

## **Regulations for City-Owned News Bins in the Downtown Business District**

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The City of Prescott owns news bins in the Downtown Business District. Only permitted users, through a City application process, will have the right to use these City-owned bins. The City is responsible for maintaining the clean appearance of the outside of the bins. Permitted users are responsible for the inside of their assigned bins. The City of Prescott will regularly inspect the bins to verify proper use and maintenance. These regulations are adopted to help permitted users and the City of Prescott maintain a professional, working relationship.

### **A. Definitions**

1. City of Prescott. "City of Prescott" shall mean the municipal corporation known as the City of Prescott and any representatives, agents, employees and/or designee acting on behalf of the City of Prescott.
2. Bins. "Bins" shall mean City of Prescott owned publication containers within the Downtown Business District that are used for the distribution of newspapers, magazines, periodicals or other printed materials.
3. Permitted Users. "Permitted Users" shall mean publication owners who have gone through the proper application process and who are responsible for the use and maintenance of their permitted bins.

### **B. Application and Placement Process**

1. Interested publication owners must complete the application process through the City of Prescott website.
2. Bins will be on a first come, first serve basis.
3. Remaining publications will be placed on a waiting list for the next vacancy.

### **C. Use of Bins**

1. Bins are to only be used by permitted users for the publications permitted through the application process.
2. Bins shall remain clean and free of trash.
3. Bins shall be filled regularly.
4. Permitted users shall only use the half-window space directly in front of their publications.

### **D. Violations**

1. Bins shall not be used by unpermitted users.
2. Permitted users shall not damage the bins.
3. Permitted users shall not remove, replace or damage any other bins' contents.
4. Permitted users shall regularly inspect their designated locations for trash and filth.
5. Bins shall not be left empty for extended periods of time. A permitted use will be deemed abandoned after thirty (30) days of non-use.
6. Permitted users shall not use another publication's window space.
7. No other bin/s (other than City-owned bins) shall be placed in the Downtown Business District, per City Code.

- i. Improperly placed non-City-owned bins in the Downtown Business District will be collected and held by the City of Prescott. Failure of a non-City-owned bin owner to affirmatively request their bin back from the City of Prescott within thirty (30) calendar days from the date the City took possession will result in the bin being deemed abandoned property. The City may dispose of the abandoned property as allowed by law.
8. Any publication offered in a news bin placed and maintained by the City of Prescott shall not be displayed or exhibited in a manner which exposes to public view, from any public place, sexually explicit material as that term (“explicit sexual material”) is defined in Arizona Revised Statute, Section 13-3507.

E. Penalties for Violations

1. Any permitted user in violation of any provision of these regulations will be deemed nonconforming.
2. In the event that the City of Prescott determines that a permitted user does not comply with the provisions of these regulations, the City shall provide written notice of such determination to the permitted user. The notice shall specify the nature of the violation and the location of the violation.
3. If a second violation is determined to have been committed, the City shall provide written notice of such determination to the permitted user. The notice shall specify the nature of the violation and the location of the violation.
4. In the event of a third violation, the City of Prescott will suspend the permitted user’s application and the permitted user will be placed on a waiting list for the next available vacancy.
5. In the event of a fourth violation, the City of Prescott shall invalidate the permitted user’s application and they will not be allowed future use of the City-owned bins within the Downtown Business District.
6. In the event that a bin position is abandoned, the City of Prescott may invalidate the permitted user’s application. For the purposes of this section, the term “abandonment” shall mean no publication has been displayed in the permitted bin for a period of thirty (30) consecutive days, no prior written notice has been given by the permitted user to the City specifying the reason(s) for nonuse, and the condition of the rack and related circumstances indicate that it will not be actively used within a reasonable period of time. If a publication owner would like to request bin use after their application has been invalidated due to abandonment, the application process must be restarted.
7. In the event that the City of Prescott determines that a violation has occurred and has given notice of violation to the permitted user, the permitted user may make a written request for a hearing within ten (10) calendar days from the date of the notice of violation. The hearing may be requested by mailing a written request to City of Prescott Code Compliance Division, 201 S. Cortez Street, Prescott, AZ 86303, or via electronic mail to [code.compliance@prescott-az.gov](mailto:code.compliance@prescott-az.gov). Code Compliance Division inspectors can be reached by phone at 928-777-1320. In the event that a hearing is held pursuant to this section, the City of Prescott shall render a decision, in writing, within ten (10) days from

the date of the hearing. The written decision shall be mailed to the permitted user and shall be considered effective on the date mailed provided that the notice is properly addressed and placed in the U.S. Mail as certified mail.

8. If no hearing is requested by the permitted user within ten (10) days then responsibility for the violation will be presumed by the permitted user.