




CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
JOSEPH A. CURTATONE
MAYOR

OFFICE OF THE EXECUTIVE DIRECTOR

MEMORANDUM

TO: Joseph A. Curtatone, Mayor

FROM: Monica R. Lamboy, Executive Director 

DATE: January 13, 2011

SUBJECT: Ordinance amending the City of Somerville Code of Ordinances to amend or add provisions related to Chapter 12, Article 4, Placement and Maintenance of Newsracks and Chapter 12, Article 1, General

The Mayor's Office of Strategic Planning and Community Development (OSPCD) respectfully requests that you forward to the Board of Aldermen (BOA) a proposed ordinance amending the City of Somerville Code of Ordinances, Chapter 12, Article 4, Placement and Maintenance of Newsracks to amend or add provisions related to newsboxes and the installation, maintenance, and management of a modular newsrack program and Chapter 4, Article 1, General. Concurrent with this proposed ordinance, OSPCD staff are requesting authorization to enter into a contract exceeding three (3) years with City Solutions, Inc. to operate a modular newsrack program that will extend for ten (10) base years with up to five (5) additional option years.

Background

Independent newsboxes with free and paid publications are prevalent throughout Somerville's corridors and neighborhoods. At times, they create an eyesore and do not conform to ADA regulations, creating pedestrian hazards. In 2005, the BOA passed an amendment to the Newsrack Ordinance which created regulations to monitor and enforce the legal placement and use of newsboxes throughout the city. The 2005 amendment also required publishers to apply for a certificate of compliance on an annual basis and affix permit stickers on all newsboxes accordingly. While the Newsrack Ordinance has increased the safe placement of these products, the volume of individual boxes and lack of coordination of placement continues to impede beautification efforts in key areas.

Proposed Ordinance

In order to facilitate the installation, maintenance and management of a modular



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newsrack program within public rights-of-way, amendment of the Newsrack Ordinance is needed. Staff has modified the Ordinance language in order to better manage those areas of critical importance to the City, specifically, the proposed operation of the program, management of the publishers, appearance and maintenance of the newsracks. Proposed changes include:

1. Distinguish between Newsracks and Newsboxes
 - In the proposed ordinance, new definitions are proposed for Newsboxes and Newsracks so that they can be distinguished from each other. In general terms, Newsracks are put in place as a result of a contract with the City and contain space for more than one periodical. Newsboxes are anything that is not a Newsrack and they typically contain one periodical and have a color or design that identifies that periodical. Newsboxes will continue to be regulated the way they are today with the exception that they must be located at least 300 feet away from an authorized Newsrack.
2. Newsrack Improvement Areas
 - OSPCD staff will work with the selected vendor to determine where Newsracks should be located. The area 300 feet around each of the approved Newsracks will become "Newsrack Improvement Areas" and no Newsboxes will be permitted within these areas. However, the City will consider, through the existing permit application process, placement of individual newsboxes outside of the Newsrack Improvement Areas.
2. Compliance and permit sticker fees
 - As proposed, the Newsrack program will be operated and managed by a vendor selected by the City through a competitive procurement process. The vendor will work directly with publishers to provide space within the Newsracks for their periodicals to be located. Publishers locating within approved Newsracks, within Newsrack Improvement Areas, will not be required to apply for a certificate of compliance and individual permit stickers from the City. Outside Newsrack Improvement Areas, publishers may place individual Newsboxes, but only after obtaining a certificate of compliance and Newsbox permit, and paying the associated fees.
3. Advertising
 - In order to fund the initial capital costs and operation of the newsrack program, the selected vendor will provide advertising on the Newsrack hardware. No content relating to alcohol, smoking/tobacco or weapons will be allowed and will be curtailed both in the proposed revisions to the Newsrack Ordinance and within the contract itself. The size of the advertising panels will vary according to the specific dimensions of the newsrack hardware in any given location but panels will be no larger than 30 inches by 88 inches. The City will receive a five (5) percent revenue share of the gross receipts from Newsrack advertising.

Recommendation

It is recommended that the BOA approve the ordinance amending the City of Somerville Code of Ordinances to amend or add provisions related to Chapter 12, Article 4, Placement and Maintenance of Newsracks and amending Chapter 12, Article 1, General.