

SDOT

Director's Rule 2-2014

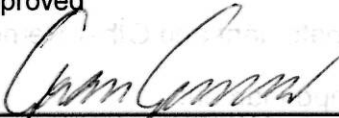
Applicant: CITY OF SEATTLE Seattle Department of Transportation (SDOT)	Page 1 of 11	Supersedes: N/A
	Publication: 2/10/2014	Effective: 3/10/2014
Subject: Requirements and placement standards for newsstands in the public place under the jurisdiction of the Seattle Department of Transportation	Code and Section Reference: Seattle Municipal Code Chapter 15.14	
	Type of Rule: Legislative	
	Ordinance Authority: SMC 3.12.020 and 15.14.070	
Index: Street and Sidewalk Use, Newsstands	Approved 	Date 3/10/14
	Goran Sparman, Interim Director Seattle Department of Transportation	

TABLE OF CONTENTS

1.0	References	3
2.0	Purpose of Rule	3
3.0	Definitions	3
4.0	Newsstand Requirements	5
5.0	Newsstand Conditions	6
5.1	Setbacks	6
5.2	Placement Standards	7
5.3	Contact Information	7
5.4	Newsstand Maintenance	8
5.5	Modular-Unit Newsstand Integration	8
6.0	Publisher, Newsstand Owner, or Publication Distributor Responsibilities	9
7.0	Relocation Coordination	9
8.0	Enforcement	10
8.1	Warnings	10
8.2	Abatement and Other Remedies	10
8.3	Impoundment	10
9.0	Request for Review or Reconsideration	11

1.0 References

- 1.1 Seattle Municipal Code (SMC or code) Title 15, Street and Sidewalk Use
- 1.2 SMC Title 11, Traffic Code
- 1.3 SMC Chapter 12A.08, Offenses Against Property
- 1.4 SMC Chapter 23.49, Downtown Zoning Overlay Maps

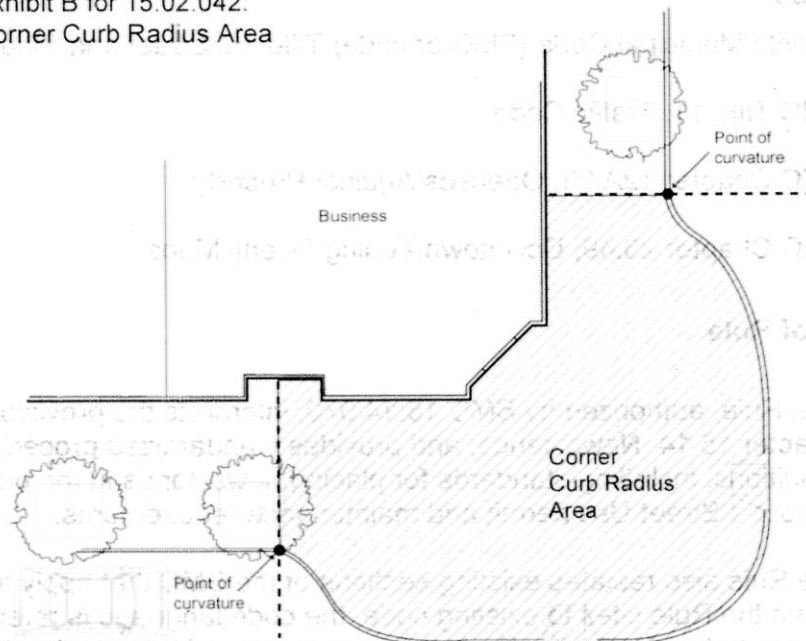
2.0 Purpose of Rule

- 2.1 This Rule, authorized by SMC 15.14.070, interprets the provisions of SMC Chapter 15.14, Newsstands, and provides standardized procedures and conditions, including standards for placing newsstands in the public place without a Street Use permit and maintenance requirements.
- 2.2 The Rule also restates existing sections of the SMC that apply to newsstands. When the Rule cites to existing code, the code language is referenced by a citation to the SMC after the heading or section of the rule that is citing the code.
- 2.3 Per SMC 15.14.010, this rule shall be interpreted and implemented in a manner to:
 - 2.3.1 Enable the public to acquire a wide variety of publications at convenient locations in public places;
 - 2.3.2 Facilitate the distribution of publications in public places as contemplated by Article I, Section 5, of the Constitution of the State of Washington and the First Amendment of the United States Constitution;
 - 2.3.3 Maintain the use of City right-of-way for travel and transportation and incidental authorized purposes and to retain the use of other public places for the purposes established;
 - 2.3.4 Consider the interests of owners and occupants of property adjacent to public places, while respecting the rights of all users of the public place; and
 - 2.3.5 Preserve the appearance of public places, encourage improvements that make public places more pleasing, and promote the use of modern, aesthetic newsstands in congested areas.

3.0 Definitions

- 3.1 "Corner curb radius area" means the area that includes the intersection of two sidewalks bounded by the adjoining corner or curb bulb and curb ramps (Exhibit B for 15.02.042: Corner Curb Radius Area). If the start of the point of curvature for the curb bulb or curb radius occurs beyond the sidewalk intersections, the area shall be extended to the point of curvature for the curb bulb or curb radius. (SMC 15.02.042)

Exhibit B for 15.02.042:
Corner Curb Radius Area

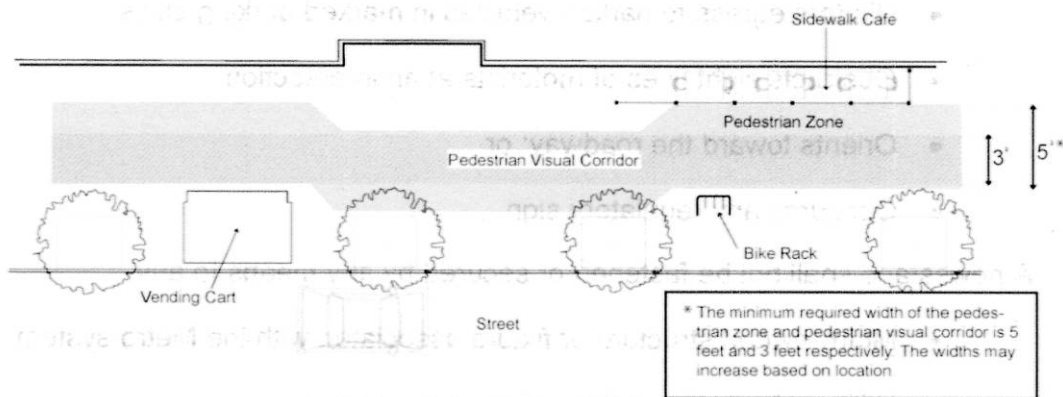


3.2 "Curb or curblines" means the edge of a roadway whether marked by curbing construction or not. (SMC 11.14.145)

3.3 "Newsstand" means any stand, box, structure, rack, or other device that is designed or used for the sale or distribution of newspapers, periodicals, magazines, or other publications, or any combination of the above. (SMC 15.02.046)

3.4 "Pedestrian zone" means the area or space of the public place or roadway that is reserved for the exclusive use of pedestrians (Exhibit A for 15.02.046: Pedestrian Zone/Pedestrian Visual Corridor). (SMC 15.02.046)

Exhibit A for 15.02.046
Pedestrian Zone / Pedestrian Visual Corridor



3.5 "Public place" means public right-of-way and the space above or beneath its surface, whether or not opened or improved, including streets, avenues, ways, boulevards, drives, places, alleys, sidewalks, planting strips, squares, triangles, and plazas that are not privately owned. (SMC 15.02.046)

3.6 "Publisher" means the owner or distributor of a newspaper or other publication distributed through a newsstand. (SMC 15.02.046)

4.0 **Newsstand Requirements.** (SMC 15.14.030) The following requirements apply to all newsstands in the public place.

4.1 All newsstands in a public place shall:

- Align parallel with and be placed at least 18 inches from the curb;
- Allow at least a 5-foot clear pedestrian zone for pedestrian passage;
- Be detectable by pedestrians using canes for guidance;
- Be maintained in a safe condition;
- Be able to withstand strong winds; and
- Be in good repair at all times.

4.2 A newsstand shall not be placed in a manner that:

- Obstructs the use of any crosswalk, wheelchair ramp, driveway, hydrant, or City emergency facility;
- Impairs loading at a bus, taxi, passenger, or truck loading zone;
- Hinders egress to parked vehicles in marked parking stalls;
- Obstructs sight lines of motorists at an intersection;
- Orients toward the roadway; or
- Obscures any regulatory sign.

4.3 A newsstand shall not be fastened or secured by any means to any:

- Metro-owned structure or fixture associated with the Metro system;
- Utility pole, traffic control pole or sign, or tree;
- City-owned structure or fixture; or
- Other public property except as fastened to a public place as approved by the SDOT Director.

4.4 A newsstand shall not contain advertising placed on the outside of the newsstand except for advertising that relates exclusively to the publication or publications sold in the newsstand.

5.0 Newsstand Conditions. The following standards apply to all newsstands in the public place:

5.1 Setbacks. Setbacks are required from the following:

5.1.1 5 feet from alleys, driveways, disabled-person parking zones, and commercial loading zones;

5.1.2 5 feet from curb ramps and fire hydrants;

5.1.3 The corner curb radius area depicted in Exhibit B for 15.02.042: Corner Curb Radius Area definition 3.1 shall be kept clear of newsstands unless the Traffic Engineer determines the area outside of the pedestrian zone is not required to facilitate pedestrian movement; and

5.1.4 A larger or smaller setback distance or a wider pedestrian zone may be required by the SDOT Director to provide for pedestrian passage, traffic management, or any other public transportation purpose. Examples of

where the Director may require more than the minimum pedestrian-zone width include, but are not limited to:

- Areas with high peak-period pedestrian volumes;
- When analysis determines a wider pedestrian zone is necessary to accommodate pedestrian movement;
- When approved street-design plans call for additional sidewalk and pedestrian zone width; or
- When transit-loading zones, public plazas, art installations, and pedestrian access points are present and large volumes of pedestrians circulate.

5.1.4.1 If the SDOT Director requests that existing newsstands be relocated due to any of the reasons in this subparagraph 5.1.4, the SDOT Director will work with the newsstand owner to determine a reasonable alternative location.

5.2 Placement Standards

5.2.1 A newsstand shall not be permanently affixed to the surface of any public place. A modular unit newsstand for multiple publications or freestanding newsstand may, however, be bolted to a sidewalk if the owner or publisher complies with the setback and placement standards in this rule; and upon removal, restores the sidewalk surface.

5.2.2 Newsstands may not be located in tree pits or adjacent to or across from other pre-existing permitted uses, like sidewalk cafes or vending, in such a way as to impair pedestrian access to the permitted use.

5.3 Contact information

5.3.1 Every newsstand in any public place shall have a contact information decal that identifies the name and telephone number of the publisher, newsstand owner, or publication distributor that is responsible for placing or maintaining the newsstand. The decal may also contain a website address to submit newsstand-related issues.

5.3.2 The contact information decal shall be affixed on the exterior of the newsstand at all times. The decal shall be prominently displayed and viewable by the public.

5.3.3 The decal shall be white with contrasting black lettering and the font shall be no smaller than 24 point.

5.3.2 Every publisher, newsstand owner, or publication distributor responsible for placing newsstands shall provide to SDOT a current listing of newsstands placed in public places. The listing provided to SDOT shall be updated as newsstands are placed or removed from public places. The listing may be provided and updated in an electronic format.

5.4 Newsstand Maintenance

5.4.1 The publisher, newsstand owner, or publication distributor shall maintain the newsstand accordingly:

- The newsstand shall be fully operational;
- The newsstand shall be maintained in a clean condition;
- The newsstand's exterior shall be maintained in a rust-free condition and restored areas repainted to the original color of the newsstand;
- The newsstand's glass or plastic windows shall be replaced when broken;
- Graffiti, stickers, or other material affixed to the newsstand that are not related to the publication shall be removed, and any paint damaged by the removal shall be repainted to the original color of the newsstand; and
- The newsstand shall be kept free of garbage, debris, and other material unrelated to the published material dispensed from the newsstand.

5.4.2 **Mutual Assistance.** Any publisher, distributor, or newsstand owner discovering any newsstand condition requiring correction to comply with this rule or SMC Title 15 may inform the other publisher, distributor, or newsstand owner responsible for the newsstand of the newsstand's condition, and may notify SDOT who will coordinate and mediate compliance measures. SDOT may also inform the publisher, distributor, or newsstand owner of any newsstand condition requiring correction prior to submitting a warning as described in Section 8.1.

5.4.3 **Newsstand Theft and Vandalism.** Newsstands in the public place are private property. A person cannot intentionally damage the property of another, including writing, painting, or drawing any inscription, figure, or mark on the newsstand or steal the property of another. Property destruction is a gross misdemeanor. (SMC 12A.08)

5.5 Modular-Unit Newsstand Integration. (SMC 15.17.090) Modular-Unit Newsstands Developers within the Downtown Zones (SMC Chapter 23.49) and other City neighborhoods shall consider integrating modular-unit newsstands as part of the planning for projects involving the construction or reconstruction of a substantial segment of sidewalk or other open areas for pedestrian use and to use modular-unit newsstands wherever practical.

6.0 Publisher, Newsstand Owner, or Publication Distributor Responsibilities

6.1 Only publications supplied by the publisher, newsstand owner, or publication distributor for distribution in the newsstand may be located in the newsstand.

6.2 The publisher, newsstand owner, or publication distributor shall not store non-publication supplies or materials in the newsstand, and shall not store any publications or other materials on the adjoining public place.

6.3 The publisher, newsstand owner, or publication distributor shall maintain the adjoining and abutting public place free of all refuse of any kind generated from the newsstand's operation.

6.4 The surface of the public place shall not be altered and fixtures of any kind shall not be installed in the public place unless authorized by SDOT.

6.5 The publisher, newsstand owner, or publication distributor shall temporarily remove the newsstand and clear the public place as the SDOT Director deems necessary to accommodate for:

6.5.1 Access to abutting properties or utilities;

6.5.2 Street construction, maintenance, or other primary street uses;

6.5.3 Pedestrian or traffic-movement activity, or other primary street uses permitted under Title 15; or

6.5.4 Public safety purposes.

7.0 Relocation Coordination. To accommodate construction or maintenance projects or for primary street uses, the City may require that the newsstands be temporarily relocated or removed at a particular location.

7.1 For all private and public projects in the right-of-way, newsstand owners will be given at least a 10-business-day notice of a request for removal or relocation and will provide an estimated project completion date. Whenever possible, accommodations shall be made to return newsstands to their previous location or to work with newsstand owners to determine a reasonable alternative location within the block face where the newsstand was previously located.

7.2 SDOT shall amend the Street Use permit boilerplate language to require that third-party contractors give a 10-business-day notice to newsstand owners when their construction or maintenance activity requires temporary relocation or removal of newsstands and to incorporate the newsstands back at the original location, or reasonable alternative location, after construction is complete.

8.0 Enforcement. (SMC 15.14.150) As long as the newsstand does not pose a public safety hazard, SDOT may defer enforcing the newsstand condition standards of Section 5.0 at a location until a complaint is made by a publisher, publication distributor, newsstand owner, property owner, or member of the public.

8.1 Warnings. The Director may, in an exercise of discretion, issue a warning to a publisher, publication distributor, newsstand owner, or other person or entity responsible for the violation ("violator") for not adequately maintaining newsstands in the public place, or for being in violation of SMC 15.14, or this Rule. The violator shall comply with the warning by the compliance date identified in the warning.

8.2 Abatement and Other Remedies. (SMC 15.91.030; 15.91.045) If any newsstand in a public place continues to violate Chapter 15.14 or this Rule after an enforcement action taken according to Chapter 15.91, the SDOT Director may declare the newsstand a nuisance and it may be subject to abatement by the City in the manner authorized by law. The Director may also seek other legal or equitable relief at any time to enjoin any acts or practices that violate the provisions of Chapter 15.14 or this Rule.

8.3 Impoundment. (SMC 15.14.070) A newsstand may be impounded by SDOT after giving the publisher, newsstand owner, or publication distributor a 5-day notice under the following circumstances:

- Violating the provisions of SMC Chapter 15.14;
- After a newsstand has been unused for 30 days; or
- 10 days after the publisher discontinues publication.

8.3.1 A newsstand may be impounded by SDOT without notice if an emergency or unsafe condition exists.

8.3.2 SDOT may dispose of any impounded newsstand that is not claimed by the publisher, newsstand owner, or publication distributor within 30 days from the date of impound.

8.3.2 Any newsstand that has been impounded or abated by SDOT may be subject to an impound fee as established in the SDOT Street Use Permit Fee Schedule, if the publisher, newsstand owner, or publication distributor seeks to claim the property from SDOT.

9.0 Requests for Review or Reconsideration (SMC 15.14.080; 15.04.112)

Any person, publisher, newsstand owner, or publication distributor aggrieved by: the placement of a newsstand in a public place under the jurisdiction of SDOT, or an action of the SDOT Director with respect to a newsstand, may seek review of the action or request a review or reconsideration of a newsstand decision to the SDOT Director by filing a written request within 10-calendar days after the SDOT action or of the date of the SDOT decision. The request must identify the action being appealed or decision for which review or reconsideration is requested, grounds for objecting to the action or decision based on City standards, and the specific remedy being proposed. Unless an emergency or an unsafe condition exists, a newsstand already in place shall remain in place during a review until the SDOT Director makes a final decision.

The Director will designate a review officer who will make a recommendation to the Director. The Director may, at the Director's discretion, stay implementation of a decision pending review or reconsideration. On review, the Director may sustain, modify, prohibit, or reverse any newsstand placement. The Director's decision on a review or reconsideration is final and conclusive, subject to judicial review.

The request for review or reconsideration shall be submitted to:

Director of Transportation
Seattle Department of Transportation
700 Fifth Avenue, Suite 3900
PO Box 34996
Seattle WA 98124-4996

With a copy to:

Division Director
Street Use and Urban Forestry Division
700 Fifth Avenue, Suite 2300
PO Box 34996
Seattle WA 98124-4996

Request for Review of Record - Identification (MFL 100-100000-100)

The following information was obtained from a review of the records of the Department of Corrections, State of Florida, for the period of 10/1/1980 to 10/31/1980. The records reflect that the individual identified in the request for review was arrested on 10/1/1980 at the Miami-Dade County Jail, Miami, Florida. The individual was held in custody at the Miami-Dade County Jail until 10/2/1980, when he was transported to the Florida State Prison, Raiford, Florida. The individual was assigned to the 10th Correctional Institution, Raiford, Florida. The individual was held in custody at the 10th Correctional Institution until 10/31/1980, when he was released on parole. The individual was released on parole for a period of 10 years, beginning on 10/31/1980 and ending on 10/31/1990. The individual was released on parole for a period of 10 years, beginning on 10/31/1980 and ending on 10/31/1990.

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The request for review of the records of the Department of Corrections, State of Florida, for the period of 10/1/1980 to 10/31/1980, is hereby granted.

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100 South Florida Avenue, Suite 2000
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