether or not the removed newsrack news rack constituted an immediate threat to the public's life, safety and or health. In the event that the zoning administrator real property manager determines that the newsrack news rack did not constitute such an immediate threat, the city shall immediately, at its own expense, replace the newsrack news rack at its location. In the event that no immediate hearing is requested by the permittee's licensee's representative, a hearing as provided in subsection 14.36.230B 14.36.190.B of this chapter shall be held, except that the process shall occur after the removal of the newsrack.
- C. Appeal: The <u>permittee licensee</u> may appeal any decision or order to the mayor or the mayor's designee. Any appeal shall be filed in writing within ten (10) days of <u>after</u> the decision and shall specify the basis for the appeal. The mayor shall consider the appeal based on the written submissions.

14.36.25014.36.210: <u>REMOVAL OF</u> UNAUTHORIZED NEWSRACKS <u>NEWS</u> <u>RACKS</u>:

Any newsracks on city owned property or publicly owned sidewalks, except those for which a license has been obtained pursuant to this chapter, shall be impounded by the city without prior notice or hearing. The city shall take reasonable efforts to determine the owner of the newsrack and shall notify the owner of the impoundment. The owner of any impounded newsrack shall be responsible for the expense of removal and storage of such newsrack. If the owner fails to reclaim the impounded newsrack and pay the expenses of removal and storage within thirty (30) days from notice of impoundment, the newsrack may be deemed unclaimed property and may be disposed of pursuant to law.

A. Notice: Any news rack on city owned property or in the public right-of-way, except one for which a license has been obtained pursuant to this chapter, is an unauthorized news rack. The city shall make reasonable efforts to identify the owner of the unauthorized news rack. If the city identifies the owner, the city shall give a written "notice of intent to remove" to the owner. Such notice shall state that the news rack is not licensed by the city and may be subject to removal by the city. The notice shall state the date, time, and place for a hearing to be held before removal.

- B. Hearing: The hearing shall be held not less than ten (10) days after the time of service of the notice. Before the hearing, the owner may file a written response to the notice specifically setting forth the reason or reasons the news rack should not be removed. At the hearing the real property manager shall determine whether the news rack is licensed pursuant to this chapter. In the event that the real property manager determines that the news rack is not licensed pursuant to this chapter, the owner shall remove or license the news rack within ten (10) days. If the news rack is not removed or licensed as required, the city may remove the news rack and recover the expense of removal from the owner.
- C. Appeal: The owner may appeal any removal decision or order to the mayor or the mayor's designee. Any appeal shall be filed in writing within ten (10) days of after the decision and shall specify the basis for the appeal. The mayor shall consider the appeal based on the written submissions.
- D. Removal: If the city is unable to identify the owner of an unauthorized news rack, the city may remove the news rack. The owner of any removed news rack shall be responsible for the expense of removal and storage of such news rack. If the owner fails to reclaim the removed news rack and pay the expenses of removal and storage within thirty (30) days after the removal, the news rack may be deemed unclaimed property and may be disposed of pursuant to law.

14.36.260: NONCOMPLYING DESIGNS OUTSIDE ECBD:

A. Newsracks which are not in the ECBD but whose location is permitted by subsection 14.36.050B of this chapter, as listed on exhibit A, and for which a permit has been obtained, shall comply with the design standards of section 14.36.220 of this chapter before July 1, 2001, or at any such earlier date when the city owned property or publicly owned sidewalk where the newsrack is located is substantially repaired or altered by a special improvement district or other similar project.

14.36.270: NONCOMPLYING LOCATIONS WITHIN ECBD:

Newsracks for which a permit has been obtained and which either comply with the design standards of section 14.36.220 of this chapter, or are temporarily exempted from such compliance pursuant to section 14.36.280 of this chapter, which are located at a site which does not comply with the location requirements of section 14.36.180 of this chapter may remain in the present location until July 1, 1996, or any such earlier date when the city owned property or publicly owned sidewalk where such newsrack is located is substantially repaired or altered by a special improvement district or other similar project.

14.36.280: NONCOMPLYING DESIGNS WITHIN ECBD:

Newsracks for which a permit has been obtained, which are anchored to a location permitted by either section 14.36.180 or 14.36.270 of this chapter and which are substantially in compliance with the design provisions of section 14.36.220 of this chapter, except that the colors allowable may include white newsracks or blue and white newsracks, may remain with their present design until July 1, 1996, or any such earlier date when the city owned property or publicly owned sidewalk where the newsrack is located is substantially repaired or altered by a special improvement district or similar project.

14.36.220: ABANDONEMENT:

A news rack shall be deemed abandoned if it:

- A. Is removed pursuant to this chapter and is unclaimed for thirty (30) consecutive calendar days after the date of removal;
- B. Remains empty or without a publication for thirty (30) consecutive calendar days; or
- C. Is not maintained according to the provisions of this chapter.

News racks deemed abandoned may be treated in the manner provided in Section 14.36.200.

14.36.230: MAINTENANCE:

Each news rack shall be continuously maintained in a reasonably neat and clean condition and in good repair including:

- A. Reasonably free of dirt, trash, debris, foreign objects, graffiti, stickers, dents, and grease;
- B. Reasonably free of chipped, faded, peeling, or cracked paint in any visible painted areas;
- C. Reasonably free of rust and corrosion in any visible areas;
- D. Any clear parts through which publications are visible shall be unbroken and reasonably free of cracks, scratches, dents, blemishes, and discoloration; and
- E. No structural components shall be broken or unduly misshapen.

14.36.240: EXISTING NEWS RACK LICENSING

All news racks that were permitted at the time of the passing of this ordinance or that are outside of the ECBD and conform to the provisions of this chapter must be licensed according to the provisions of this chapter no later than July 1, 2015.

SECTION 2. <u>Amending Title 0 of Salt Lake City Code</u>. That Title 0 of the Salt Lake City

Code (Consolidated Fee Schedule), shall be, and hereby is, amended to as follows:

a. That the section of the Consolidated Fee Schedule titled, "Zoning Fees" shall be

amended to read as follows:

	ZONING	FEES	
For question regarding Zoning fees	contact: 801.535.7	700	
Service	Fee	Additional Information	Section
Administration Determination	\$172.26		21A.64.010
Administration Interpretation and Verification	\$57.42	Plus \$57.42 per hour for research after the first hour	21A.64.010
Alley Vacation	\$229.67	Fee waiver available	21A.64.010
Alternative Parking		Y	
Residential	\$344.51		21A.64.010
Nonresidential	\$631.61		21A.64.010
Amendments			
Master plan	\$861.28	Plus \$114.84 per acre in excess of one acre	21A.64.010
Zoning text or map	\$918.73	Plus \$114.84 per acre in excess of one acre	21A.64.010
Annexation	\$1,148.37		21A.64.010
Appeal of a Decision		Fee waivers available	21A.64.010
Administrative decision	\$229.67		21A.64.010
Historic Landmarks Commission	\$229.67		21A.64.010
Planning Commission	\$229.67		21A.64.010
Appearance Before the Zoning Enforcement He	aring Office		
First scheduled hearing	No charge		21A.64.010
Second scheduled hearing	\$57.42		21A.64.010
Application for Conditional Use			
Billboard Construction or Demolition	\$229.67		21A.64.010
Conditional Site Plan Review	\$689.02	Plus \$114.84 per acre in excess of one acre	21A.64.010
Conditional Use/Planned Development	\$689.02	Plus \$114.84 per acre in excess of one acre	21A.64.010
Condominium			
Preliminary	\$459.31	Plus \$34.45 per unit	21A.64.010
Final	\$344.51	Plus \$22.97 per unit	21A.64.010
Dwelling Unit Legalization	\$229.67		21A.64.010
General Plan Application	\$207.40		20.29.040
Historic Preservation/Historic Landmarks Comr	nission	·	
Alterations of a principal building	\$28.71		21A.64.010
Signs	\$28.71		21A.64.010
New construction of a principal building	\$229.67		21A.64.010
Demolition of a principal building	\$459.35		21A.64.010

				014 (4 010
Relocation of a principal building	\$229	9.67		21A.64.010
Home Occupation			1	
Non-conditional	No ch	narge	Fee could be assessed in future as per ordinance	21A.64.010
Conditional	No ch	narge	Fee could be assessed in future as per ordinance	21A.64.010
Landscaping Permit for Public Right of W	/ay \$15	.56	Per job, or \$77.78 Per year	2.26.210
News Racks				
Permit application			14.36.080	
Certificate filing fee	\$5.	19	Per news rack	14.36.110
Planned Development	\$688	3.57		21A.64.010
Processing Petition for Disposal of City O Alleys	See provision 14.52			14.52.030
Routine and Uncontested Matters	\$114	4.84		21A.64.010
Signs				
Plan checking fee	11.2	26%	Of building permit value	21A.46.030
Identification tag	\$11	.48		21A.46.030
Inspection tag	No ch	narge	Fee could be assessed in future as per ordinance	21A.46.030
				20.28.040
Site Development Permit	\$229	9.67	Plus \$57.42 per acre in excess of one (1) acre	20.12.020
Site Plan Review Application	\$689	7.02	Plus \$114.84 per acre in excess of one (1) acre	20.04.050 21A.58.080
Special Exception	\$229		For historic structures, see Section 21A.34.020 and 21A.46.070V.	21A.52.040
Street Closure	\$344	4.51	Fee waiver available	21A.64.010
Street Name Change	\$287	7.09		21A.64.010
Subdivision Review Fees	Preliminary Review	Final Review	\diamond	
Minor residential and nonresidential	\$344.51	\$689.02	Plus \$114.84 per lot	20.04.140
Major residential and nonresidential	\$344,51	\$1,148.37	Plus \$114.84 per lot	20.04.140
FR and FP zones	\$689.02	\$689.02	Plus \$114.84 per lot preliminary review; Plus \$172.26 per lot final review.	20.04.140
Subdivision Amendments and Vacations				
Amendments	\$344	4.51	Plus \$114.84 per lot	20.04.140
Vacations	\$344	4 51	Plus \$114.84 per lot	20.04.140

b. That the section of the Consolidated Fee Schedule titled, "Community Development"

shall be amended to read as follows:

		Development for a	. C		
or que	stions regarding Community	Development rees			
	Service		Fee	Additional Information	Section
Iboards Porm	nit for demolition of a non-conforming billbo	ard	\$115.11		21A.46.16
	or Securing of Buildings		\$115.11		217.40.10
-	e by city		\$103.70	Plus actual costs, see Section 18.48.110	18.48.110
1	al (first year)		\$725.90	Each Structure	18.48.14
	bing permit to install external irrigation hose	e bib, if required	\$6.22		18.48.14
Annu	ual Fee		\$1,244.40	Per each structure, due on or before boarding permit anniversary	18.48.18
City ı	maintenance of building		\$176.29	Annual, plus actual costs, see Section 18.48.270	18.48.27
City ı	maintenance of landscaping		\$176.29	Annual, plus actual costs, see Section 18.48.270	18.48.28
City ı	removal of snow		\$176.29	Annual, plus actual costs, see Section 18.48.270	18.48.29
ilding P	ermits			To Holzys	-
Total	l project valuation:				
	\$1 - \$500		\$32.39		18.32.03
	\$501 - \$2,000	\$32.39 fc plus \$ additional thereof, t	or the first \$500 4.20 for each \$100 or fraction to and including \$2,000		18.32.03
	\$2,001 - \$25,000	plus \$1 additio fraction	the first \$2,000 9.29 for each nal \$1,000 or thereof, to and ing \$25,000		18.32.03
	\$25,001 - \$50,000	\$25,000 each addi fraction	5 for the first plus \$13.92 for tional \$1,000 or thereof, to and ing \$50,000		18.32.03
	\$50,001 - \$100,000	\$50,000 each addi fraction	2 for the first plus \$9.64 for tional \$1,000 or thereof, to and ng \$100,000		18.32.03
	\$100,001 - \$500,000		43 for the first 0 plus \$7.72 for tional \$1,000 or thereof, to and ng \$500,000		18.32.0
	\$500,001 - \$1,000,000		27 for the first) plus \$6.54 for tional \$1,000 or thereof, to and ig \$1,000,000		18.32.0
	\$1,000,001 and up	\$1,000,00 each addi	13 for the first 0 plus \$5.03 for tional \$1,000 or ereof and above		18.32.0
ntractor	r Registration Fee		\$20.74	Each person, firm or corporation	18.16.05
	n Landscaping Waivers				

Property inspection	\$114.84	If waiver is denied, this fee will be refunded	18.64.
Pre-demolition salvage permit	20% of demolition fee	See Section 18.64.080	18.64.
lition Permit Application Fees			
Building floor area:			
5 - 2,000 sq. feet	\$68.90		18.64
2,001 - 4,000 sq. feet	\$80.39		18.64
4,001 - 6,000 sq. feet	\$91.87		18.64.
6,001 - 8,000 sq. feet	\$126.32		18.64
8,001 - 10,000 sq. feet	\$137.81		18.64
10,001 - 12,000 sq. feet	\$172.26		18.64
12,001 - 14,000 sq. feet	\$206.71		18.64
14,001 - 16,000 sq. feet	\$241.15		18.64
16,001 - 18,000 sq. feet	\$275.61		18.64
18,001 - 20,000 sq. feet	\$304.32		18.64.
20,001 - 22,000 sq. feet	\$344.51		18.64
22,001 - 24,000 sq. feet	\$390.45		18.64
24,001 - 26,000 sq. feet	\$424.90		18.64
26,001 - 28,000 sg. feet	\$470.83		18.64
28,001 - 30,000 sq. feet	\$516.77		18.64
30,001 - 32,000 sq. feet	\$556.96		18.64
Square feet over 32,000	\$11.48 / 500 sq. ft unit		18.64
ical Permits (Commercial and Industrial)			
Minimum fee	\$27.56		18.36
New service or change of service	$\langle \rangle$	Alterations or repairs of 600 volt or less capacity service entrance equipment	18.36
Up to 100 amps	\$27.56		18.36
101 amps to 200 amps Each additional 100 amps or fraction	\$27.56 \$4.14		18.36
Installation, alteration or repair of sub-feeders (including supply t			10.30
Up to 30 amp capacity	\$0.068	Each	18.36
31 amp to 60 amp capacity	\$2.06	Each	18.36
61 amp to 100 amp capacity	\$4.14	Each	18.36
100 amp or fraction above 100 amp capacity	\$4.14	Each	18.36
Transformer inspection fee (in addition to regular system inspecti		Lacit	
Up to 50 volt secondary	No charge		18.36
51 volt to 240 volt secondary			18.36
241 volt to 600 volt secondary	\$20.67 \$32.16		18.36
601 volt to 2,300 volt secondary			18.36
Greater than 2,300 volt secondary	\$89.47 \$130.91		18.36
Motor generator installation for emergency or standby power	\$150.71		10.30.
Up to 500 kVa	\$103.36		18.36.
Above 500 kVa	\$172.25		18.36
Alternate fee schedule - fee cannot be computed using standard schedules	Formula based	See Section 18.36.120/ When a fee cannot be computed on the foregoing schedules, it shall be computed as outlined in this section up to, but not exceeding, \$100,000	18.36
ical Permits - Work Exceeding \$100,000			
Work exceeding \$100,000 but less than \$250,000	\$413.41, plus \$0.4135 of 1% over \$100,000		18.36
Work exceeding \$250,000	\$964.64, plus \$0.1378 of 1% all work at \$250,000 or more		18.36.

Basic Fee	\$4	0.19		18.36.
Minor remodel and additional circuits	\$2	27.56		18.36
Service change with 1 or 2 new circuits		27.56		18.36
Service change or alteration	\$2	27.56		18.36
Homeowner electrical remodel permit	\$3	34.45		18.36
New residents for homeowner permits			See single family schedule	18.36
New single family dwelling				
Up to 1,500 sq. feet	\$(0.041	Per square foot	18.36
Above 1,500 sg. feet				18.36
Total renovation of electrical systems	\$0	.0280	Per square foot	10.50
Existing single family dwelling	\$2	27.56		18.36
Multi-unit apartment building*	Ψź			
1 or 2 units	\$	27.56		18.36
3rd and 4th units		11.02	Each	18.36
Additional units including house meter	_	5.52	Each	18.36
Note: Projects including multi buildings or row				10.00
		be compated to	Inspection by City Staff to advise on and	
Consulting inspection	\$	5.52	appraise electrical systems in existing	18.36
	Ý	0.02	residences.	10.00
Multi-unit apartments (excluding transient o	ccupancies su	ich as hotel or r		
First 3 unit		0.046	Per sq. foot	18.36
4 - 10 units	-	11.02	Each	18.36
11 units and above		5.52	Each	18.36
				10.00
Projects including multiple buildings and/or row houses	building	ed for each g or house arately	×	
Power panel with no issue for single occupancy buildings	\$	10.34		18.36
Power to panel for construction purposes only				
	60 Days	30 Day Extension		
No issue fee	60 Days \$20.74			18.36
No issue fee Individual apartments in an apartment building, or	\$20.74	Extension \$7.26	Fach Additional mater	
Individual apartments in an apartment building, or condominium units nor for occupancy	\$20.74	Extension	Each Additional meter	
Individual apartments in an apartment building, or condominium units nor for occupancy rical Temporary Metering	\$20.74	Extension \$7.26	Each Additional meter	18.36
Individual apartments in an apartment building, or condominium units nor for occupancy rical Temporary Metering Up to 100 amp load capacity	\$20.74	Extension \$7.26	Each Additional meter	18.36
Individual apartments in an apartment building, or condominium units nor for occupancy rical Temporary Metering Up to 100 amp load capacity Each additional, or part thereof, 100 amp capacity	\$20.74	Extension \$7.26 4.14 7.92 4.14	Each Additional meter	18.36 18.36 18.36
Individual apartments in an apartment building, or condominium units nor for occupancy rical Temporary Metering Up to 100 amp load capacity Each additional, or part thereof, 100 amp capacity ing Permit	\$20.74	Extension \$7.26 4.14 7.92	Each Additional meter	18.36 18.36 18.36
Individual apartments in an apartment building, or condominium units nor for occupancy rical Temporary Metering Up to 100 amp load capacity Each additional, or part thereof, 100 amp capacity	\$20.74	Extension \$7.26 4.14 7.92 4.14	Each Additional meter	18.36 18.36 18.36
Individual apartments in an apartment building, or condominium units nor for occupancy rical Temporary Metering Up to 100 amp load capacity Each additional, or part thereof, 100 amp capacity ing Permit	\$20.74 \$ \$ \$ \$ \$ \$ \$	Extension \$7.26 4.14 7.92 4.14	Each Additional meter	18.36 18.36 18.36 18.36
Individual apartments in an apartment building, or condominium units nor for occupancy rical Temporary Metering Up to 100 amp load capacity Each additional, or part thereof, 100 amp capacity ing Permit Extinguishing Systems	\$20.74 \$20.74 \$ \$ \$ \$ \$ \$ \$	Extension \$7.26 4.14 7.92 4.14 32.15	Each Additional meter	18.36 18.36 18.36 18.36 18.56
Individual apartments in an apartment building, or condominium units nor for occupancy rical Temporary Metering Up to 100 amp load capacity Each additional, or part thereof, 100 amp capacity ing Permit Extinguishing Systems Automatic fire sprinklers in range hood or vent Dry standpipe Fire pump	\$20.74 \$20.74 \$ \$ \$ \$ \$ \$ \$ \$ \$ \$	Extension \$7.26 4.14 7.92 4.14 32.15 5.52		18.36 18.36 18.36 18.36 18.56 18.56
Individual apartments in an apartment building, or condominium units nor for occupancy rical Temporary Metering Up to 100 amp load capacity Each additional, or part thereof, 100 amp capacity ing Permit Extinguishing Systems Automatic fire sprinklers in range hood or vent Dry standpipe Fire pump Fire sprinkler systems:	\$20.74 \$20.74 \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$	Extension \$7.26 4.14 7.92 4.14 32.15 5.52 13.78 11.35	Plus \$2.76 each outlet	18.36 18.36 18.36 18.36 18.56 18.56 18.56
Individual apartments in an apartment building, or condominium units nor for occupancy rical Temporary Metering Up to 100 amp load capacity Each additional, or part thereof, 100 amp capacity ing Permit Extinguishing Systems Automatic fire sprinklers in range hood or vent Dry standpipe Fire pump	\$20.74 \$20.74 \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$	Extension \$7.26 4.14 7.92 4.14 2.15 5.52 13.78	Plus \$2.76 each outlet	18.36 18.36 18.36 18.36 18.56 18.56 18.56
Individual apartments in an apartment building, or condominium units nor for occupancy rical Temporary Metering Up to 100 amp load capacity Each additional, or part thereof, 100 amp capacity ing Permit Extinguishing Systems Automatic fire sprinklers in range hood or vent Dry standpipe Fire pump Fire sprinkler systems:	\$20.74 \$20.74 \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$	Extension \$7.26 4.14 7.92 4.14 32.15 5.52 13.78 11.35	Plus \$2.76 each outlet	18.36 18.36 18.36 18.36 18.56 18.56 18.56 18.56
Individual apartments in an apartment building, or condominium units nor for occupancy rical Temporary Metering Up to 100 amp load capacity Each additional, or part thereof, 100 amp capacity ing Permit Extinguishing Systems Automatic fire sprinklers in range hood or vent Dry standpipe Fire pump Fire sprinkler systems: 1 to 100 sprinkler heads	\$20.74 \$20.74 \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$	Extension \$7.26 4.14 7.92 4.14 32.15 5.52 13.78 11.35 34.45 is \$0.1348 per	Plus \$2.76 each outlet	18.36 18.36 18.36 18.36 18.56 18.56 18.56 18.56 18.56
Individual apartments in an apartment building, or condominium units nor for occupancy rical Temporary Metering Up to 100 amp load capacity Each additional, or part thereof, 100 amp capacity ing Permit Extinguishing Systems Automatic fire sprinklers in range hood or vent Dry standpipe Fire sprinkler systems: 1 to 100 sprinkler heads Over 100 sprinkler heads	\$20.74 \$20.74 \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$	Extension \$7.26 4.14 7.92 4.14 32.15 5.52 13.78 11.35 34.45 is \$0.1348 per nead	Plus \$2.76 each outlet Each	18.36 18.36 18.36 18.36 18.56 18.56 18.56 18.56 18.56 18.56
Individual apartments in an apartment building, or condominium units nor for occupancy rical Temporary Metering Up to 100 amp load capacity Each additional, or part thereof, 100 amp capacity ing Permit Extinguishing Systems Automatic fire sprinklers in range hood or vent Dry standpipe Fire sprinkler systems: 1 to 100 sprinkler heads Over 100 sprinkler heads Flow switch	\$20.74 \$20.74 \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$	Extension \$7.26 4.14 7.92 4.14 32.15 5.52 13.78 11.35 34.45 s \$0.1348 per head 6.89	Plus \$2.76 each outlet Each	18.36 18.36 18.36 18.36 18.56 18.56 18.56 18.56 18.56 18.56 18.56
Individual apartments in an apartment building, or condominium units nor for occupancy rical Temporary Metering Up to 100 amp load capacity Each additional, or part thereof, 100 amp capacity ing Permit Extinguishing Systems Automatic fire sprinklers in range hood or vent Dry standpipe Fire pump Fire sprinkler systems: 1 to 100 sprinkler heads Over 100 sprinkler heads Flow switch Hood extinguishing system	\$20.74 \$20.74 \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$	Extension \$7.26 4.14 7.92 4.14 32.15 5.52 13.78 11.35 34.45 is \$0.1348 per head 6.89 34.45	Plus \$2.76 each outlet Each Each Each Each	18.36 18.36 18.36 18.36 18.56 18.56 18.56 18.56 18.56 18.56 18.56 18.56 18.56 18.56 18.56 18.56
Individual apartments in an apartment building, or condominium units nor for occupancy rical Temporary Metering Up to 100 amp load capacity Each additional, or part thereof, 100 amp capacity ing Permit Extinguishing Systems Automatic fire sprinklers in range hood or vent Dry standpipe Fire pump Fire sprinkler systems: 1 to 100 sprinkler heads Over 100 sprinkler heads Flow switch Hood extinguishing system Hydrants on private property	\$20.74 \$20.74 \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$	Extension \$7.26 \$7.26 4.14 7.92 4.14 32.15 5.52 13.78 14.45 15.52 34.45 6.89 34.45 1.02 13.78	Image: Constraint of the sector of the se	18.36 18.36 18.36 18.36 18.56 18.56 18.56 18.56 18.56 18.56 18.56 18.56 18.56 18.56 18.56 18.56 18.56 18.56
Individual apartments in an apartment building, or condominium units nor for occupancy rical Temporary Metering Up to 100 amp load capacity Each additional, or part thereof, 100 amp capacity ing Permit Extinguishing Systems Automatic fire sprinklers in range hood or vent Dry standpipe Fire pump Fire sprinkler systems: 1 to 100 sprinkler heads Over 100 sprinkler heads Flow switch Hood extinguishing system Hydrants on private property Sewage ejection pump Tamper valve	\$20.74 \$20.74 \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$	Extension \$7.26 \$7.26 4.14 7.92 4.14 32.15 5.52 13.78 11.35 34.45 1s \$0.1348 per nead 6.89 34.45 1.02	Image: Constraint of the sector of the se	18.36 18.36 18.36 18.36 18.56 18.56 18.56 18.56 18.56 18.56 18.56 18.56 18.56 18.56 18.56 18.56 18.56 18.56 18.56 18.56 18.56 18.56 18.56
Individual apartments in an apartment building, or condominium units nor for occupancy rical Temporary Metering Up to 100 amp load capacity Each additional, or part thereof, 100 amp capacity ing Permit Extinguishing Systems Automatic fire sprinklers in range hood or vent Dry standpipe Fire pump Fire sprinkler systems: 1 to 100 sprinkler heads Over 100 sprinkler heads Flow switch Hood extinguishing system Hydrants on private property Sewage ejection pump	\$20.74 \$20.74 \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$	Extension \$7.26 \$7.26 4.14 7.92 4.14 32.15 5.52 13.78 14.45 5.52 34.45 6.89 34.45 1.02 13.78 6.89	Image: Constraint of the sector of the se	18.36. 18.36. 18.36. 18.36. 18.36. 18.36. 18.36. 18.56.

	single-family dwelling	Not more than \$25.43		18.48
Additior	nal dwelling units on premises	\$10.37	Each	18.48
anical P Base Fe		\$40.19		18.52
	tion or relocation of each forced air or gravity type			10.04
furnace	e or burner		ducts or vents attached to such appliance	
U	Ip to and including 200,000 BTU.h	\$20.67		18.52
0	over 200,000 BTU.h up to and including 300,000 BTU.h	\$28.94		18.52
0	over 300,000 BTU.h up to an including 1,000,000 BTU.h	\$45.47		18.52
0	over 1,000,000 BTU.h	\$45.47		18.52
E	ach additional 500,000 BTU.h or part thereof	\$16.54		18.52
Installa	tion or relocation of each floor furnace, including vent	\$12.40		18.52
	tion or relocation of each suspended, recessed wall or ounted unit heaters			
U	lp to and including 200,000 BTU.h	\$16.54		18.52
0	over 200,000 BTU.h up to and including 300,000 BTU.h	\$28.94		18.52
	over 300,000 BTU.h	\$45.47		18.52
	installation, relocation or replacement of each ce vent installed and not included on an appliance	\$12.40		18.52
appliand	repair of, alteration of or addition to each heating ce, refrigeration unit, cooling unit, absorption unit or eating, cooling, absorption or evaporative cooling	Including a	alteration of controls regulated by this code	
U	lp to \$1,000 contract value	\$28.94		18.52
	Freater than \$1,000 contract value	\$70.28		18.52
⊦or the	installation or relocation of each boiler or compressor 🎤		and the second	
to and and incl	including 3 horsepower, or each absorption system to luding 200,000 BTU.h	\$20.67		18.52
to and and incl	including 3 horsepower, or each absorption system to	\$20.67		18.52
to and and incl Installat	including 3 horsepower, or each absorption system to luding 200,000 BTU.h	\$20.67 \$28.94	Each	
to and and incl Installat	including 3 horsepower, or each absorption system to luding 200,000 BTU.h tion or relocation of boilers:		Each Each	18.52
to and and incl Installat O	including 3 horsepower, or each absorption system to luding 200,000 BTU.h tion or relocation of boilers: Over 200,000 BTU.h to and including 300,000 BTU.h	\$28.94		18.52
to and and incl Installat O O O	including 3 horsepower, or each absorption system to luding 200,000 BTU.h tion or relocation of boilers: Over 200,000 BTU.h to and including 300,000 BTU.h Over 300,000 BTU.h to and including 1,000,000 BTU.h	\$28.94 \$45.47 \$70.28	Each	18.52 18.52 18.52
to and and incl Installat O O O O	including 3 horsepower, or each absorption system to luding 200,000 BTU.h tion or relocation of boilers: Over 200,000 BTU.h to and including 300,000 BTU.h Over 300,000 BTU.h to and including 1,000,000 BTU.h	\$28.94 \$45.47	Each Each Plus \$16.54 for each additional 500,000 BTU.h	18.52 18.52 18.52
to and and incl Installat 0 0 0 0 Air hanc	including 3 horsepower, or each absorption system to luding 200,000 BTU.h tion or relocation of boilers: Over 200,000 BTU.h to and including 300,000 BTU.h Over 300,000 BTU.h to and including 1,000,000 BTU.h Over 1,000,000 BTU.h to and including 2,000,000 BTU.h	\$28.94 \$45.47 \$70.28	Each Each Plus \$16.54 for each additional 500,000 BTU.h	18.52 18.52 18.52 18.52
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	allation or relocation of commercial or industrial type erator	\$45.47	Each	18.52.0
code	each appliance or piece of equipment regulated by this but not classed in other appliance categories, or for h no other fee is listed in this code	\$16.54		18.52.0
Insta	allation or relocation of cooling towers:			
	1 1/2 horsepower up to and including 4 horsepower or tons	\$20.67		18.52.0
	4 1/2 horsepower up to and including 10 horsepower or tons	\$28.94	\checkmark	18.52.0
	11 horsepower or tons and over	\$53.75		18.52.0
For th	he purpose of calculating the rate in tons, the tonnage shall	be considered not less than	then the following:	
	a. Total maximum BTU peer hour of capacity of the installa		their the following.	
	b. The nameplate horsepower of any compressor prime m		itioning installations: or	
	c. 2/3 of the nameplate horsepower subsection A18b of th			
lasta				
Insta	allation or relocation of compressor or absorption systems	¢17 E4	Y	10 50 0
	1 1/2 horsepower to and including 4 horsepower or tons	\$16.54		18.52.0
	4 horsepower to and including 5 horsepower or tons	\$19.29		18.52.0
	5 horsepower to and including 6 horsepower or tons	\$24.81		18.52.0
	6 horsepower to and including 7 horsepower or tons	\$27.56	Y	18.52.0
	7 horsepower to and including 8 horsepower or tons	\$30.32		18.52.0
	8 horsepower to and including 9 horsepower or tons	\$33.07		18.52.0
	9 horsepower to and including 10 horsepower or tons	\$37.21		18.52.0
Other	Each additional horsepower or tons	\$2.76		18.52.0
Other	r appliances*	\$16.54		18.52.0
	*Fee for each appliance or piec other appliance categories	e of equipment regulated by	this code but not classed in sted in Section 18.52.050	
		of tor which no other ree is in		
	me Park Construction Permits	or for which no other ree is in		
Gene		\$2.07	Per mobile home space	18.76.C
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	Expedited building plan review	Twice the cost of a standard plan review fee	See Section 18.20.050	18.20.050
	Condominium preliminary review	\$311.10	Per plan, plus \$10.37 per unit	21A.56.040
	Condominium final review	\$207.40	Per plan, plus \$10.37 per unit	21A.56.040
	Renewing expired plan review	One half the original plan review fee, maximum of \$1,037 plus \$117.18 per hour for review necessitated by changes in codes and ordinances, two	See section 18.20.110	18.20.110
um	bing Permits			
	Basic fee for permits requiring inspection	\$40.19		18.56.040
	Air conditioning device discharging into the building drainage system	\$6.89	Each	18.56.040
	Change, alteration or replacement of soil, waste or vent pipe	\$5.52		18.56.040
	Change or repair of a drain, waste, vent (DWV) system	\$8.26	Each	18.56.040
	Grey water system	\$13.78	Each	18.56.040
	Lawn sprinkler control valve on devices	\$6.89	Each	18.56.040
	Medical gas piping	\$13.78	Each	18.56.040
	Plumbing fixture or trap roughed in for installation or relocation	\$5.52	Each	18.56.040
	Refrigeration drain and each safe drain discharged directly or indirectly into the building drain	\$5.52	Each	18.56.040
	Roof drain	\$5.52	Each	18.56.040
	Roof drain installed inside building	\$5.52	Each	18.56.040
	Settling tank or grease trap	\$13.78	Each	18.56.040
	Soda fountain carbonator	\$11.02	Each	18.56.040
	Store, restaurant or home appliance or device connected to the culinary water supply and/or building drainage system	\$5.52	Each	18.56.040
	Vacuum breaker or backflow device on tanks, etc	\$6.89	Each	18.56.040
	Water heater	\$11.02	Each	18.56.040
	Water softener or conditioning device	\$11.02	Each	18.56.040
e-in	spection Fee	Not more than \$31.11	For each additional inspection required	18.20.200
xua	Application fee	\$311.10 plus postage required notification mailing		21A.36.140
	Postage for notification mailing	Actual costs		21A.36.140
ree	t Banners on Utility Poles		Application outside of boundaries of a coordinated street banner program	21A.46.170
mp	orary Metering			
	Up to 100 amp load capacity	\$17.92		18.36.110
	Each additional, or part thereof, 100 amp capacity	\$4.14		18.36.110
mp	orary Re-locatable Office Buildings			
	Installation permit	\$77.78	Per unit	18.84.070
	Interior inspection	\$77.78	Per unit	18.84.070

SECTION 3. Effective Date. This ordinance shall become effective on the date of its first

publication.

	Passed by the City Council of Salt Lake City, Utah, this	day of	,
2014.			

CHAIRPERSON	1
ATTEST AND COUNTERSIGN:	
CITY RECORDER	
Transmitted to Mayor on	
Mayor's Action:ApprovedVetoed.	
MAYOR	
MATOR	
CITY RECORDER	
(SEAL)	
Bill No of 2014.	
Dublished	
HB_ATTY-#38786-v3-Ordinance_News_Racks.DOCX	
7	

SALT LAKE CITY ORDINANCE No. ____ of 2014

(Amending Chapter 14.36 of the *Salt Lake City Code* and the Consolidated Fee Schedule pertaining to news racks in the public right-of-way)

An ordinance amending Chapter 14.36 of the *Salt Lake City Code* and the Consolidated Fee Schedule concerning news racks in the public right-of-way pursuant to Petition No. PLNPCM2012-00793.

WHEREAS, the Salt Lake City Planning Commission held a public hearing on April 9, 2014 on an application submitted by Mayor Ralph Becker ("Applicant") to amend Chapter 14.36 (Streets, Sidewalks and Public Places: Newsracks) of the *Salt Lake City Code* and the Consolidated Fee Schedule to modify the regulation of news racks in the public right-of-way pursuant to Petition No. PLNPCM2012-00793; and

WHEREAS, at its April 9, 2014 meeting, the planning commission provided comments to the Salt Lake City Council on said application; and

WHEREAS, after a public hearing on this matter the city council has determined that adopting this ordinance is in the city's best interests.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. <u>Amending Chapter 14.36 of Salt Lake City Code</u>. That Chapter 14.36 of the *Salt Lake City Code* (Streets, Sidewalks and Public Places: Newsracks), shall be, and hereby is, amended to read as follows:

Chapter 14.36 NEWS RACKS

14.36.010: PURPOSE AND INTENT OF PROVISIONS:

The city council hereby finds and declares:

- A. The primary intended use of the streets and sidewalks of the city is the movement of people and goods. Generally speaking, the city considers its streets and the real property interests therein to be a valuable asset, one that it intends to control by regulation and will not allow to be appropriated by private enterprise.
- B. The city has an obligation to the general public to ensure reasonably unobstructed passage over the public right of way in a clean, safe and orderly manner.
- C. The city has an obligation to protect the health and safety of the public, and to protect persons, including minors, from unwilling exposure to explicit sexual material.
- D. Inappropriately located news racks can pose a significant hazard and annoyance to pedestrians, abutting landowners, and vehicles, and can interfere with the maintenance of public improvements.
- E. The uncontrolled construction and placement of news racks unreasonably interferes with the public's right to safe and unobstructed passage and tends to physically and visually clutter the public rights of way. The placement, construction and maintenance of news racks must be reviewed in relationship to proximity, design and use of other existing or proposed street improvements including, but not limited to, signs and lampposts, parking meters, bus shelters and benches, planters, telephone booths, traffic devices, bus stop areas, loading zones, and landscaped setbacks.
- F. The city's central business district and an expanded area surrounding it are particularly congested and important areas. The aesthetically pleasing and functional design and regulation of the use of streets and sidewalks in the expanded central business district are extremely important in developing and maintaining order for the public good.
- G. The city has gone to great lengths in its street improvement program within the expanded central business district to create an aesthetically pleasing, safe, efficient and harmonious streetscape. Outdoor news racks, as part of the streetscape furniture, should be designed, constructed and maintained to carry out those objectives.
- H. Historically, the use of the streets for commercial enterprise has been precluded to preserve the streets for public purposes and to avoid the appropriation of public property or the creation of unfair economic advantage to businesses competing in the business district on private property. Distribution of newspapers has been a notable, but limited, exception allowed in business districts to accommodate convenient dissemination of the news to encourage an informed citizenry, even though such distribution from news racks competes with other retail or subscription methods. Use of city owned property and public rights-of-way in commercial districts where subscription is less common should not be absolutely denied, but such use is subordinate to the property's use for public purposes. This private use of the city owned property and public rights-of-way, afforded certain constitutional protection under freedom of expression, is being regulated to ensure subordination to public purposes and protection to the city and its residents.

- I. Daily newspapers of general circulation provide the most comprehensive and detailed information regarding local advertising and state and local news. This information is of greatest interest to those in the expanded central business district, and becomes stale on a daily basis requiring rapid turnover.
- J. The above strong compelling governmental interests compete against public interests in freedom of expression and the private commercial interests of distributors. The city desires, in the time, place and manner provisions codified in this chapter, to balance those interests.

14.36.020: TITLE:

This chapter may be referred to as the SALT LAKE CITY NEWS RACK_ORDINANCE.

14.36.030: DEFINITION OF NEWS RACK:

For the purpose of this chapter, "news rack" means any outdoor self-service or coin operated container, rack or structure used or maintained for the distribution of newspapers, news periodicals or other printed material.

14.36.040: NEWS RACK ALLOWED ONLY IN SPECIFIED AREAS:

- A. News racks on city owned property or in the public right-of-way shall be lawful within the expanded central business district ("ECBD"), which is defined to include the area of downtown bounded on the north by the north side of North Temple Street; on the east by the east side of 200 East Street; on the south by the south side of 500 South Street; and on the west by the west side of 400 West Street.
- B. Outside of the ECBD the existing news racks that substantially conform to the provisions of this chapter and that are listed on exhibit A to the ordinance codified herein, a copy of which shall be filed with the city recorder along with said ordinance, may remain in their present location subject to compliance with all design, maintenance and license regulations stated in this chapter.
- C. The airport may make such rules and regulations governing the location and fees for news racks as the airport director deems reasonably necessary to ensure the safety and efficient operation of the airport.
- D. Other than as allowed by subsections A, B and C of this section, it is unlawful to own, operate, place or maintain news racks on city owned property or in the public right-of-way.

14.36.050: LICENSE AND FEE REQUIRED:

- A. Anyone desiring to place a news rack on city owned property or in the public rightof-way shall be required to obtain a license from the city. One license will be issued per publication and will apply to all news racks that distribute that publication. The application for a license shall be submitted to the city before the installation of the any news rack in accordance with the application procedures specified in Section 14.36.060.
- B. Amendment to License: In the event of a change in any of the information submitted as part of the original license application, including any changes to the location of an approved news rack or a request for additional news racks, the licensee shall submit an application to amend the license. A licensee may install additional news racks or relocate an existing news rack only upon approval of the amended license.
- C. Licensing Term: A news rack license shall be valid for two (2) years from the date of approval. A license may be renewed if, before its expiration, the licensee pays the renewal fee shown on the Salt Lake City consolidated fee schedule and provides evidence of insurance as required in Section 14.36.100.

14.36.060: LICENSE APPLICATION:

An application for a license to place a new news rack or relocate an existing news rack on city owned property or in the public right-of-way ("license") shall be filed with the city's real estate services division upon a form provided by the city and shall include the following:

- A. The name, address, and telephone number of the applicant;
- B. The name, address, and telephone number of a responsible person whom the city may notify or contact at any time concerning the applicant's news racks;
- C. Evidence of the applicant's qualification to do business in the state of Utah;
- D. Evidence of the applicant's Salt Lake City business license;
- E. The name of the materials to be distributed by the news rack;
- F. The evidence of insurance required by Section 14.36.100 of this chapter;
- G. A site plan showing the proposed location of the news rack(s). The site plan shall include all information necessary to show compliance with the grouping, concentration, and location requirements stated in this chapter;

- H. An elevation plan of the proposed news rack(s). The elevation plan shall include all information necessary to show compliance with the design standards stated in this chapter; and
- I. A description of the method for anchoring the news rack(s).

14.36.070: LICENSE FEE:

The license application shall be accompanied by the fee shown on the Salt Lake City consolidated fee schedule to partially defray the cost of reviewing and permitting the news rack license.

14.36.080: ISSUANCE OF LICENSE:

After the filing of the completed license application and the payment of the required fee, the city's real property manager shall issue a license if the application satisfies all requirements of this chapter.

14.36.090: INDEMNITY; HOLD HARMLESS:

Anyone owning or maintaining a news rack on city owned property or in the public rightof-way shall indemnify, defend and hold harmless Salt Lake City and its officers and employees for any loss or damage, including attorney fees, arising out of the use or placement of such news rack(s).

14.36.100: INSURANCE REQUIREMENTS:

Anyone owning or maintaining a news rack on city owned property or in the public rightof-way shall maintain liability insurance with an insurer that is licensed to transact business in the state of Utah and that is financially sound and reputable, as determined by the city attorney. Such liability insurance shall provide coverage for all liability that the owner or maintainer of the news rack may incur by virtue of the placement, care, use, operation and existence of the news rack. Such insurance shall have a minimum limit of two hundred fifty thousand dollars (\$250,000.00) per occurrence and a five hundred thousand dollar (\$500,000.00) aggregate limit for personal injury and one hundred thousand dollars (\$100,000.00) limit for property damage. Such insurance shall name the city as an additional insured and may not be cancelable without thirty (30) days' prior written notice to the city. The licensee shall provide evidence of insurance city's real property manager upon submittal of an application for a news rack license or upon renewal of an existing license.

14.36.110: NUMBER OF NEWS RACKS PER BLOCK:

No more than thirty two (32) news racks may be located on any one block, which, for this chapter, shall mean any numbered whole block as shown on the original plat of the city.

14.36.120: GROUPING OF NEWS RACKS:

Between intersecting streets that define blocks, news racks shall be placed together in not more than three (3) groups of not more than eight (8) news racks in any group. Each group on the same block face shall be separated by a distance of not less than one hundred feet (100'). Each news rack within a group shall be separated no more than two feet (2') from the nearest other news rack within the group. Groups located within thirty feet (30') of an intersection, measured from the centerlines of two intersecting sidewalks, shall be considered to be on both block faces. In the event that the design of any special assessment area requires a different grouping pattern on any block face, the grouping on that block face shall be as required by the special assessment area design.

14.36.130: CONCENTRATION OF PUBLICATIONS:

No more than eight (8) news racks on any block may dispense the same publication. No more than three (3) news racks on any block face may dispense the same publication. News racks placed within thirty feet (30') of an intersection shall be counted in the total allowed for each block face, measured from the centerlines of two intersecting sidewalks.

14.36.140: LOCATION RESTRICTIONS:

No news rack may be located adjacent to any mailbox, post, pole, water feature, art or monument, or adjacent to or within any raised planter, except when pedestrian circulation space between such items and the news rack is not needed and sufficient space for maintenance of such items and news racks is provided, or if the original design of such items specifically provides for news racks in an integrated design feature, or if the city engineer specifies a particular location for placement. The use of the news rack license locations must be compatible with the free flow of pedestrian and other traffic and with public safety. The city's property management division may modify an approved license location at any time a change is deemed necessary to ensure safe and reasonable operating conditions for all users of the public right of way. No news rack shall:

- A. Impede or interfere with the reasonable use of a crosswalk, display window or building entrance;
- B. Impede or interfere with the reasonable use of any kiosk, bench, trash receptacle, drinking fountain, bicycle rack, driveway, alley, or bus shelter;

- C. Interfere with the reasonable use of any fire hydrant, traffic signal box, or other emergency facility. News racks may not be located within five (5) feet of a fire hydrant;
- D. Impair or interfere with pedestrian traffic;
- E. Interfere with or impair the vision of operators of vehicles at street intersections;
- F. Reduce the clear, unimpeded sidewalk width to:
 - 1. Ten feet (10') or less on sidewalks over twelve feet (12') in width, or
 - 2. Less than three-fourths $(^{3}/_{4})$ of the clear and unimpeded width of the sidewalk on sidewalks less than twelve feet (12') in width, and in no event less than six (6) feet.
 - 3. In determining whether a sidewalk is unimpeded, the city may consider features such as fountains, fire hydrants, planters, or any other feature that obstructs pedestrian movement.

14.36.150: RIGHTS GRANTED:

The approval of any location for use as a news rack shall not be construed as granting the licensee any right or interest to or in the property owned by the city. The rights granted by this chapter are merely a license to use the property for permitted purposes, subject to the provisions of this chapter.

14.36.160: ANCHORAGE OF NEWS RACKS:

News racks shall be anchored to the ground or sidewalk at their site. News racks may not be anchored to trees, posts or poles with chains, rope, cable or otherwise. The licensee shall be responsible for any damage or repairs caused or necessitated by the removal or installation of any news rack to bring the site to its original condition, ordinary wear and tear excepted.

14.36.170: DESIGN STANDARDS:

All permitted news racks shall comply with following design standards:

- A. Height: As measured from the surface of the sidewalk to the highest point of the news rack, no news rack shall exceed:
 - 1. A height of fifty inches (50") when located adjacent to a building or structure, including light poles and similar features, of equal or greater height; or

- 2. A height of five feet (5') when located adjacent to a building stacked with multiple racks; or
- 3. A height of three feet (3') in other locations.
- B. Other Dimensions: No news rack shall exceed:
 - 1. A depth of two feet (2'); and
 - 2. A length of two feet (2').
- C. Color: News racks shall be flat black, or the designated fixture color as part of any special assessment area with an overall street design theme that specifies particular colors. In the event that the design of a special assessment area requires that news racks be enclosed within particular materials or colors, any licensee with news racks within such district shall be notified of the pending requirements and shall comply with them.
- D. Advertising: News racks shall carry no advertising except a logo or other information identifying the newspaper or other printed material. This information may be displayed on the news rack up to a height of six inches (6") and width of thirteen inches (13") on the upper two-thirds $(^{2}/_{3})$ of the sides and a height of three inches (3") and width of twenty inches (20") on the bottom one-third $(^{1}/_{3})$ of the front.
- E. Each news rack shall have permanently affixed in a readily visible place the current name, address, and telephone number of the licensee.

14.36.180: DENIAL, SUSPENSION OR REVOCATION OF NEWS RACK LICENSES:

- A. The city may deny, suspend or revoke the news rack license or deny renewal thereof, if the city finds:
 - 1. That such licensee has violated or failed to meet any of the provisions of this chapter;
 - 2. The licensee does not have a currently effective insurance policy in the minimum amount provided in this chapter; or
 - 3. That the licensee has abandoned the use of the news rack(s) as defined in this chapter.

14.36.190: NONEMERGENCY REMOVAL OF NEWS RACKS:

- A. Notice: If at any time it is determined by the city that a licensee's news rack is not in compliance with the requirements of this chapter, the city shall give a written "notice of intent to remove" to the licensee. Such notice shall state the violation or violations that constitute the basis of the proposed removal. The notice shall state the date, time and place for a hearing to be held before removal.
- B. Hearing: The hearing shall be held not less than ten (10) days from after the time of service of the notice. Before the hearing, the licensee may file a written response to the notice specifically setting forth the reason or reasons the news rack should not be removed. At the hearing the real property manager shall determine whether the news rack complies with the provisions of this chapter. In the event that the real property manager determines that the news rack does not comply with this chapter, the licensee shall remove or bring into compliance the news rack within ten (10) days. If the news rack is not removed or brought into compliance as required, the city may remove the news rack and recover the expense of removal from the licensee.
- B. Appeal: The licensee may appeal any removal decision or order to the mayor or the mayor's designee. Any appeal shall be filed in writing within ten (10) days after the decision and shall specify the basis for the appeal. The mayor shall consider the appeal based on the written submissions.

14.36.200: EMERGENCY REMOVAL:

- A. Removal: In the event a city official determines that the location or operation of the news rack constitutes an immediate physical threat to public life, safety or health, the city may remove the news rack immediately without any prior notice. This provision shall not be enforced in any way related to the content of the material distributed by the news rack.
- B. Notice: In the event of such an emergency removal, the city shall immediately contact the licensee's representative and inform the representative of the removal, the reason(s) for the removal, and of the licensee's right to request a hearing before the real property manager regarding such removal. If requested by the representative, the city shall hold an immediate hearing before the real property manager to determine whether or not the removed news rack constituted an immediate threat to the public life, safety or health. In the event that the real property manager determines that the news rack did not constitute such an immediate threat, the city shall immediately, at its own expense, replace the news rack at its location. In the event that no immediate hearing is requested by the licensee's representative, a hearing as provided in subsection 14.36.190.B of this chapter shall be held, except that the process shall occur after the removal of the news rack.
- C. Appeal: The licensee may appeal any decision or order to the mayor or the mayor's designee. Any appeal shall be filed in writing within ten (10) days after the decision and shall specify the basis for the appeal. The mayor shall consider the appeal based on the written submissions.

14.36.210: REMOVAL OF UNAUTHORIZED NEWS RACKS:

- A. Notice: Any news rack on city owned property or in the public right-of-way, except one for which a license has been obtained pursuant to this chapter, is an unauthorized news rack. The city shall make reasonable efforts to identify the owner of the unauthorized news rack. If the city identifies the owner, the city shall give a written "notice of intent to remove" to the owner. Such notice shall state that the news rack is not licensed by the city and may be subject to removal by the city. The notice shall state the date, time, and place for a hearing to be held before removal.
- B. Hearing: The hearing shall be held not less than ten (10) days after the time of service of the notice. Before the hearing, the owner may file a written response to the notice specifically setting forth the reason or reasons the news rack should not be removed. At the hearing the real property manager shall determine whether the news rack is licensed pursuant to this chapter. In the event that the real property manager determines that the news rack is not licensed pursuant to this chapter, the owner shall remove or license the news rack within ten (10) days. If the news rack is not removed or licensed as required, the city may remove the news rack and recover the expense of removal from the owner.
- C. Appeal: The owner may appeal any removal decision or order to the mayor or the mayor's designee. Any appeal shall be filed in writing within ten (10) days of after the decision and shall specify the basis for the appeal. The mayor shall consider the appeal based on the written submissions.
- D. Removal: If the city is unable to identify the owner of an unauthorized news rack, the city may remove the news rack. The owner of any removed news rack shall be responsible for the expense of removal and storage of such news rack. If the owner fails to reclaim the removed news rack and pay the expenses of removal and storage within thirty (30) days after the removal, the news rack may be deemed unclaimed property and may be disposed of pursuant to law.

14.36.220: ABANDONEMENT:

A news rack shall be deemed abandoned if it:

- A. Is removed pursuant to this chapter and is unclaimed for thirty (30) consecutive calendar days after the date of removal;
- B. Remains empty or without a publication for thirty (30) consecutive calendar days; or
- C. Is not maintained according to the provisions of this chapter.

News racks deemed abandoned may be treated in the manner provided in Section 14.36.200.

14.36.230: MAINTENANCE:

Each news rack shall be continuously maintained in a reasonably neat and clean condition and in good repair including:

- A. Reasonably free of dirt, trash, debris, foreign objects, graffiti, stickers, dents, and grease;
- B. Reasonably free of chipped, faded, peeling, or cracked paint in any visible painted areas;
- C. Reasonably free of rust and corrosion in any visible areas;
- D. Any clear parts through which publications are visible shall be unbroken and reasonably free of cracks, scratches, dents, blemishes, and discoloration; and
- E. No structural components shall be broken or unduly misshapen.

14.36.240: EXISTING NEWS RACK LICENSING

All news racks that were permitted at the time of the passing of this ordinance or that are outside of the ECBD and conform to the provisions of this chapter must be licensed according to the provisions of this chapter no later than July 1, 2015.

SECTION 2. <u>Amending Title 0 of Salt Lake City Code</u>. That Title 0 of the Salt Lake City

Code (Consolidated Fee Schedule), shall be, and hereby is, amended to as follows:

a. That the section of the Consolidated Fee Schedule titled, "Zoning Fees" shall be

amended to read as follows:

ZONING FEES For question regarding Zoning fees contact: 801.535.7700						
Administration Determination	\$172.26		21A.64.010			
Administration Interpretation and Verification	\$57.42	Plus \$57.42 per hour for research after the first hour	21A.64.010			
Alley Vacation	\$229.67	Fee waiver available	21A.64.010			
Alternative Parking						
Residential	\$344.51		21A.64.010			
Nonresidential	\$631.61		21A.64.010			
Amendments						
Master plan	\$861.28	Plus \$114.84 per acre in excess of one acre	21A.64.010			
Zoning text or map	\$918.73	Plus \$114.84 per acre in excess of one acre	21A.64.010			

Annexation	\$1,14	8.37		21A.64.010
Appeal of a Decision			Fee waivers available	21A.64.010
Administrative decision	\$229	9.67		21A.64.010
Historic Landmarks Commission	\$229	9.67		21A.64.010
Planning Commission	\$229			21A.64.010
Appearance Before the Zoning Enforcement Hea			•	
First scheduled hearing	No ch	arge		21A.64.010
Second scheduled hearing	\$57.			21A.64.010
Application for Conditional Use				
Billboard Construction or Demolition	\$229	9.67		21A.64.010
Conditional Site Plan Review	\$689		Plus \$114.84 per acre in excess of one acre	21A.64.010
Conditional Use/Planned Development	\$689	9.02	Plus \$114.84 per acre in excess of one acre	21A.64.010
Condominium				
Preliminary	\$459	9.31	Plus \$34.45 per unit	21A.64.010
Final	\$344	.51	Plus \$22.97 per unit	21A.64.010
Dwelling Unit Legalization	\$229	9.67		21A.64.010
General Plan Application	\$207			20.29.040
Historic Preservation/Historic Landmarks Commi				
Alterations of a principal building	\$28.	.71		21A.64.010
Signs	\$28	.71		21A.64.010
New construction of a principal building	\$229			21A.64.010
Demolition of a principal building	\$459			21A.64.010
Relocation of a principal building	\$229			21A.64.010
Home Occupation			•	
Non-conditional	No charge		Fee could be assessed in future as per ordinance	21A.64.010
Conditional	No charge		Fee could be assessed in future as per ordinance	21A.64.010
	ÿ		,	
Landscaping Permit for Public Right of Way	\$15.56		Per job, or \$77.78 Per year	2.26.210
Planned Development	\$688			21A.64.010
Processing Petition for Disposal of City Owned Alleys	See provisions in Section 14.52.030			14.52.030
Routine and Uncontested Matters	\$114	.84		21A.64.010
Signs				
Plan checking fee	11.2	6%	Of building permit value	21A.46.030
Identification tag	\$11.	.48		21A.46.030
Inspection tag	No ch	arge	Fee could be assessed in future as per ordinance	21A.46.030
				20.28.040
Site Development Permit	\$229	9.67	Plus \$57.42 per acre in excess of one (1) acre	20.12.020
				20.04.050
Site Plan Review Application	\$689	02	Plus \$114.84 per acre in excess of one (1) acre	21A.58.080
Special Exception	\$229		For historic structures, see Section 21A.34.020 and 21A.46.070V.	21A.52.040
Street Closure	\$344	.51	Fee waiver available	21A.64.010
Street Name Change	\$287			21A.64.010
Subdivision Review Fees	Preliminary Review	Final Review		
	\$2// E1	\$400.00	Dluc \$114.94 per lot	20.04.140
Minor residential and nonresidential	\$344.51	\$689.02	Plus \$114.84 per lot	20.04.140
Major residential and nonresidential	\$344.51	\$1,148.37	Plus \$114.84 per lot Plus \$114.84 per lot preliminary review; Plus \$172.26 per lot	
FR and FP zones	\$689.02	\$689.02	final review.	20.04.140
Subdivision Amendments and Vacations				
Amendments	\$344	.51	Plus \$114.84 per lot	20.04.140
			Plus \$114.84 per lot	20.04.140

b. That the section of the Consolidated Fee Schedule titled, "Community Development"

shall be amended to read as follows:

or que	stions regarding Community Developn	nent fees Co	ntact: 8	301.535.6000	
. 440	Service		Fee	Additional Information	Section
llboards					
Perm	nit for demolition of a non-conforming billboard		\$115.11		21A.46.160
oarding o	or Securing of Buildings				
Done	e by city		\$103.70	Plus actual costs, see Section 18.48.110	18.48.110
	al (first year)		\$725.90	Each Structure	18.48.140
Plum	hbing permit to install external irrigation hose bib, if require	ed	\$6.22		18.48.140
Annu	ual Fee	Ś	\$1,244.40	Per each structure, due on or before boarding permit anniversary	18.48.180
City	maintenance of building		\$176.29	Annual, plus actual costs, see Section 18.48.270	18.48.270
City	maintenance of landscaping		\$176.29	Annual, plus actual costs, see Section 18.48.270	18.48.280
	removal of snow		\$176.29	Annual, plus actual costs, see Section 18.48.270	18.48.290
ilding P					
Tota	l project valuation:				
	\$1 - \$500	\$32.3	9		18.32.035
	\$501 - \$2,000	\$32.39 for the plus \$4.20 f additional \$100 thereof, to and \$2,00	for each) or fraction d including		18.32.035
	\$2,001 - \$25,000	\$95.42 for the plus \$19.29 additional \$ fraction there including \$	for each 1,000 or of, to and		18.32.03
	\$25,001 - \$50,000	\$539.85 for \$25,000 plus each additiona fraction there including \$	\$13.92 for I \$1,000 or of, to and		18.32.03
	\$50,001 - \$100,000	\$887.12 for \$50,000 plus each additiona fraction there including \$	\$9.64 for I \$1,000 or of, to and		18.32.03
	\$100,001 - \$500,000	\$1,369.43 fo \$100,000 plus each additiona fraction there including \$	s \$7.72 for I \$1,000 or of, to and		18.32.03
	\$500,001 - \$1,000,000	\$4,456.27 fo \$500,000 plus each additiona fraction there including \$1	s \$6.54 for I \$1,000 or of, to and		18.32.03

	\$1,000,001 and up	\$7,729.13 for the first \$1,000,000 plus \$5.03 for each additional \$1,000 or fraction thereof and above		18.32
ractor	r Registration Fee	\$20.74	Each person, firm or corporation	18.16
olitior	n Landscaping Waivers	1	•	
Requ	lest for landscape waiver process	\$195.23		18.64.
Prop	erty inspection	\$114.84	If waiver is denied, this fee will be refunded	18.64.
Pre-c	demolition salvage permit	20% of demolition fee	See Section 18.64.080	18.64.
	n Permit Application Fees			
1	ling floor area:			
	5 - 2,000 sq. feet	\$68.90		18.64.
	2,001 - 4,000 sg. feet	\$80.39		18.64.
	4,001 - 6,000 sq. feet	\$91.87		18.64.
	6,001 - 8,000 sq. feet	\$126.32		18.64.
	8,001 - 10,000 sq. feet	\$137.81		18.64.
	10,001 - 12,000 sq. feet	\$172.26		18.64.
	12,001 - 14,000 sq. feet	\$206.71		18.64.
	14,001 - 16,000 sq. feet	\$241.15		18.64.
	16,001 - 18,000 sq. feet	\$275.61		18.64.
	18,001 - 20,000 sq. feet	\$304.32		18.64.
	20,001 - 22,000 sq. feet	\$344.51		18.64.
	22,001 - 24,000 sq. feet	\$390.45		18.64.
	24,001 - 26,000 sq. feet	\$424.90		18.64.
	26,001 - 28,000 sq. feet	\$470.83		18.64.
	28,001 - 30,000 sq. feet	\$516.77		18.64.
	30,001 - 32,000 sq. feet	\$556.96		18.64.
	Square feet over 32,000			18.64.
		\$11.48 / 500 sq. ft unit		10.04.
	Permits (Commercial and Industrial)			10.07
Minir	num fee	\$27.56	Alterations or repairs of (00 yelt or less	18.36.
New	service or change of service		Alterations or repairs of 600 volt or less capacity service entrance equipment	18.36.
	Up to 100 amps	\$27.56		18.36.
	101 amps to 200 amps	\$27.56		18.36.
Locator	Each additional 100 amps or fraction	\$4.14		18.36.
Insta	allation, alteration or repair of sub-feeders (including supply		C	10.26
	Up to 30 amp capacity 31 amp to 60 amp capacity	\$0.068	Each Each	18.36. 18.36.
	61 amp to 100 amp capacity	\$2.00	Each	18.36.
	100 amp or fraction above 100 amp capacity	\$4.14	Each	18.36.
Tran	sformer inspection fee (in addition to regular system inspec			10.00.
	Up to 50 volt secondary	No charge		18.36.
	51 volt to 240 volt secondary	Ŭ		18.36.
	241 volt to 600 volt secondary	\$20.67 \$32.16		18.36.
	601 volt to 2,300 volt secondary			18.36.
	Greater than 2,300 volt secondary	\$89.47		18.36.
Moto	or generator installation for emergency or standby power	\$130.71	I	10.30.
	Up to 500 kVa	\$103.36		18.36.
	Above 500 kVa	\$172.25		18.36.
	nate fee schedule - fee cannot be computed using dard schedules	Formula based	See Section 18.36.120/ When a fee cannot be computed on the foregoing schedules, it shall be computed as outlined in this section up to, but not exceeding, \$100,000	18.36.

Work exceeding \$100,000 but less than \$250,000		us \$0.4135 of ^ \$100,000	、 	18.36.13
Work exceeding \$250,000	1% all wor	us \$0.1378 of k at \$250,000 more		18.36.13
ical Permits (Residential)				
Basic Fee	\$4	0.19		18.36.10
Minor remodel and additional circuits		7.56		18.36.10
Service change with 1 or 2 new circuits		7.56		18.36.10
Service change or alteration		7.56		18.36.10
Homeowner electrical remodel permit		4.45		18.36.10
New residents for homeowner permits	ţ,	1.10	See single family schedule	18.36.10
New single family dwelling				
Up to 1,500 sq. feet	12).041	Der equere feet	18.36.10
			Per square foot	
Above 1,500 sq. feet Total renovation of electrical systems	\$0.	0280	Per square foot	18.36.10
Existing single family dwelling	¢ ว	7 64		18.36.10
Multi-unit apartment building*	\$2	7.56		10.30.10
1 or 2 units	¢	27.56		18.36.10
3rd and 4th units		1.02	Each	18.36.10
Additional units including house meter		5.52	Each	18.36.10
Note: Projects including multi buildings or row				10.00.10
Consulting inspection		5.52	Inspection by City Staff to advise on and appraise electrical systems in existing residences.	18.36.10
Multi-unit apartments (excluding transient or	cupancies, su	ch as hotel or r	notel which are classified as commercial)	
First 3 unit	\$0).046	Per sq. foot	18.36.10
4 - 10 units	\$1	1.02	Each	18.36.10
11 units and above	\$	5.52	Each	18.36.10
Projects including multiple buildings and/or row houses Power panel with no issue for single occupancy buildings	building sepa	ed for each g or house arately 0.34		18.36.10
Power to panel for construction purposes only				
	60 Days	30 Day Extension		
No issue fee	\$20.74	\$7.26		18.36.10
Individual apartments in an apartment building, or				
condominium units nor for occupancy	\$-	4.14	Each Additional meter	18.36.10
ical Temporary Metering				
Up to 100 amp load capacity				18.36.10
	\$1	7.92	the second se	
Each additional, or part thereof, 100 amp capacity		7.92 4.14		18.36.10
	\$			
Each additional, or part thereof, 100 amp capacity ng Permit	\$	4.14		
Each additional, or part thereof, 100 amp capacity ng Permit xtinguishing Systems	\$ \$3	4.14 32.15		18.36.10
Each additional, or part thereof, 100 amp capacity ng Permit	\$ \$3 \$5	4.14 32.15 5.52	Plus \$2.76 each outlet	18.36.10
Each additional, or part thereof, 100 amp capacity ng Permit xtinguishing Systems Automatic fire sprinklers in range hood or vent Dry standpipe Fire pump	\$ \$3 \$5 \$1	4.14 32.15	Plus \$2.76 each outlet Each	18.36.10 18.56.04 18.56.04
Each additional, or part thereof, 100 amp capacity ng Permit xtinguishing Systems Automatic fire sprinklers in range hood or vent Dry standpipe Fire pump Fire sprinkler systems:	\$ \$3 \$1 \$1 \$4	4.14 32.15 5.52 3.78 1.35		18.36.100 18.36.100 18.56.040 18.56.040 18.56.040
Each additional, or part thereof, 100 amp capacity ng Permit xtinguishing Systems Automatic fire sprinklers in range hood or vent Dry standpipe Fire pump	\$ \$3 \$1 \$1 \$4	4.14 32.15 5.52 13.78		18.36.10 18.56.04 18.56.04 18.56.04
Each additional, or part thereof, 100 amp capacity ng Permit xtinguishing Systems Automatic fire sprinklers in range hood or vent Dry standpipe Fire pump Fire sprinkler systems:	\$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$	4.14 32.15 5.52 3.78 1.35		18.36.10 18.56.04 18.56.04 18.56.04 18.56.04
Each additional, or part thereof, 100 amp capacity ng Permit xtinguishing Systems Automatic fire sprinklers in range hood or vent Dry standpipe Fire pump Fire sprinkler systems: 1 to 100 sprinkler heads	\$34.45, plu:	4.14 32.15 5.52 13.78 1.35 34.45 \$ \$0.1348 per		18.36.100 18.56.040 18.56.040 18.56.040 18.56.040 18.56.040 18.56.040 18.56.040
Each additional, or part thereof, 100 amp capacity ag Permit xtinguishing Systems Automatic fire sprinklers in range hood or vent Dry standpipe Fire pump Fire sprinkler systems: 1 to 100 sprinkler heads Over 100 sprinkler heads	\$34.45, plu: h	4.14 32.15 5.52 13.78 1.35 34.45 s \$0.1348 per ead	Each	18.36.10 18.56.04 18.56.04 18.56.04 18.56.04 18.56.04 18.56.04 18.56.04 18.56.04 18.56.04
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Water service and distributing piping	\$8.26		18.56.
Water storage tank	\$13.78	Each	18.56.0
Wet_standpipe	\$13.78	Each, plus \$2.06 each hose cabinet	18.56.
ng Inspections			10.40
Existing single-family dwelling	Not more than \$25.43	Cash.	18.48.0
Additional dwelling units on premises anical Permits	\$10.37	Each	18.48.0
Base Fee	\$40.19		18.52.0
Installation or relocation of each forced air or gravity type		g ducts or vents attached to such appliance	
furnace or burner	Includii	ig ducts of vents attached to such appliance	
Up to and including 200,000 BTU.h	\$20.67		18.52.0
Over 200,000 BTU.h up to and including 300,000 BTU.h	\$28.94		18.52.0
Over 300,000 BTU.h up to an including 1,000,000 BTU.h	\$45.47		18.52.0
Over 1,000,000 BTU.h	\$45.47		18.52.0
Each additional 500,000 BTU.h or part thereof	\$16.54		18.52.0
Installation or relocation of each floor furnace, including vent	\$12.40		18.52.0
Installation or relocation of each suspended, recessed wall or floor mounted unit heaters			
Up to and including 200,000 BTU.h	\$16.54		18.52.0
Over 200,000 BTU.h up to and including 300,000 BTU.h	¢20.04		18.52.0
	\$28.94		18.52.0
Over 300,000 BTU.h For the installation, relocation or replacement of each	\$45.47		10.32.0
appliance vent installed and not included on an appliance permit	\$12.40		18.52.0
For the repair of, alteration of or addition to each heating appliance, refrigeration unit, cooling unit, absorption unit or each heating, cooling, absorption or evaporative cooling system	Including	alteration of controls regulated by this code	
Up to \$1,000 contract value	\$28.94		18.52.0
Greater than \$1,000 contract value	\$70.28		18.52.0
For the installation or relocation of each boiler or compressor to and including 3 horsepower, or each absorption system to and including 200,000 BTU.h	\$20.67		18.52.0
Installation or relocation of boilers:		1	
Over 200,000 BTU.h to and including 300,000 BTU.h	\$28.94	Each	18.52.0
Over 300,000 BTU.h to and including 1,000,000 BTU.h	\$45.47	Each	18.52.0
Over 1,000,000 BTU.h to and including 2,000,000 BTU.h	\$70.28	Each	18.52.0
Over 2,000,000 BTU.h	\$70.28	Plus \$16.54 for each additional 500,000 BTU.h or part thereof	18.52.0
Air handling unit			
To and including 10,000 cubic feet per minute, including ducts attached thereto	\$20.67	This fee shall not apply to air handling unit which is a portion of a factory assembled cooling unit, evaporative cooler or absorption unit for which permit is required elsewhere in this code	18.52.0
Over 10,000 cubic feet per minute	\$45.47		18.52.0
Evaporative cooler other than portable type			
Up to 6,500 cubic feet per minute	\$16.54	Each	18.52.0
		Each	
More than 6,500 cubic feet per minute	\$45.47	Each	18.52.0
Ventilation fan connected to a single duct	\$12.40		18.52.0
Ventilation system which is not a portion of any heating or air conditioning system authorized by a permit	\$12.40		18.52.0
Installation of each hood which is served by mechanical	\$28.94		18.52.0

	allation or relocation of domestic type incinerator	\$16.54	Each	18.52.05
Insta	allation or relocation of commercial or industrial type	\$45.47	Each	18.52.05
incine	erator	\$45.47		10.52.05
code	each appliance or piece of equipment regulated by this but not classed in other appliance categories, or for h no other fee is listed in this code	\$16.54		18.52.05
Insta	allation or relocation of cooling towers:			
	1 1/2 horsepower up to and including 4 horsepower or tons	\$20.67		18.52.05
	4 1/2 horsepower up to and including 10 horsepower or tons	\$28.94		18.52.05
	11 horsepower or tons and over	\$53.75		18.52.05
For t	the purpose of calculating the rate in tons, the tonnage shall		then the following:	
	a. Total maximum BTU peer hour of capacity of the install			
	b. The nameplate horsepower of any compressor prime m			
	c. 2/3 of the nameplate horsepower subsection A18b of th	is section, for any refrigeration	on installation	
Insta	allation or relocation of compressor or absorption systems			
	1 1/2 horsepower to and including 4 horsepower or tons	\$16.54		18.52.05
	4 horsepower to and including 5 horsepower or tons	\$19.29		18.52.05
	5 horsepower to and including 6 horsepower or tons	\$24.81		18.52.05
	6 horsepower to and including 7 horsepower or tons	\$27.56		18.52.05
	7 horsepower to and including 8 horsepower or tons	\$30.32		18.52.05
	8 horsepower to and including 9 horsepower or tons	\$33.07		18.52.05
	9 horsepower to and including 10 horsepower or tons	\$37.21		18.52.05
	Each additional horsepower or tons	\$2.76		18.52.05
				10102100
Othe	r appliances* *Fee for each appliance or piec	\$16.54 e of equipment regulated by	r this code but not classed in	18.52.05
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Condominium preliminary review	\$311.10	Per plan, plus \$10.37 per unit	21A.56.04
Condominium final review	\$207.40	Per plan, plus \$10.37 per unit	21A.56.04
Renewing expired plan review	One half the original plan review fee, maximum of \$1,037 plus \$117.18 per hour for review necessitated by changes in codes and ordinances, two	See section 18.20.110	18.20.11
bing Permits			-
Basic fee for permits requiring inspection	\$40.19		18.56.04
Air conditioning device discharging into the building drainage system	\$6.89	Each	18.56.04
Change, alteration or replacement of soil, waste or vent pipe	\$5.52		18.56.04
Change or repair of a drain, waste, vent (DWV) system	\$8.26	Each	18.56.04
Grey water system	\$13.78	Each	18.56.04
Lawn sprinkler control valve on devices	\$6.89	Each	18.56.04
Medical gas piping	\$13.78	Each	18.56.04
Plumbing fixture or trap roughed in for installation or relocation	\$5.52	Each	18.56.04
Refrigeration drain and each safe drain discharged directly or indirectly into the building drain	\$5.52	Each	18.56.04
Roof drain	\$5.52	Each	18.56.04
Roof drain installed inside building	\$5.52	Each	18.56.04
Settling tank or grease trap	\$13.78	Each	18.56.04
Soda fountain carbonator	\$11.02	Each	18.56.04
Store, restaurant or home appliance or device connected to the culinary water supply and/or building drainage system	\$5.52	Each	18.56.04
Vacuum breaker or backflow device on tanks, etc	\$6.89	Each	18.56.04
Water heater	\$11.02	Each	18.56.04
Water softener or conditioning device	\$11.02	Each	18.56.04
nspection Fee	Not more than \$31.11	For each additional inspection required	18.20.20
ally Oriented Businesses			
Application fee	\$311.10 plus postage required notification mailing		21A.36.14
Postage for notification mailing	Actual costs		21A.36.14
et Banners on Utility Poles	\$51.85	Application outside of boundaries of a coordinated street banner program	21A.46.17
porary Metering			
Up to 100 amp load capacity	\$17.92		18.36.110
Each additional, or part thereof, 100 amp capacity	\$4.14		18.36.11
porary Re-locatable Office Buildings Installation permit	\$77.78	Per unit	18.84.070
mataliadon por lite	ψ/1.10		10.04.070

SECTION 3. <u>Effective Date</u>. This ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah, this _____ day of _____, 2014.

ATTEST AND COUNTERSIGN:

CITY RECORDER

Transmitted to Mayor on ______.

Mayor's Action: _____Approved. _____Vetoed.

MAYOR

CITY RECORDER (SEAL)

Bill No. _____ of 2014. Published: _____. HB_ATTY-#38786-v4-Ordinance_News_Racks.DOCX **APPROVED AS TO FORM** Salt Lake City Attorney's Office

Date:_

By:

CHAIRPERSON

Paul C. Nielson, Senior City Attorney

3. NOTICE OF CITY COUNCIL HEARING

NOTICE OF PUBLIC HEARING

The Salt Lake City Council is considering Petition PLNPCM2012-00793, A request by Mayor Ralph Becker to amend the ordinance regulating newsracks in the public right-of-way. In addition to clarifying existing regulations, the proposed amendments change the administrative authority over the ordinance, as well as the permitting and placement of newsracks in the public right-of-way. The proposed regulation changes will affect Title 14, Chapter 14.36 of the Salt Lake City Code and the Salt Lake City Consolidated Fee Schedule.

As part of their study, the City Council is holding an advertised public hearing to receive comments regarding the petition. During this hearing, anyone desiring to address the City Council concerning this issue will be given an opportunity to speak. The hearing will be held:

DATE:	
TIME:	7:00 p.m.
PLACE:	Room 315 City & County Building 451 South State Street Salt Lake City, Utah

If you have any questions relating to this proposal or would like to review the file, please call Wayne Mills at (801) 535-7282 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday or via e-mail at <u>wayne.mills@slcgov.com</u>.

The City & County Building is an accessible facility. People with disabilities may make requests for reasonable accommodation, which may include alternate formats, interpreters, and other auxiliary aids and services. Please make requests at least two business days in advance. To make a request, please contact the City Council Office at <u>council.comments@slcgov.com</u>, 801-535-7600, or relay service 711.

5. PLANNING COMMISION

5 A. PLANNING COMMISION

Staff Report



Staff Report

PLANNING DIVISION COMMUNITY & ECONOMIC DEVELOPMENT

То:	Salt Lake City Planning Commission
From:	Wayne Mills 801-535-7282 wayne.mills@slcgov.com
Date:	April 3, 2014
Re:	PLNPCM2012-00793 Amendments to Ordinance Regulating Newsracks in the Public Right- of-Way

City Code Amendment

- **REQUEST:** This petition was initiated by the Mayor at the request of the Planning Director to analyze changes to the ordinance regulating newsracks in the public right-of-way. The original purpose of the petition was to change the administration authority over the ordinance from the Zoning Administrator to the City Engineer. Upon review of the ordinance, Staff identified additional issues and has recommended a number of amendments.
- **RECOMMENDATION:** The Planning Division recommends that the Planning Commission review the proposed changes to the Newsrack ordinance and provide comments. Comments and suggested changes provided by the Planning Commission will be forwarded to the City Council for consideration. The Planning Commission does not have authority over this ordinance and a formal recommendation is not required.

ATTACHMENTS:

- A. Map of Expanded Central Business District (ECBD)
- **B.** Summary of Proposed Amendments
- **C.** Proposed Ordinance Strike and Underline
- **D.** Public Process and Comments
- **E.** City Department Comments

PROJECT DESCRIPTION:

The Newsrack ordinance was adopted in 1991 and provides specific provisions related to the location and design of newsracks located in the public right-of-way. The ordinance limits the placement of newsracks to an area referred to as the Expanded Central Business District (ECBD), but allows newsracks that were already in place outside of the ECBD to remain. A map of the ECBD is attached as Attachment A.

The Newsrack ordinance identifies the Zoning Administrator as the individual who is responsible for reviewing and approving permits for newsracks and enforcing the Newsrack ordinance. This process has been problematic because the responsibility of the Zoning Administrator is to interpret and enforce the Zoning Ordinance, which generally applies to public and private parcels of property, not the public right-of-way. The permitting and enforcing of encroachments in the public right-of-way is the responsibility of the Real Property Manager and City Engineer. The initial intent of the petition to amend the Newsrack ordinance was to change administrating authority from the Zoning Administrator to the City Engineer; however, upon further review, the Department of Community and Economic Development decided that the Property Manager would be the appropriate administrator. The Property Manager currently permits and administers leases for all other public right-of-way encroachments.

Through the petition review process, the project staff identified other issues with the ordinance that should be addressed. Particularly, regulations pertaining to the permitting process need to be revised in an effort to provide better mechanisms for monitoring and inventorying the location of newsracks. Other amendments are also proposed in an effort to clarify regulations and adjust the permit fees to reflect the City's cost for permitting, monitoring and enforcement. A summary of proposed changes, including the reasons for the changes is attached as Attachment B. A strike and underline version of the ordinance is attached as Attachment C. Strike shows text to be removed and underlined text has been added.

KEY ISSUES:

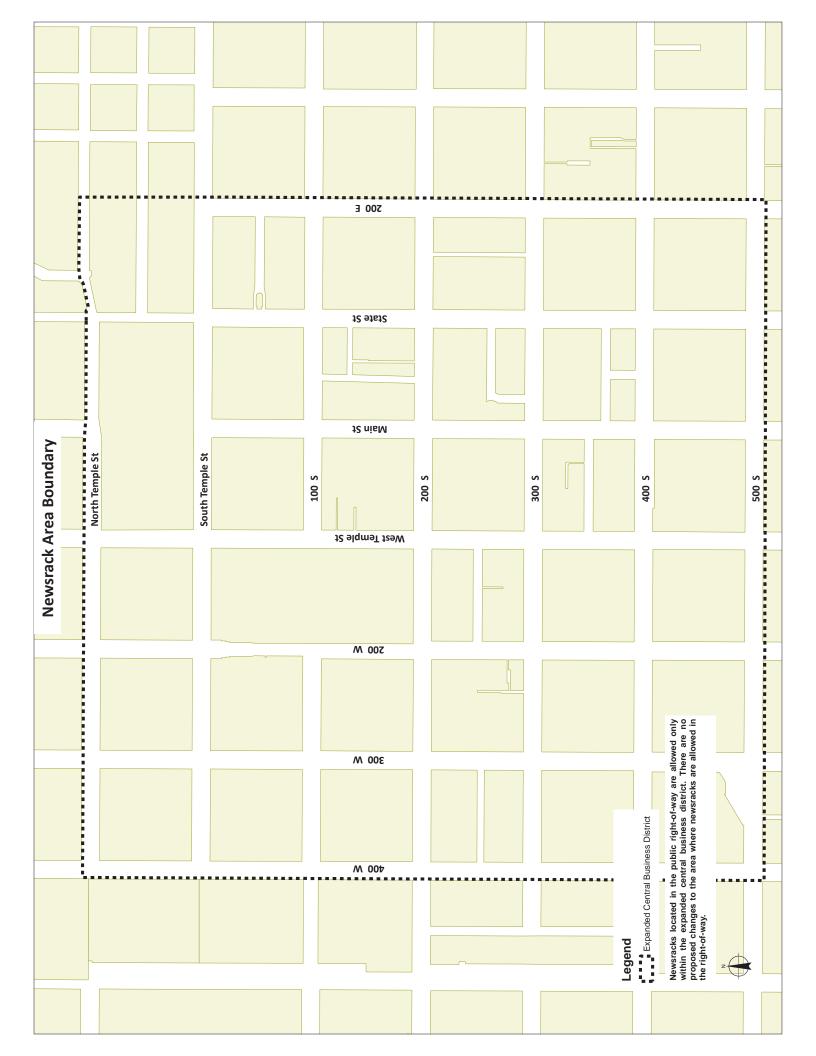
The key issues listed below have been identified through the analysis of the project, public input and department review comments.

- *1. Application Fee:* The newspaper distributors that responded have concerns regarding the increase in fees.
- 2. The proposed amended ordinance reflects changes suggested by various City departments, including Property Management, Engineering, Transportation, and the City Attorney.

NEXT STEPS:

The regulations for newsracks in the public right-of-way are located in Title, 14, Chapter 14.36 of the Salt Lake City Code. Typically, the Planning Commission reviews and makes recommendations to the City Council on amendments to the Zoning Ordinance, which is Title 21A of the City code. In this case, the Planning Division is not requesting a formal recommendation, but is seeking comments from the Planning Commission on the proposed amendments. Holding a public hearing before the Planning Commission also provides a venue for public input prior to the City Council process. The recommendations from the Planning Commission will be forwarded to the City Council who has the final decision making authority over amendments to the City Code.

ATTACHMENT A: MAP OF ECBD



ATTACHMENT B: SUMMARY OF PROPOSED AMENDMENTS

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Proposed Changes

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The Zoning Administrator is the permitting and monitoring authority.

Proposed Change The Real Property Manager is the administrative authority.

Reason

The Real Property Manager is the administrative authority over the issuance of leases for the private use of public property.

Permitting Process

Current Ordinance

A newsrack distributor is required to submit an initial application before placing a newsrack in the public right-of-way. The distributor is then required to submit a certificate application every year that includes any changes that were made in the number of newsracks or location of the newsracks. A newsrack distributor is not required to notify the City regarding location changes until the yearly renewal period.

Proposed Change

A newsrack distributor is required to submit a license application to the Real Property Manager. One license will be issued per publication and will apply to all newsracks that distribute that publication. Upon approval of the license application, the location of each newsrack will be documented in the City's mapping system. The term of the license is two years. A license will be renewed upon payment of the renewal fee and proof of insurance.

Any change to any information submitted as part of the original license application, including any changes to the location of a newsrack or request for additional newsracks, requires an amendment to the publication license. An existing newsrack cannot be relocated and a new newsrack cannot be installed until the City approves the amendment to the license.

Reason

The main purpose of the proposed changes to the permitting system is to provide a mechanism for the City to monitor encroachments in the public right-ofway. The current ordinance allows the relocation of a newsrack and the installation of new newsracks at any time throughout the year without notification to the City. There is no way that the City can distinguish between approved (legal) newsracks and those that are not approved. The yearly certificate is also problematic. Most of the newsracks located within the City are not currently legal because the newsrack distributors have not submitted the required yearly certificate.

Current Ordinance	Proposed Change	Reason
The application requirements include the contact information, business license information, name of the materials that will be distributed, evidence of insurance, and the number of newsracks that will be located on City property.	In addition to the existing requirements, applications for a publication license will require a site plan showing the proposed location of all newsracks, an elevation drawing of the newsrack, and a description of the method for anchoring the newsracks.	The additional information is needed to properly review an application for an encroachment into the public right-of-way in order to ensure that proposed newsracks meet City regulations.
Fees		
Current Ordinance	Proposed Change	Reason
Initial permit application = \$5.00 per newsrack Yearly certificate fee = \$5.00 per newsrack	lnitial publication license Application fee = \$200.00 Property lease fee = \$10.00 per newsrack	The existing fees were created in 1991 and do not reflect the cost to administer the permitting, monitoring, and enforcement of the newsrack ordinance. A substantial
	License renewal (every two years) = \$10.00 per newsrack	amount of City staff time is required to review the review the applications, review the location of each newsrack, map the newsrack locations, and monitor/
	License amendments Existing newsrack relocation = \$10.00 per newsrack Additional newsracks = \$10.00 lease fee per newsrack	enforce.
	_	
Current Ordinance	Proposed Change	Reason
Liability insurance must have a limit of no less than \$250.000 for each occurrence.	Liability insurance must have a minimum limit of \$250,000 per occurrence and a \$500,000 aggregate limit for personal injury and \$100,000 limit for property damage.	The proposed changes are based on current legal provisions in the Utah Governmental Immunity Act and current City standards for contractual insurance requirements.

Application Requirements

Location Restrictions		
Current Ordinance	Proposed Change	Reason
The ordinance currently states that a newsrack cannot interfere with the reasonable use of any fire hydrant.	Newsracks must be located at least five feet from a fire hydrant.	This ensures adequate emergency access to fire hydrants.
Newsracks cannot reduce the clear, unimpeded width of a sidewalk that is 12 feet in width to less than 10 feet in width. Sidewalks that are less than 12 feet in width cannot be reduced to less than three-quarters of its width. In no event can a newsrack reduce the unimpeded sidewalk width to less than four feet.	There are no changes proposed regarding sidewalks over 12 feet. The proposal would raise the minimum uninpeded width from four feet to six feet on sidewalks less than 12 feet in width.	Newsracks are allowed only in the downtown area. The intent of all development and public way design regulations is to encourage a safe and efficient pedestrian experience. The proposed minimum width would help to ensure adequate room for pedestrian movement.
Newsrack Identification		
Current Ordinance	Proposed Change	Reason
There are currently no stipulations that require a distributor to identify the owner of a newsrack.	Each newsrack must have the name, address, and telephone number of the distributor permanently affixed in a visible manner.	Providing contact information on the newsrack will enable inspectors to call a newsrack distributor from the field. This should provide better customer service to the newsrack distributors if an issue arises with their newsrack.
Denial, Suspension, Revocation		
Current Ordinance	Proposed Change	Reason
There are currently no stipulations for denial, suspension, or revocation of a newsrack license.	The City can deny, suspend, or revoke a license if the licensee has violated provisions of the ordinance, the licensee does not have valid insurance, or the newsrack(s) have been abandoned.	Provides legal parameters for denying, suspending or revoking a newsrack license.
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Abandonment		
Current Ordinance	Proposed Change	Reason
There are currently no stipulations defining an abandoned newsrack.	An existing newsrack is considered abandoned if it remains empty without a publication for thirty continuous calendar days and/or is not maintained according to the requirements in the ordinance. A newsrack that is abandoned will be removed by the City.	Newsracks that remain empty of publications have become trash receptacles and targets for graffiti.
Maintenance		
Current Ordinance	Proposed Change	Reason
There are currently no maintenance requirements in the ordinance.	Newsracks must be continuously maintained and in good condition. They must be reasonably free of trash, dirt, graffiti, stickers, rust, corrosion and dents. Painted areas, structural elements, and clear parts where publications are visible must be in good condition.	Newsracks are part of the streetscape furniture and are an important part of the urban design of downtown. All street furniture must be maintained to create an aesthetically pleasing and safe environment.

ATTACHMENT C: PROPOSED ORDINANCE

Chapter 14.36 NEWSRACKS NEWS RACKS

14.36.010: PURPOSE AND INTENT OF PROVISIONS:

The city council hereby finds and declares:

- A. The primary intended use of the streets and sidewalks of the city is the movement of people and property and goods. Generally speaking, the city considers its streets and the real property interests therein to be a valuable asset, one which that it intends to control by regulation and will not allow to be appropriated by private enterprise.
- B. The city has an obligation to the general public to ensure reasonably unobstructed passage over the public <u>right of ways</u> in a clean, safe and orderly manner.
- C. The city has an obligation to protect the health and safety of the public, and to protect persons, including minors, from unwilling exposure to explicit sexual material.
- D. Inappropriately located newsracks <u>news racks</u> can pose a significant hazard and annoyance to pedestrians, abutting landowners, <u>and</u> vehicles, and <u>can interfere with</u> the maintenance of public improvements.
- E. The uncontrolled construction, and placement and maintenance of newsracks <u>news racks</u> unreasonably interferes with the public's right to safe and unobstructed passage and tends to physically and visually clutter the public rights of way. and required setbacks. Such <u>The</u> placement, construction and maintenance of newsracks <u>news racks</u> must be reviewed in relationship to proximity, design and use of other existing or proposed street improvements and furniture of the streetscape, including, but not limited to, signs and lampposts, parking meters, bus shelters and benches, planters, telephone booths, traffic devices, bus stop areas, loading zones, and landscaped setbacks.
- F. The city's central business district and an expanded area surrounding it are particularly congested and important areas. The aesthetically pleasing and functional design and regulation of the use of streets and sidewalks in the expanded central business district are extremely important in developing and maintaining order for the public good.
- G. The city has gone to great lengths in its street improvement program in existing and proposed beautification projects within the expanded central business district to create an aesthetically pleasing, safe, efficient and harmonious streetscape which that also functions safely and efficiently. Outdoor newsracks news racks, as part of the streetscape furniture, should be designed, constructed and placed maintained in this area according to the proposed pattern to carry out those objectives.
- H. Historically, the use of the streets for commercial enterprise has been precluded to preserve the streets for public purposes and to avoid the appropriation of public property or the creation of unfair economic advantage to businesses competing in the business district on private property.

Distribution of newspapers has been a notable, but limited, exception allowed in business districts to accommodate convenient dissemination of the news to encourage an informed citizenry, even though such distribution from newsracks news racks competes with normal other retail or subscription methods. Use of city owned property and publicly owned sidewalks public rights-of-way in commercial districts where subscription is less common should not be absolutely denied, but such use is subordinate to the property's use for public purposes. This private use of the city owned property and publicly owned sidewalks public rights-of-way, afforded certain constitutional protection under freedom of expression, is being regulated to ensure subordination to public purposes and protection to the city and its residents., by indemnifying the city against any liability arising out of this use of public property.

- I. Daily newspapers of general circulation provide the most comprehensive and detailed information regarding local advertising and state and local news. This information is of greatest interest to those in the expanded central business district, and becomes stale on a daily basis requiring rapid turnover.
- J. The above strong compelling governmental interests compete against public interests in freedom of expression and the private commercial interests of distributors. The city desires, in the time, place and manner provisions codified in this chapter, to balance those interests. (Ord. 18-91 § 1, 1991: prior code § 20-39-1)

14.36.020: TITLE:

This chapter may be referred to as the SALT LAKE CITY NEWSRACK NEWS RACK ORDINANCE. (Ord. 18-91 § 3, 1991)

14.36.030: PERMIT REQUIRED:

It is unlawful to place or maintain a newsrack on property owned by the city or on publicly owned sidewalks without obtaining a permit and obtaining a lease for distributing materials through newsracks on such property pursuant to the provisions of this chapter. (Ord. 18-91 § 3, 1991)

14.36.040 14.36.030: DEFINITION OF NEWSRACK NEWS RACK:

For the purpose of this chapter, <u>"newsrack"</u> <u>"news rack"</u> means any outdoor self-service or coin operated container, rack or structure used or maintained for the distribution of newspapers, news periodicals or other printed material. (Ord. 18-91 § 3, 1991)

14.36.050 14.36.040: NEWSRACK NEWS RACK ALLOWED ONLY IN SPECIFIED AREAS:

A. Newsracks <u>News racks</u> on city owned property or on publicly owned sidewalks in the public right-ofway shall be lawful within the expanded central business district ("ECBD"), which is defined to include the area of downtown bounded on the north by the north side of North Temple Street; on the east by the east side of 200 East Street; on the south by the south side of 500 South Street; and on the west by the west side of 400 West <u>Street</u>.

- B. Outside <u>of</u> the ECBD the existing newsracks <u>news racks</u> <u>which that</u> substantially conform to the provisions of this chapter and <u>which that</u> are listed on exhibit A to the ordinance codified herein, a copy of which shall be filed with the city recorder along with said ordinance, may remain in their present location subject to section 14.36.260 of this chapter compliance with all design, maintenance and license regulations stated in this chapter.
- C. The airport may make such rules and regulations governing the location and fees for newsracks <u>news</u> <u>racks</u> as the airport director deems reasonably necessary to ensure the safety and efficient operation of the airport.
- D. Other than as allowed by subsections A, B and C of this section, it is unlawful to own, operate, place or maintain a newsrack news racks on city owned property or publicly owned sidewalks in the public right-of-way. (Ord. 18-91 § 3, 1991)

14.36.060 14.36.050: YEARLY PERMIT OR CERTIFICATION LICENSE AND FEE REQUIRED:

Anyone desiring to use newsracks on city owned property publicly owned sidewalks shall, prior to any initial use, and thereafter before July 31 of each year, submit the required permit application or certification as specified below. (Ord. 18-91 § 3, 1991)

A. Anyone desiring to place a news rack on city owned property or in the public right-of-way shall be required to obtain a license from the city. One license will be issued per publication and will apply to all news racks that distribute that publication. The application for a license shall be submitted to the city before the installation of the any news rack in accordance with the application procedures specified in section 14.36.060.

B. Amendment to License: In the event of a change in any of the information submitted as part of the original license application, including any changes to the location of an approved news rack or a request for additional news racks, the licensee shall submit an application to amend the license. A licensee may install additional news racks or relocate an existing news rack only upon approval of the amended license.

C. Licensing Term: A news rack license shall be valid for two (2) years from the date of approval. A license may be renewed if, before its expiration, the licensee pays the renewal fee shown on the Salt Lake City consolidated fee schedule and provides evidence of insurance as required in Section 14.36.100.

14.36.070 14.36.060: PERMIT LICENSE APPLICATION:

An application for a permit license to place a new news rack or relocate an existing news rack distribute through newsracks on city owned property or in the public right-of-way publicly owned sidewalks ("permit" "license") shall be filed with the Zoning Administrator Property Management upon a form provided by the administrator city and shall include the following:

A. The name, address, and telephone number of the applicant;

- B. The name, address, and telephone number of a responsible person whom the city may notify or contact at any time concerning the applicant's newsracks news racks;
- C. Evidence of the applicant's qualification to do business in the state of Utah;
- D. Evidence of the applicant's Salt Lake City business license;
- E. The name of the materials to be distributed by the newsrack news rack;
- F. The number of newsracks on city owned property or publicly owned sidewalks which will be, or are expected to be, maintained by the applicant; and
- G.F. The evidence of insurance or self-insurance required by section 14.36.140 14.36.100 of this chapter;
- <u>G. A site plan showing the proposed location of the news rack(s). The site plan shall include all</u> information necessary to show compliance with the grouping, concentration, and location requirements stated in this chapter;
- H. An elevation plan of the proposed news rack(s). The elevation plan shall include all information necessary to show compliance with the design standards stated in this chapter; and
- I. A description of the method for anchoring the news rack(s).

14.36.080 14.36.070: PERMIT LICENSE FEE:

The permit license application shall be accompanied by the fee shown on the Salt Lake City consolidated fee schedule, per newsrack to partially defray the cost of reviewing and permitting the news rack license the permit application.

14.36.090 14.36.080: ISSUANCE OF PERMIT LICENSE:

The zoning administrator Real Property Manager shall issue a permit license upon filing the completed application and necessary payment of the application fees,. and upon meeting all standards and regulations stated in this chapter.

After the filing of the completed license application and the payment of the required fee, the Real Property Manager shall issue a license if the application satisfies all requirements of this chapter.

14.36.100: CERTIFICATION APPLICATION:

For any subsequent year after a newsrack permit has been issued the permittee shall, on or before July 31 of each subsequent year, submit a certificate, on a form to be provided by the city, which shall include the following:

A. Any changes in the information provided to the city by the permit application; and

B. A map of the expanded central business district and the city showing the location of newsracks subject to the permit which are maintained by the permittee. If the permit holder distributes more than one publication through the newsracks the map shall identify which publication is distributed at which newsrack location. (Ord. 18-91 § 3, 1991)

14.36.110: CERTIFICATE FEE:

Accompanying the certificate filing shall be the fee shown on the Salt Lake City consolidated fee schedule, per newsrack to partially defray the city's cost of reviewing the certificate and the information contained therein. (Ord. 24-11, 2011)

14.36.120: TRANSITIONAL FILINGS:

After the ordinance codified herein becomes effective, any person owning or maintaining a newsrack on city owned property or publicly owned sidewalks shall obtain a permit by filing a permit application and section B of the yearly certification on or before July 31, 1991. The filing shall be accompanied by a fee in the amount of five dollars (\$5.00) per newsrack to partially defray the city's costs of processing the permit and certification. This initial filing shall be all the filing required until July 31, 1992. (Ord. 18-91 § 3, 1991)

14.36.130 14.36.090: INDEMNITY; HOLD HARMLESS:

Anyone owning or maintaining a newsrack <u>news rack</u> on city owned property or publicly owned sidewalks in the public right-of-way shall indemnify, defend and hold <u>harmless</u> Salt Lake City and its officers and employees harmless for any loss or damage, including attorney fees, arising out of the use or placement of such newsrack <u>news rack(s)</u>. (Ord. 18-91 § 3, 1991)

14.36.140 14.36.100: INSURANCE REQUIREMENTS:

Anyone owning or maintaining a newsrack news rack on city owned property or publicly owned sidewalks in the public right-of-way shall maintain liability insurance with an insurer that is licensed to transact business in the state of Utah and that is financially sound and reputable, as determined by the city attorney. insuring against Such liability insurance shall provide coverage for all liability that the owner or maintainer of the newsrack news rack may incur by virtue of the placement, care, use, operation and existence of the newsrack news rack. Such insurance shall have a limit of no less than two hundred fifty thousand dollars (\$250,000.00) for each occurrence or, if the provisions of the Utah governmental immunity act are modified, such other limit as may be required to protect the city from liability minimum limit of two hundred fifty thousand dollars (\$250,000.00) per occurrence and a five hundred thousand dollar (\$500,000.00) aggregate limit for personal injury and one hundred thousand dollars (\$100,000.00) limit for property damage. This Such insurance shall name the city as an additional insured and may not be cancelable without thirty (30) days' prior written notice to the city. In lieu of such insurance, a permittee licensee may obtain a waiver of such insurance from the zoning administrator Real Property Manager upon a showing, acceptable to the city attorney, that such person has sufficient unencumbered assets available for attachment and execution to satisfy any judgment that would be rendered against it up to two hundred fifty thousand dollars (\$250,000.00). The permittee licensee shall provide evidence of insurance or evidence of sufficient assets, as the case may be, to the zoning administrator Real Property Manager each year with the permit application or certification upon

submittal of an application for a news rack license or upon renewal of an existing license. (Ord. 18-91 § 3, 1991)

14.36.150 14.36.110: NUMBER OF NEWSRACKS NEWS RACKS PER BLOCK:

There shall be no No more than thirty two (32) newsracks <u>news racks may be located</u> on any one block, which, for this chapter, shall mean any numbered whole block as shown on the original plat of the city. (Ord. 18-91 § 3, 1991)

14.36.160 14.36.120: GROUPING OF NEWSRACKS NEWS RACKS:

Between intersecting streets which that define blocks, newsracks news racks shall be placed together in not more than three (3) groups of not more than eight (8) newsracks news racks in any group. Each group on the same block face of any block shall be separated by a distance of not less than one hundred feet (100'). Each newsrack news rack within a group shall be separated no more than two feet (2') from the nearest other newsrack news rack within the group. Groups located within thirty feet (30') of an intersection, measured from the centerlines of two intersecting sidewalks, shall be considered to be on both block faces. In the event that the design of any special improvement district assessment area requires a different grouping pattern on any block face, the grouping on that block face shall be as required by the special improvement district assessment area design. (Ord. 18-91 § 3, 1991)

14.36.17014.36.130: CONCENTRATION OF PUBLICATIONS:

No more than eight (8) newsracks <u>news racks</u> on any block may dispense the same publication. No more than three (3) newsracks <u>news racks</u> on any block face shall <u>may</u> dispense the same publication. Newsracks <u>News racks</u> placed within thirty feet (30') of an intersection shall be counted in the total allowed for each block face, <u>measured from the centerlines of two intersecting sidewalks</u>. (Ord. 18-91 § 3, 1991)

14.36.18014.36.140: LOCATION RESTRICTIONS:

No newsrack <u>news rack</u> shall <u>may</u> be located adjacent to any mailbox, post, pole, water feature, art or monument, or adjacent to or within any raised planter, except when pedestrian circulation space between such items and the newsrack <u>news rack</u> is not needed and sufficient space for maintenance of such items and newsracks <u>news racks</u> is provided, or if the original design of such items specifically provides for newsracks <u>news racks</u> in an integrated design feature, or if the city engineer specifies a particular location for placement, or <u>in a manner which</u> <u>The use of the news rack license locations must</u> <u>be compatible with the free flow of pedestrian and other traffic and with public safety. Property</u> <u>Management may modify an approved license location at any time a change is deemed necessary to ensure safe and reasonable operating conditions for all users of the public right of way. No news rack shall unsafely:</u>

A. Impedes or interferes with the reasonable use of a crosswalk, display window or building entrance;

B. Impedes or interferes with the reasonable use of any kiosk, bench, trash receptacle, drinking fountain, bicycle rack, driveway, alley, or bus shelter;

- C. Interferes with the reasonable use of any fire hydrant, traffic signal box, fire call box, police call box, or other emergency facility. News racks may not be located within five (5) feet of a fire hydrant;
- D. Impairs or interferes with pedestrian traffic;
- E. Interferes with or impairs the vision of operators of vehicles at street intersections;
- F. Reduces the clear, unimpeded sidewalk width to:
 - 1. Ten feet (10') or less on sidewalks over twelve feet (12') in width, or

2. Less than three-fourths $\binom{3}{4}$ of the <u>clear and unimpeded</u> width of the sidewalk on sidewalks less than twelve feet (12') in width, with a and in no event less than four foot (4') six (6) feet. minimum.

<u>3. In determining whether a sidewalk is unimpeded, the city may consider features such as</u> <u>fountains, fire hydrants, planters, or any other feature that obstructs pedestrian movement.(Ord.</u> <u>18-91 § 3, 1991)</u>

In determining an unimpeded whether a sidewalk is unimpeded, the city may consider features such as fountains, fire hydrants or similar structures. shall be considered. (Ord. 18-91 § 3, 1991)

14.36.190: LOCATION CHANGES:

So long as the provisions of this chapter are complied with, newsracks may be moved from one permitted location to another permitted location. Additional complying newsracks may be installed by a permittee during the year of any permit or certification. If any newsracks are added after the yearly permit or certification filing, the permittee shall pay the past full year's fee for such added locations at the time of the next yearly filing. (Ord. 18 91 § 3, 1991)

14.36.20014.36.150: RIGHTS GRANTED:

The approval of any location for use as a newsrack <u>news rack</u> shall not be construed as granting the <u>user</u> <u>licensee</u> any right or interest to or in the property owned by the city. The rights granted by this chapter are merely a license to use the property for permitted purposes, subject to the provisions of this chapter. (Ord. 18-91 § 3, 1991)

14.36.21014.36.160: ANCHORAGE OF NEWSRACKS NEWS RACKS:

Newsracks <u>News racks</u> shall be anchored to the ground or sidewalk at their site. <u>Newsracks News racks</u> may not be anchored to trees, posts or poles with chains, rope, cable or otherwise. The permittee <u>licensee</u> shall be responsible for any damage or repairs caused or necessitated by the removal or installation of any <u>newsrack news rack</u> to bring the site to its original condition, ordinary wear and tear excepted. (Ord. 18-91 § 3, 1991)

14.36.22014.36.170: DESIGN STANDARDS:

All permitted newsracks news racks shall comply with following design standards:

A. Height: As measured from the surface of the sidewalk to the highest point of the newsrack <u>news rack</u>, no newsrack <u>news rack</u> shall exceed:

1. A height of fifty inches (50") when located adjacent to a building or structure, including light poles and similar features, of equal or greater height; or

2. A height of five feet (5') when located adjacent to a building stacked with multiple racks; or

- 3. <u>A height of \mp three</u> feet (3') in other locations.
- B. Other Dimensions: No newsrack news rack shall exceed:
 - 1. A depth of two feet (2'); and
 - 2. A length of two feet (2').
- C. Color: Newsracks News racks shall be flat black, or the designated fixture color as part of any special improvement district assessment area with an overall street design theme which that specifies particular colors. In the event that the design of a special improvement district assessment area requires that newsracks <u>news racks</u> be enclosed within particular materials or colors, any permittee <u>licensee</u> with newsracks <u>news racks</u> within such district shall be notified of the pending requirements and shall comply with them.
- D. Advertising: Newsracks <u>News racks</u> shall carry no advertising except a logo or other information identifying the newspaper <u>or other printed material</u>. This information may be displayed on the newsrack <u>news rack</u> limited up to a height of six inches (6") and width of thirteen inches (13") on the upper two-thirds $\binom{2}{3}$ of the sides and a height of three inches (3") and width of twenty inches (20") on the bottom one-third $\binom{1}{3}$ of the front. (Ord. 18-91 § 3, 1991)
- E. <u>Each news rack shall have permanently affixed in a readily visible place the current name, address,</u> <u>and telephone number of the licensee.</u>

14.36.180 Denial, Suspension or Revocation of news rack licenses:

- A. The City may deny, suspend or revoke the news rack license or deny renewal thereof, if the <u>City finds:</u>
 - 1. That such licensee has violated or failed to meet any of the provisions of this chapter;
 - 2. The licensee does not have a currently effective insurance policy in the minimum amount provided in this chapter; or
 - 3. That the licensee has abandoned the use of the news rack(s) as defined in this chapter.

14.36.23014.36.190: NONEMERGENCY REMOVAL OF NEWS RACKS;: PERMITTEES LICENSEES:

- A. Notice: If at any time it is determined by the city that a permittee's licensee's newsrack news rack is not in compliance with the requirements of this chapter, the city shall give a written a "notice of intent to remove" shall be issued, in writing, to the permittee licensee. Such notice will shall state the violation or violations which that constitute the basis of the proposed removal. The notice shall contain state the date, time and place for a hearing to be held before removal.
- B. Hearing: The hearing shall be held not less than ten (10) days from <u>after</u> the time of service of <u>the</u> notice. Prior to <u>Before</u> the hearing, the <u>permittee licensee</u> may file a written response to the notice specifically setting forth the reason or reasons the <u>newsrack news rack</u> should not be removed. At the hearing the <u>zoning administrator Real Property Manager</u> shall determine whether the <u>newsrack news rack</u> complies with the provisions of this chapter. In the event that the <u>zoning administrator Real Property Manager</u> is <u>not in compliance does not comply</u> with this chapter, the <u>licensee shall remove or bring into compliance the newsrack news rack shall be removed by the owner licensee within ten (10) days or otherwise brought into <u>compliance</u>. If the <u>newsrack news rack</u> is not <u>moved removed or brought into compliance</u> as required, the city may remove the <u>newsrack news rack</u> and recover the expense of removal from the <u>owner licensee</u>.</u>
- C. <u>B.</u> Appeal: The permittee licensee may appeal any removal decision or order to the mayor or the mayor's designee. Any appeal shall be filed in writing within ten (10) days of <u>after</u> the decision and shall specify the basis for the appeal. The mayor shall consider the appeal based on the written submissions. (Ord. 18-91 § 3, 1991)

14.36.24014.36.200: EMERGENCY REMOVAL; PERMITTEES LICENSEES;

- A. Removal: In the event that a city zoning inspector or the city police or fire department official determines that the location or operation of the newsrack news rack constitutes an immediate physical threat to public life, safety or health, the city may remove the newsrack news rack may be removed by the city immediately without any prior notice or hearing. This provision shall not be enforced in any way related to the content or expression of the material distributed by the newsrack news rack.
- B. Notice And Hearing: In the event of such an emergency removal, the city shall immediately contact the permittee's representative designated pursuant to subsection 14.36.070B of this chapter licensee's representative and inform the representative of the removal, and the reason(s) therefor for the removal, and of the licensee's right to request a hearing before the Real Property Manager regarding such removal. If requested by the representative, the city shall hold an immediate hearing before the zoning administrator Real Property Manager to determine whether or not the removed newsrack news rack constituted an immediate threat to the public's life, safety and or health. In the event that the zoning administrator Real Property Manager determines that the newsrack news rack did not constitute such an immediate threat, the city shall immediately, at its own expense, replace the newsrack news rack at its location. In the event that no immediate hearing is requested by the permittee's licensee's representative, a hearing as provided in subsection 14.36.230B 14.36.180B of this chapter shall be held, except that the process shall occur after the removal of the news rack.
- C. Appeal: The permittee licensee may appeal any decision or order to the mayor or the mayor's designee. Any appeal shall be filed in writing within ten (10) days of after the decision and shall

specify the basis for the appeal. The mayor shall consider the appeal based on the written submissions. (Ord. 18-91 § 3, 1991)

14.36.25014.36.210: REMOVAL OF UNAUTHORIZED NEWSRACKS NEWS RACKS:

Any <u>unauthorized</u> newsracks <u>news racks</u> on city owned property or publicly owned sidewalks <u>in the</u> <u>public right-of-way</u>, except those for which a license has been obtained pursuant to this chapter, shall be impounded by the city without prior notice or hearing. The city shall take reasonable efforts to determine the owner of the newsrack <u>news rack</u> and shall notify the owner of the impoundment. The owner of any impounded newsrack <u>news rack</u> shall be responsible for the expense of removal and storage of such newsrack <u>news rack</u>. If the owner fails to reclaim the impounded newsrack <u>news rack</u> and pay the expenses of removal and storage within thirty (30) days from <u>after</u> notice of impoundment, the newsrack <u>news rack</u> may be deemed unclaimed property and may be disposed of pursuant to law. (Ord. 18 91 § 3, 1991)

- A. Notice: Any newsrack on city owned property or in the public right-of-way, except one for which a license has been obtained pursuant to this chapter, is an unauthorized newsrack. The city shall make reasonable efforts to identify the owner of the unauthorized newsrack. If the city identifies the owner, the city shall give a written "notice of intent to remove" to the owner. Such notice shall state that the newsrack is not licensed by the city and may be subject to removal by the city. The notice shall state the date, time, and place for a hearing to be held before removal.
- B. Hearing: The hearing shall be held not less than ten (10) days after the time of service of the notice.
 Before the hearing, the owner may file a written response to the notice specifically setting forth the reason or reasons the newsrack should not be removed. At the hearing the Real Property Manager shall determine whether the newsrack is licensed pursuant to this chapter. In the event that the Real Property Manager determines that the newsrack is not licensed pursuant to this chapter, the owner shall remove or license the newsrack within ten (10) days. If the newsrack is not removed or licensed as required, the city may remove the newsrack and recover the expense of removal from the owner.
- <u>C. Appeal: The owner may appeal any removal decision or order to the mayor or the mayor's designee.</u> Any appeal shall be filed in writing within ten (10) days of after the decision and shall specify the basis for the appeal. The mayor shall consider the appeal based on the written submissions.
- D. Removal: If the city is unable to identify the owner of an unauthorized newsrack, the city may remove the newsrack. The owner of any removed newsrack shall be responsible for the expense of removal and storage of such newsrack. If the owner fails to reclaim the removed newsrack and pay the expenses of removal and storage within thirty (30) days after the removal, the newsrack may be deemed unclaimed property and may be disposed of pursuant to law.

14.36.260: NONCOMPLYING DESIGNS OUTSIDE ECBD:

A. Newsracks which are not in the ECBD but whose location is permitted by subsection <u>14.36.050B</u> of this chapter, as listed on exhibit A, and for which a permit has been obtained, shall comply with the design standards of section <u>14.36.220</u> of this chapter before July 1, 2001, or at any such earlier date when the city owned property or publicly owned sidewalk where the newsrack is located is

substantially repaired or altered by a special improvement district or other similar project. (Ord. 18-91 § 3, 1991)

14.36.270: NONCOMPLYING LOCATIONS WITHIN ECBD:

Newsracks for which a permit has been obtained and which either comply with the design standards of section <u>14.36.220</u> of this chapter, or are temporarily exempted from such compliance pursuant to section <u>14.36.280</u> of this chapter, which are located at a site which does not comply with the location requirements of section <u>14.36.180</u> of this chapter may remain in the present location until July 1, 1996, or any such earlier date when the city owned property or publicly owned sidewalk where such newsrack is located is substantially repaired or altered by a special improvement district or other similar project. (Ord. 18-91 § 3, 1991)

14.36.280: NONCOMPLYING DESIGNS WITHIN ECBD:

Newsracks for which a permit has been obtained, which are anchored to a location permitted by either section <u>14.36.180</u> or <u>14.36.270</u> of this chapter and which are substantially in compliance with the design provisions of section <u>14.36.220</u> of this chapter, except that the colors allowable may include white newsracks or blue and white newsracks, may remain with their present design until July 1, 1996, or any such earlier date when the city owned property or publicly owned sidewalk where the newsrack is located is substantially repaired or altered by a special improvement district or similar project. (Ord. 18-91 § 3, 1991)

14.36.220: ABANDONEMENT:

A news rack shall be deemed abandoned if it:

<u>A. Is removed pursuant to this chapter and is unclaimed for thirty (30) consecutive calendar days after the date of removal;</u>

B. Remains empty or without a publication for thirty (30) consecutive calendar days; or

C. Is not maintained according to the provisions of this chapter.

Newsracks News racks deemed abandoned may be treated in the manner provided in section 14.36.200.

14.36.230: MAINTENANCE:

Each news rack shall be continuously maintained in a reasonably neat and clean condition and in good repair including:

A. Reasonably free of dirt, trash, debris, foreign objects, graffiti, stickers, dents, and grease;

B. Reasonably free of chipped, faded, peeling, or cracked paint in any visible painted areas;

C. Reasonably free of rust and corrosion in any visible unpainted metal areas;

D. Any clear parts through which publications are visible shall be unbroken and reasonably free of cracks, scratches, dents, blemishes, and discoloration; and

E. No structural components shall be broken or unduly misshapen.

14.36.240: EXISTING NEWS RACK LICENSING

All news racks that were permitted at the time of the passing of this ordinance or that are outside of the ECBD and conform to the provisions of this chapter must be licensed according to the provisions of this chapter no later than July 1, 2015.

ATTACHMENT F: PUBLIC PROCESS AND COMMENTS

Public Process:

The Planning Division held a public open house meeting regarding the proposed ordinance on September 19, 2013. The open house meeting notice was sent on September 5, 2013 through the Planning Division listserve, which includes all community council chairs. In addition to the standard noticing, Planning Division staff sent a copy of the proposed ordinance, and a summary of the changes to the ordinance, to the distributors with newsracks currently located in Salt Lake City. This information was sent to the newsrack distributors prior to the open house in order to provide sufficient time for the distributors to review and weigh in on the changes.

Since the open house meeting was held, changes were made to the ordinance in response to feedback received from the newsrack distributors and the various City departments. Planning Division staff sent the final draft of the proposed ordinance to the newsracks distributors on March 6, 2014 to provide them sufficient time to review the draft prior to the decision making process.

The following comments were received throughout the public process:

Thank you for sending me the packet about the proposed changes. Most of these changes are necessary for our growing city. I have a few opinions regarding these changes, going in the order of the proposed changes and the changes to the chapters.

The first issue I have is the application fee of \$20.00 to \$200.00. This hike seems a bit extreme, especially for the smaller publications that are already spending a good amount of money ordering news racks that conform to the current and proposed ordinance.

Second: This is more of a question about the identification of the owners and people in charge of maintaining each news rack. Where would the information need to be placed in order to be properly visible? In my professional opinion and in the interest of the cityscape, adhering to both the guidelines and the proposed changes to advertisements/logos, this information would be best displayed inside of each new rack.

In the end of chapter 14.36.220, there is a proposal to have an up-to-date maintenance log. What would this log consist of and how often would the licensee have to inspect each news rack, Also what would this log consist of?

In chapter 14.36.230, I feel existing news racks that have conformed to the current ordinance should be grandfathered into the changed ordinance.

The majority of the proposed changes are needed to amend the current ordinance. Few publications adhere to the current ordinance, and that needs to change to make it an even playing field for all publications.

Thank you for allowing me the opportunity to review these proposed changes and giving me a chance to voice my opinions on these proposed changes.

I have the following concerns for the proposed changes:

The publication application fee of \$200 is this a onetime fee? and the cost seems high (publications have a limited budget)

Follow through on the customer service to contact to the newsrack distributor from the field. This has always been an issue we do not receive any notice that there is a problem with the box and they are removed without any notice. The newsrack distributor has incurred the expense to anchor the box down and has maintained the boxes to only have them removed without notice.

For Rent is a monthly publication and Dominion Distribution delivers once an issue Dominion Distribution is currently checking the boxes bi-weekly for graffiti and trash and to insure the publications are stocked due to the boxes being removed without any notice.

ATTACHMENT G: DEPARTMENT REVIEW COMMENTS

Department/Division:	Police
Reviewer:	Michelle Ross
Review Comments:	No comments received.
Department/Division:	Fire
Reviewer:	Ed Itchon
Review Comments:	No comments received.
Department/Division:	Public Utilities
Reviewer:	Justin Stoker
Review Comments :	No comments regarding the proposed code changes. We will work with
Property Management about h	ow permitting may impact the utility systems and vice-versa.

Department/Division:	Engineering
Reviewer :	Pat Petersen
Review Comments :	In the placement possibly include:

- 5' from fire hydrants,
- 10' from cross walks (or be less than 30" tall), that would keep the line-of-sight clear and also keep the space needed for access to the pedestrian buttons clear.

Department/Division:	Transportation
Reviewer:	Barry Walsh
Review Comments :	It is recommended that the location of the New Racks section 14.36.140 F
be reviewed for item 1 & 2 to co	omply with other issues in management of the public sidewalks as follows:

The sidewalk width shall maintain a minimum width of ten feet (10') on Main Street in the CBD area and eight feet (8') through out the rest of the CBD area. The minimum width in other retail areas shall be six feet (6'). In all areas the minimum width is five feet (5') when abutting the back of curb and four feet (4') when abutting a park strip.

Department/Division:	Building Services
Reviewer:	Larry Butcher
Review Comments :	No comments

Department/Division:City AttorneyReviewer:Boyd FergusonReview Comments:Provided redling

Review Comments: Provided redlines on proposed ordinance. Most of the comments are related to the wording of the text. Additional text related to the removal of unauthorized newsracks was added by the attorney.

Department/Division:Property ManagementReviewer:Ryan McFarlandReview Comments:Thank you for preparin

Review Comments: Thank you for preparing the revised news rack ordinance. Our group has gone through the proposed ordinance and we like the modifications. There are some modifications we would like to suggest and they are attached for your review. If you have some time and would like additional clarification on our proposed modifications we would be happy to review them with you.

We are happy to see this modified ordinance move forward. Once it is adopted we will need your groups help identifying, contacting and formulating licenses with each agency. It is wonderful to see the news rack ordinance modified and changed so that it becomes more manageable in the future. The modified news rack ordinance is a great starting point and with your help we are confident we can create a efficient method of licensing all of the outstanding news racks in the right of way.

5 B. PLANNING COMMISION

Meeting Minutes

would allow for the extension of the McClelland Trail to 1100 East to occur on City owned property. In consideration of the proposed property trade, Salt Lake City and Mr. Winston would exchange easements and Mr. Winston would pay for trail improvements. The value of the property involved in the trade will be determined by the City based on the size of the parcels to be traded. The property is zoned R-1/5,000 (Single Family Residential). This type of project must be reviewed as a Surplus Property petition. The subject property is located within Council District 5, represented by Erin Mendenhall. (Staff contact: Joel Paterson at (801) 535-6141 or joel.paterson@slcgov.com.) Case number PLNPCM2014-00008.

Mr. Joel Paterson, Zoning Administrator, reviewed the petition as presented in the Staff Report (located in the case file). He stated Staff was recommending that the Planning Commission re- approve the petition as outlined.

PUBLIC HEARING 6:08:06 PM

Commissioner Gallegos opened the Public Hearing; seeing no one in the audience wished to speak to the petition, Commissioner Gallegos closed the Public Hearing.

MOTION 6:08:42 PM

Commissioner Taylor stated regarding petition PLNPCM2014-00008, based on the findings within this Staff Report, she moved that the Planning Commission declare surplus approximately 896 square feet of property located at 1226 S 1100 East as presented and forward a recommendation to the City Administration to dispose of the property in a manner consistent with Section 2.58 of the Salt Lake City Code. This recommendation was subject to the conditions listed as part of the Staff recommendation in the Staff Report.

Mr. Paterson stated Staff was recommending the Commission forward a favorable recommendation to the City Administration.

Commissioner Woodhead seconded the motion. The motion passed unanimously.

6:09:59 PM

<u>Newsrack Ordinance Amendments</u> - A request by Mayor Ralph Becker to amend the ordinance regulating newsracks in the public right-of-way. In addition to clarifying existing regulations, the proposed amendments change the administrative authority over the ordinance, as well as the permitting and placement of newsracks in the public right-of-way. The proposed regulation changes will affect Title 14, Chapter 14.36 of the Salt Lake City Code and the Salt Lake City Consolidated Fee Schedule. The Salt Lake City Council is the decision maker on changes to Title 14.

Salt Lake City Planning Commission April 9, 2014

The purpose of this hearing is to provide an opportunity for public input on the proposed changes. The Planning Commission is not required to take action on this item. (Staff contact: Wayne Mills at (801) 535-7282 or wayne.mills@slcgov.com.) Case Number PLNPCM2012-00793.

Mr. Wayne Mills, Senior Planner, reviewed the petition as presented in the Staff Report (located in the case file). He stated Staff recommended the Planning Commission review the proposed changes to the Newsrack ordinance and provide comments and suggestions to be forwarded the City Council for consideration. Mr. Mills stated the Planning Commission did not have authority over the ordinance and a formal recommendation was not required.

Commissioner Woodhead stated she was a member of the Westview newspaper board. She stated she did not feel there was a conflict of interest.

The Commission agreed to allow Commissioner Woodhead to be part of the discussion and decision.

The Commission and Staff discussed the following:

- The definition of newsrack in the ordinance.
- The ordinance cannot regulate content.
- The number of newsracks had decreased over the years.
- Placement changes would comply with ADA requirements.
- City owned information kiosks and how the proposed ordinance affected them.
- Reasoning for not having newsracks in business districts other than the Central Business district.
 - The sidewalks may not support the racks.
 - o Sidewalk restrictions for newsracks.
 - o Some businesses allow newracks inside their facilities.
- Clarification that there are areas where newsracks could be placed in other business districts in the city.
- Exclude the map and allow newsracks city wide.
- Price increase was prohibitive.
 - The price increase covers the cost for city personal to enforce the regulations.

PUBLIC HEARING 6:31:20 PM

Commissioner Gallegos opened the Public Hearing; seeing no one in the audience wished to speak to the petition, Commissioner Gallegos closed the Public Hearing.

Salt Lake City Planning Commission April 9, 2014

DISCUSSION 6:31:42 PM Mr. Norris explained the issue with multiuse paths in the city where newsracks would not be ideal.

The Commission stated a map was necessary to dictate where newsracks would be allowed. They stated they would like to see the ordinance allow newsracks in other business areas not just downtown.

OTHER BUSINESS 6:34:33 PM

The Commission and Staff discussed the Planning Commission's ability to initiate a petition, if the item needed to be listed on the agenda for discussion and consideration and if the petition would be viewed as a Planning Commission petition. They discussed the history of how petition were initiated, that a public hearing was not necessary to start the petition and adding the procedures of initiation to the Planning Commission's Policies and Procedures. The Commission and Staff discussed how to deal with conflicts of interest regarding petition initiation.

Commissioner Dean suggested initiating a petition to change the ordinance adding language and requirement regarding bird safe buildings. She stated she would provide Staff with documentation, to distribute, and then the Commission could review it at a future meeting. She asked Staff how and if these type of guidelines would be appropriate in the ordinance.

The Commission and Staff discussed where it could be possibly listed and the steps for initiating the petition.

Commissioner Dean stated the other petition would address utility boxes and their regulation in special districts.

Staff stated a petition was in the works and encouraged the Commission to submit comments to Staff.

The meeting adjourned at 6:42:25 PM

5 C. PLANNING COMMISION

Meeting Notice

Mills, Wayne

From:noreply.ced@slcgov.comSent:Thursday, March 27, 2014 3:01 PMSubject:April 9, 2014, Planning Commission Meeting AgendaAttachments:49agn.pdf

This information was sent with automated software and is not monitored for replies. noreply.ced@slcgov.com is the group responsible for this information.

Attached is the agenda for the Salt Lake City Planning Commission meeting to be held on Wednesday, April 9, 2014. You are welcome to contact the Planning Office at 801-535-7700 if you have questions.

You received this e-mail because you requested information from Salt Lake City Corporation. If you would like to unsubscribe from this information, click on the link http://asp.slcgov.com/General/ListServer/userdata/subform.asp or copy the link to your browser.

SALT LAKE CITY PLANNING COMMISSION MEETING AGENDA In Room 326 of the City & County Building 451 South State Street Wednesday, April 9, 2014, at 5:30 p.m. (The order of the items may change at the Commission's discretion.)

The field trip is scheduled to leave at 4:00 p.m.

Dinner will be served to the Planning Commissioners and Staff at 5:00 p.m. in Room 126 of the City and County Building. During the dinner break, the Planning Commission may receive training on city planning related topics, including the role and function of the Planning Commission.

<u>PLANNING COMMISSION MEETING WILL BEGIN AT 5:30 PM IN ROOM 326</u> APPROVAL OF MINUTES FOR MARCH 26, 2014 REPORT OF THE CHAIR AND VICE CHAIR REPORT OF THE DIRECTOR

Work Session

- 1. <u>West Temple Residential Zoning Briefing within the boundaries of 1300 South to 2100 South, and</u> <u>TRAX (200 West) to Main Street</u> - Salt Lake City is considering a request to rezone approximately 159 parcels within the area described above. The identified parcels are currently used for single-family housing and zoned RMF-35 Moderate Density Multi-Family Residential District. The petition requests the parcels be rezoned to R-1/5,000 Single-Family Residential District or SR-1 Special Development Pattern Residential District. This type of zoning amendment also requires a master plan amendment. The subject properties are within Council District 5, represented by Erin Mendenhall. (Staff contact: Michael Maloy at 801.535.7118 or <u>michael.maloy@slcgov.com</u>.)
 - a. **Master Plan Amendment** In order to facilitate the proposed zoning amendment the Central Community Future Land Use Map needs to classify the subject properties as Low Density Residential. (Case number PLNPCM2013-00900.)
 - b. **Zoning Map Amendment** In order to downzone the selected parcels from RMF-35 Moderate Density Multi-Family Residential District to R-1/5,000 Single-Family Residential District or SR-1 Special Development Pattern Residential District, an amendment to the Salt Lake City Zoning Map is required. (Case number PLNPCM2013-00899)

PUBLIC HEARING(S) Legislative Matters

2. <u>Surplus Property Declaration at approximately 1226 S 1100 East</u> - Ryan McFarland, Salt Lake City Real Property Manager is requesting approval from the Salt Lake City Administration to declare surplus approximately 896 square feet of Salt Lake City Public Utilities Department-owned property located at the above address. Declaring the property surplus would allow the property to be conveyed to Mr. Phil Winston the abutting property owner at 1234 S 1100 East as part of a land trade for an equivalent portion of property on the adjacent parcel. The lot owned by the Public Utilities Department is vacant and is traversed by the Jordan and Salt Lake Canal. The declaration of surplus property affects the southern portion of the lot and will not impact the use or maintenance of the canal. The proposed trade of property would allow for the extension of the McClelland Trail to 1100 East to occur on City owned property. In consideration of the proposed property trade, Salt Lake City and Mr. Winston would exchange easements and Mr. Winston would pay for trail improvements. The value of the property involved in the trade will be determined by the City based on the size of the parcels to be traded. The property is zoned R-1/5,000 (Single Family Residential). This type of project must be reviewed as a Surplus Property petition. The subject property is located within Council District 5, represented by Erin Mendenhall. (Staff contact: Joel Paterson at (801) 535-6141 <u>orjoel.paterson@slcgov.com</u>.) Case number PLNPCM2014-00008. 3. <u>Newsrack Ordinance Amendments</u> - A request by Mayor Ralph Becker to amend the ordinance regulating newsracks in the public right-of-way. In addition to clarifying existing regulations, the proposed amendments change the administrative authority over the ordinance, as well as the permitting and placement of newsracks in the public right-of-way. The proposed regulation changes will affect Title 14, Chapter 14.36 of the Salt Lake City Code and the Salt Lake City Consolidated Fee Schedule. The Salt Lake City Council is the decision maker on changes to Title 14. The purpose of this hearing is to provide an opportunity for public input on the proposed changes. The Planning Commission is not required to take action on this item. (Staff contact: Wayne Mills at (801) 535-7282 or <u>wayne.mills@slcgov.com</u>.) Case Number PLNPCM2012-00793.

Unfinished Business

4. <u>Capitol Hills Plat B, Lot 216 Subdivision Plat Amendment at approximately 37 E. Dartmoor</u> <u>Place</u> - Douglas Olson is requesting approval from the City to amend a subdivision plat to adjust the building area of his lot to accommodate an addition to the existing home located at the above listed address. Currently the land is used as residential and the property is zoned FR-3/12,000 (Foothills Residential District). The subject property is located within Council District 3, represented by Stan Penfold. (Staff contact: Casey Stewart at 801-535-6260 or <u>casey.stewart@slcgov.com</u>.) Case number PLNSUB2014-00028.

Training Session

The Planning Commission may receive training on city planning related topics, including the role and function of the Planning Commission.

The files for the above items are available in the Planning Division offices, room 406 of the City and County Building. Please contact the staff planner for information, Visit the Planning Division's website at www.slcgov.com/CED/planning for copies of the Planning Commission agendas, staff reports, and minutes. Staff Reports will be posted the Friday prior to the meeting and minutes will be posted two days after they are ratified, which usually occurs at the next regularly scheduled meeting of the Planning Commission. Planning Commission Meetings may be watched live on SLCTV Channel 17; past meetings are recorded and archived, and may be viewed at <u>www.slctv.com</u>.

People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance of the hearing in order to attend. Accommodations may include alternate formats, interpreters and other auxiliary aids. This is an accessible facility. For questions, requests or additional information, please contact the Salt Lake City Planning Office at: 801-535-7757/TDD 801-535-6220. Appeal of Planning Commission Decision- Any person adversely affected by a final decision of the planning commission may appeal the decision by filing a written appeal with the appeals hearing officer within ten (10) calendar days following the date on which a record of decision is issued.

6. ORIGINAL PETITION

PLNPCM2012-00793



Petition Initiation Request

Planning Division Community & Economic Development Department

To:	Mayor Becker
From:	Wilf Sommerkorn, Planning Director
Date:	November 5, 2012
CC:	Mary De La Mare-Schaefer, Community & Economic Development Department Acting Director; Cheri Coffey, Assistant Planning Director; file
Re:	Initiate Petition to revise regulations relating to news racks

This memo requests that you initiate a petition for the Planning Division to analyze the appropriateness of revising regulations relating to news racks. Specifically, the amendments would include changing who oversees the monitoring and enforcement t of the regulations from the Zoning Administrator to the City Engineer. The Divisions within CED have had discussions about the most effective way to address issues relating to news racks and have come to an agreement that it makes more sense for the Engineering Division, which oversees the public way, to have this authority. In the analysis we will also determine if there are other tweaks to the ordinance that would be appropriate.

As part of the process, the Planning Division will follow the City adoption process for amending the City Code including citizen input and public hearings with the Planning Commission and City Council.

If you have any questions, please contact me.

Thank you.

Concurrence to initiate the zoning text amendment petition as noted above.

Ralph Becker, Mayor

Date