




MEMORANDUM

Date: September 14, 2023

To: Honorable Mayor and Commissioners

Via: Albert P. Childers 
City Manager

From: John Wilkins
Parking Director

Subject: **Amendment to Chapter 62, Article V. of the Key West Code of Ordinances regulating news racks on the public right-of-way by creating comprehensive general liability insurance requirements.**

Introduction

The Parking Division requests amending Chapter 62, article V of the Key West Code of Ordinances for news racks to create a requirement for a Distributor to carry comprehensive general liability insurance with limits of liability of not less than \$1,000,000.00.

Background

The City of Key West regulates the news racks on the City right-of-way for reasons that include reducing unnecessary exposure of the public to person injury or property damage and prevention of unreasonable interference with the flow of pedestrians.

To this end, the Parking Division requests amending Chapter 62, Article V of the Key West Code of Ordinances to require Distributors who place news racks on public property to furnish a current comprehensive general liability insurance with limits of liability not less than \$1,000,000.00. This is in addition to the required written indemnifications or hold harmless statement. This insurance requirement is like other insurance requirements of the City, such as for a revocable license for a sign placed in the public right-of-way and for a revocable license for an awning over the public right-of-way. Both licenses require \$1,000,000.00 general liability insurance coverage.

Nothing in Chapter 62, Article V of the Key West Code of Ordinances affects agreements between a private property Owner and a Distributor to display news racks on private commercially zoned property.

News rack Distributors will have 180 days to come into compliance with these changes upon approval by the City Commission.

Based on Public Comments following the first reading of this proposed change, the Parking Division is no longer requesting a change in the City of Key West Code of Ordinances to provide news rack permit issuance priority based on the frequency of publication.

If more than 4 Distributors apply for a new news rack permit location, or more than 1 Distributor for a new Duval Street news rack permit location, there will be a lottery for the new location with each applicant having an equal opportunity to be selected by chance for the location.

Procurement

The proposed amendment would not have any direct financial impact on the City. In 2023, the City issued 575 news rack permits with an annual fee of \$20.00 each. The annual revenue to the City from News racks is approximately \$11,500.00.

Recommendation

The Parking Division recommends amending Chapter 62, Article V of the Key West Code of Ordinances regulating news racks in the public right-of-way as depicted in the draft Ordinance for section 62-178.