

ORDINANCE

WHEREAS, The City of Chicago (“City”) has a substantial interest in preserving public safety and reducing hazards to pedestrian, bicycle, vehicular, and other forms of traffic; and

WHEREAS, The City is a home rule unit of government by virtue of the provisions of the Constitution of the State of Illinois of 1970, and as such, may exercise any power and perform and function pertaining to its government and affairs; and

WHEREAS, Pursuant to an ordinance relating to street furniture adopted on June 9, 1999, and published in the Journal of Proceedings of the City Council of the City of Chicago for such date at pages 5442 to 5453 (the “Newsrack Ordinance”), the City established a program for the provision of multiple newsracks on the public way (the “Multiple Newsrack Program”); and

WHEREAS, In accordance with the Newsrack Ordinance, the City and JCDecaux Chicago, LLC (“JCDecaux”) are party to that certain Coordinated Street Furniture Program Agreement dated June 28, 2022, as amended by Amendment No.1 dated December 14, 2015, and as amended by Amendment No. 2 dated November 9, 2017 (as amended, the “Agreement”); and

WHEREAS, In the decades since the establishment of the Multiple Newsrack Program, the newspaper market has dramatically changed; as a result, most of the remaining multiple newsracks are in a state of disuse and disrepair, and utilized for illicit or illegal activities, such as “drop boxes” for the sale of controlled substances, hiding places for unlawful firearms and other weapons, and the storage of personal goods in the public way in violation of the Municipal Code; and

WHEREAS, In light of such changes and the disuse and misuse of the existing multiple newsrack in the City, the City desires to end the Multiple Newsrack Program; and

WHEREAS, Since the adoption of the Newsrack Ordinance, there has been a proliferation of cheaper alternative channels for the newspapers, periodicals, and other publications to communicate their respective messages, most notably the internet and social media, and such newspapers, periodicals or other publications would remain free to establish individual newsrack in accordance with applicable law; now, therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. The above recitals are incorporated herein and made a part hereof.

SECTION 2. Section 1 of the Newsrack Ordinance is hereby deleted in its entirety.

SECTION 3. Article XI-A of Chapter 10-28 of the Municipal Code of the City of Chicago is hereby amended by deleting the language struck through, and by inserting the language underscored, as follows:

10-28-750 Definitions.

As used in this article, unless the context clearly requires otherwise:

“Newsrack” means any self-service or coin- operated box, container or other dispenser installed, used, or maintained on the public way for the sale or distribution of newspapers, periodicals or other publications from that dispenser.

“Distributor” means the person responsible for placing, installing or maintaining a newsrack on the public way.

“Public way” shall have the meaning ascribed to the term in Section 1-4-090 of this Code.

“Commissioner” means the ~~commissioner of transportation or his or her~~ Commissioner of Transportation or their designee.

“Central Business District” has the meaning ascribed to the term in Section 9-4-010.

~~“Multiple newsrack” means a newsrack designed to dispense two or more different publications.~~

“Intersection” means that portion of the public way which surrounds the intersecting portion of two or more roadways, extended along each roadway to the midpoint of each block.

10-28-755 Newsracks permitted on public ways.

Notwithstanding Section 10-28-010 or 10-28-040 or any other provision of this Code, newsracks may be placed on the public way as permitted by this article.

10-28-760 Newsracks – Installation; maintenance.

No newsrack shall be placed, installed or maintained:

- (a) Within five feet of any marked or unmarked crosswalk.
- (b) Within five feet of a fire hydrant.
- (c) At any location where the clear space for the passageway of pedestrians is reduced to less than six feet in the Central Business District, or less than three feet outside the Central Business District.
- (d) On any area of lawn, flowers or shrubs or other similar landscaping, or in such a manner where ordinary use of the newsrack will cause damage to such landscaping.
- (e) Within five feet of any driveway, alley, loading zone, handicapped ramp or curb cut.
- (f) On any grating or manhole cover.
- (g) On any surface where the newsrack will cause damage to or interfere with the use of any pipes, vault areas or telephone or electrical cables and wires.

~~(h) In the case of a multiple newsrack, within two feet of a curb face.~~

~~(i)(h)~~ Within the initial 20 feet of any area used by the Chicago Transit Authority for loading and unloading passengers at a bus stop, measured from the front position of the bus.

~~(j) Within a multiple newsrack area except as permitted by this article.~~

~~(k) Outside of a multiple newsrack area but within 200 feet of a multiple newsrack lawfully situated within such an area.~~

~~(l)(i)~~ Within five feet of a bicycle parking rack.

~~(m)(j)~~ Within five feet of a bicycle share station.

10-28-765 Newsracks weighted for stability and safety.

(a) Each newsrack shall be sufficiently weighted to provide stability and safety. Newsracks shall be maintained in orderly rows. Within the central business district, no newsrack shall be chained, tied or otherwise fastened to a tree, signpost, streetlight, telephone pole or other fixture on the public way.

(b) Each newsrack shall be maintained undamaged and in good operating order at all times and shall be kept free of graffiti and of litter and other debris. Newsracks shall be kept reasonably free of chipped, faded, peeling and cracked paint.

(c) Each newsrack shall be plainly marked with the name, address and business telephone number of the distributor.

(d) Not later than June 1 of each year, every distributor shall submit to the ~~commissioner~~ Commissioner a list, in a form specified by the ~~commissioner~~ Commissioner, of the locations of all of the distributor's newsracks that were situated on the public way as of May 1 of that year.

(e) A newsrack that remains severely damaged and beyond repair or empty for a period of 30 days or more shall be considered abandoned and in violation of this article.

10-28-770 Coin slots; height requirements; etc.

No person shall place, install or maintain a newsrack on the public way if such newsrack exceeds 26 inches in width, 26 inches in depth, or 50 inches in height; provided, however, that a coin slot not exceeding ten inches in width, ten inches in depth, or 25 inches in height, may be attached to the top of the newsrack, as long as the combined height of the newsrack and coin slot does not exceed 65 inches. ~~This prohibition does not apply to multiple newsracks that are placed, installed or maintained within a multiple newsrack area in accordance with this article.~~

10-28-775 Advertising signs on newsracks prohibited.

No person shall place, install or maintain on any newsrack on the public way an advertising sign or other off premise sign as defined in Section 17-17-02108 of the Chicago Zoning Ordinance.

~~10-28-781 Multiple newsrack area.~~

~~(a) The commissioner of transportation, after consultation with the commissioner of planning and development and the alderman of any affected ward, may designate any portion or portions of the public way as a multiple newsrack area. The area need not be contiguous. Within such an area, the placement, installation and maintenance of newsracks shall be prohibited, except as authorized by contract awarded under this section for the placement, installation and maintenance of multiple newsracks. The commissioner of transportation shall make such designation only if the commissioner determines that the designated area contains on each intersection within the area all or a portion of a group of at least five newsracks that are separated by a combined distance of 12 feet or less, and that the area requires such designation based upon the following considerations:~~

~~(1) The current number of newsracks within or near the proposed area so as to avoid undue concentration of newsracks;~~

~~(2) The impact on pedestrian and vehicular traffic and accessibility to public transportation;~~

~~(3) The impact on and proximity to buildings used for residential purposes;~~

~~(4) The resources available to the city to enforce the requirements and restrictions in the proposed area;~~

~~(5) The inconsistency of individual newsracks with the character of the surrounding streetscape;~~

~~(6) The availability or likely availability of a contractor to provide multiple newsracks in a proposed area.~~

~~Before making any such designation, the commissioner shall conduct a survey of existing newsracks, and shall solicit comments from members of the public, community organizations and representatives of newspapers, including any task force organized for the purpose of evaluating or monitoring multiple newsrack programs, and shall consider those comments when determining whether to make the designation. Before making any such designation, the commissioner also shall issue written findings detailing the reasons for such designation. The territory of a multiple newsrack area may be decreased or enlarged in the same manner as the original designation. The restrictions in this section and subsections (j) and (k) of Section 10-28-760 shall not apply until compartments in multiple newsracks at each intersection within the designated area have been made available to persons distributing publications. In addition, the restrictions in this section and subsections (j) and (k) of Section 10-28-760 shall not apply to prohibit the placement of a newsrack dispensing a publication from a location that is further than 400 feet from any newspaper stand or multiple newsrack or any location at which an individual newsrack may be lawfully placed, measured by traversing the public way.~~

~~(b) The authority to place, install and maintain multiple newsracks in a multiple newsrack area shall be awarded by contract to a qualified respondent pursuant to a publicly advertised request for proposals issued by the chief procurement officer. The contract shall authorize the installation of at least one multiple newsrack at every intersection in the proposed area, and at other appropriate locations designated in the contract. The contract shall require the contractor to provide space in multiple newsracks at each intersection sufficient to accommodate the number of publications that had been distributed in single newsracks at the intersection at the time of the most recent survey upon which the designation is based, unless the commissioner determines that the requirements of this Code, or the existence of street furniture or other physical limitations,~~

~~prohibits such accommodation. The contract may also require the contractor to remove unlawful newsracks as provided in Section 10-28-785. The contract shall include performance standards applicable to the contractor, and penalties for the failure of the contractor to meet those standards. Separate contracts may be awarded for the fabrication and maintenance of multiple newsracks, if appropriate.~~

~~(c) The chief procurement officer shall determine which respondents shall be awarded contracts pursuant to evaluation criteria based upon the following considerations:~~

~~(1) The ability of the respondent to place, install and maintain multiple newsracks of suitable design and quality within the multiple newsracks area; to remove unlawful newsracks as required by the contract; and to perform other obligations under the contract;~~

~~(2) The ultimate financial cost or economic benefit to the city if a contract is awarded to that respondent;~~

~~(3) The degree of participation of minority and women-owned businesses in the contract to the extent that preferences for such business are permitted by law; and~~

~~(4) The esthetic appeal and durability of the newsracks proposed by the respondent.~~

~~In addition to the considerations set forth above, a respondent may be subject to state and city standards and disclosure requirements that are applicable to bidders on and parties to city contracts in general. No advertising, other than to identify or display publications that are offered in the newsrack, may be displayed on any multiple newsrack.~~

~~(d) Any person awarded a contract under this section must place, install and maintain multiple newsracks only as permitted by the contract, this article and the rules and regulations promulgated under this article.~~

~~(e) The commissioner shall, after consulting with members of the public, community organizations, and representatives of newspapers, including any task force organized for the purpose of evaluating or monitoring multiple newsrack programs, promulgate rules under which publications shall be assigned to compartments within multiple newsracks maintained by the contractor. The rules shall provide for the random assignment of such publications without regard to the content of the publications, except that the rules may:~~

~~(1) Limit access of each publication to one compartment at each intersection whenever the number of publications sought to be distributed exceeds the number of compartments available;~~

~~(2) At a particular intersection, give preference to publications with five or more different daily editions published each week, but only if the commissioner determines that, in the absence of such preference, more than 20 publications would be entitled to be distributed from multiple newsracks at that intersection; and~~

~~(3) At a particular intersection, give preference to publications that had been contained in single newsracks that were replaced with multiple newsracks at that intersection.~~

~~The rules shall provide that, if a publication that was not distributed in an intersection in a multiple newsrack area during a prior assignment requests the use of a compartment in a multiple newsrack at that intersection and if there is no such available compartment, a new application~~

~~and assignment process shall be conducted promptly for that intersection pursuant to those rules; provided that no more than one new application and assignment process need be conducted at any intersection in any six month period. The rules also shall provide that any compartment that remains empty for a period of 30 days shall be deemed vacant and may be assigned to another publication pursuant to this section. In no event may a publication be prevented from being distributed in at least one multiple newsrack at each intersection within a multiple newsrack area unless the commissioner excludes from the intersection, pursuant to rules promulgated under paragraph (e)(2) and/or (e)(3) above, publications with fewer than five different daily editions published each week that had not been contained in single newsracks at that intersection. If, pursuant to rules promulgated under this section, the commissioner excludes from any intersection one or more publications that seek to be distributed at that intersection, the commissioner shall do so by giving preference to publications based upon the greatest number of times per week that the distributor of the publication intends to replenish the newsrack with the publication, using numbers provided by the distributor under oath. In the event of a tie, the commissioner shall exclude the tied publications randomly.~~

~~(f) A contract awarded pursuant to this section may contain such penalties, rewards or other inducements as the commissioner or the corporation counsel considers necessary to further the purposes of this article, shall provide that a contractor forfeit any multiple newsracks that it fails to maintain in good repair and free from graffiti and may provide for arbitration as a means for settling disputes arising under the contract. Any such contract may include a provision, in a form subject to the approval of the corporation counsel, for indemnification of the contractor by the city against claims and liabilities arising out of the contractor's removal of newsracks under this article. The contract shall prohibit the contractor from charging any fee to publications distributed from a multiple newsrack.~~

10-28-785 Notice of violations.

(a) ~~If the commissioner~~Commissioner has reason to believe that a newsrack has been placed, installed or maintained on a public way in violation of this article, including any regulation promulgated thereunder, ~~the commissioner~~Commissioner shall cause to be placed a notice of violation upon the newsrack. The notice of violation shall state that the newsrack will be removed and destroyed unless the newsrack is brought into compliance with this article within ten business days of the date of the notice. If the newsrack is not removed or brought into compliance within such ten-day period, and if no hearing has been requested under this section within such period, ~~the commissioner~~Commissioner may remove and destroy the newsrack at the expense of the distributor. The notice given under this section also shall state that the distributor may, within ten days of the date of the notice, request a hearing at which the distributor will be given an opportunity to contest the allegations of the complaint or to demonstrate that the conditions constituting a violation of this article have been remedied. Any interested person shall be given a reasonable opportunity to be heard at the hearing. If, after the hearing, ~~the commissioner~~Commissioner determines that a violation of this article continues to occur, ~~the commissioner~~Commissioner shall order the distributor to remove the newsrack from the public way.

(b) Any newsrack that remains on the public way for more than ten days after it has been ordered removed pursuant to this section shall be removed and destroyed by ~~the commissioner~~Commissioner at the expense of the distributor.

(c) Notwithstanding any other provision of this section, ~~the commissioner~~Commissioner may require a distributor to remove or relocate a newsrack when such removal or relocation is necessary to accommodate a public or private construction or repair project or similar activity. In

cases where immediate removal of the newsrack is necessary to protect the health or safety of the public, the ~~commissioner~~ Commissioner may remove or relocate the newsrack at the distributor's expense and promptly give written notice to the distributor at the address identified on the newsrack of such removal or relocation thereafter. In all other cases, the ~~commissioner~~ Commissioner shall cause a notice to be placed upon the newsrack, or shall give written notice to the distributor at the address identified on the newsrack, stating that the newsrack must be removed or relocated within ten days of the date of the notice and the reason for the removal or relocation. If the newsrack is not removed or relocated within the time specified by the ~~commissioner~~ Commissioner, the ~~commissioner~~ Commissioner shall remove and destroy or relocate the newsrack at the distributor's expense. The ~~commissioner~~ Commissioner may return a newsrack he or she has not yet destroyed if the distributor reimburses the city for its costs.

(d) Any newsrack that is subject to removal and destruction may, at the discretion of the ~~commissioner~~ Commissioner, instead be moved to a nearby location when practicable.

10-28-790 Penalty for violation.

Any person who violates this article, including any rules or regulations promulgated thereunder, shall be subject to a fine of not less than \$25.00 and not more than \$200.00. Each day that a violation occurs shall constitute a separate and distinct offense.

SECTION 4. Distributors of publications previously available at multiple newsracks removed pursuant to this Section may install a newsrack at the approximate location of the former multiple newsrack area, subject to and in accordance Article XI-A of Chapter 10-28 as amended by this ordinance.

SECTION 5. The Chief Procurement Officer, in consultation with the Commissioner of Transportation, shall negotiate and execute an amendment to the Agreement reflecting the terms of this ordinance. Notwithstanding any provision of the Agreement to the contrary, including Sections 4.4 and 4.9, the Commissioner of Transportation shall direct JCDecaux to begin removing multiple newsracks installed under the Agreement in accordance with this ordinance.

SECTION 6. This ordinance shall take effect upon passage and approval.



Brendan Reilly
President Pro Tempore