



To: General Purposes Committee  
From: Wayne Mercer  
Manager, Community Bylaws

Date: January 16, 2006  
File: 8060-20-7954

Re: Use of Public Streets and Other City Property Bylaw  
Permitting of Newspaper Distribution Boxes

**Staff Recommendation**

1. That the Council Policy of 1985 concerning newspaper vending boxes be rescinded, and;
2. That the following bylaw be given first, second and third reading:

Bylaw 7954, "The Use of Public Streets and Other City Property"

Wayne Mercer  
Manager, Community Bylaws  
(604.247.4601)

Victor Wei  
Acting Director of Transportation  
(4131)

Att. 1

FOR ORIGINATING DIVISION USE ONLY					
ROUTED TO:		CONCURRENCE		CONCURRENCE OF GENERAL MANAGER	
Engineering .....	Y	<input checked="" type="checkbox"/>	N		
Business Licences.....	Y	<input checked="" type="checkbox"/>	N		
Law .....	Y	<input checked="" type="checkbox"/>	N		
Parks Design, Construction & Programs..	Y	<input checked="" type="checkbox"/>	N		
Transportation.....	Y	<input checked="" type="checkbox"/>	N		
<b>REVIEWED BY TAG</b>	YES		NO	<b>REVIEWED BY CAO</b>	YES
	<input checked="" type="checkbox"/>	<i>DM</i>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
					<input type="checkbox"/>

## Staff Report

### Origin

As a result of the discussion at the meeting of the General Purposes Committee on May 16, 2005, the following **referral** motion was passed:

*That the report (dated April 25<sup>th</sup>, 2005, from the Manager, Community Bylaws), regarding Newspaper Distribution Boxes, be referred to staff to examine:*

- (1) the feasibility of identifying those areas where newspaper boxes should be located;*
- (2) whether newspaper boxes had to be accepted within the City; and if so, whether the City had any control over the size and colour of these newspaper boxes; and*
- (3) the City Sign Bylaw to determine if newspaper boxes could be banned on Moncton Street.*

The current, longstanding policy of permitting newspaper vending boxes and requiring that the proprietors have business licences has been under review for several months. There has been both a gradual increase in the number of free newspaper distribution boxes and a more recent rapid escalation with the publication of a number of new daily papers serving the Lower Mainland. This report and the accompanying bylaw deal with regulating the placing of all newspaper distribution boxes on City property.

### Analysis

#### Existing Policy:

In 1985, Council adopted the following policy relating to the placement of newspaper vending boxes on City Streets.

1. "That the companies desiring placement of newspaper vending boxes on Municipal property be required to enter a written Agreement with the Municipality."
2. "That only coin operated vending boxes for the dispensing of newspapers be permitted on street. Free or give away publications such as weeklies, tourist guides, real estate listings, religious publications are not recommended for onstreet dispensing due to inherent litter problems and the potential proliferation of these that could occur."
3. "That the fee for on street placement and commercial property placement of vending boxes be increased from the present \$6.00 to \$20.00 each."
4. "That the Law Department be instructed to make the necessary amendments to the Licence Bylaw."

**Existing Situation:**

Currently the City has contracts with following companies for the placement of newspaper vending boxes.

1. Vancouver Sun and Vancouver Province	158 boxes
2. National Post	37 boxes
3. Globe and Mail	99 boxes

The distributors must pay a location fee of \$20 for each box in circulation prior to their being issued a business licence. Each company is required to provide proof of General Liability Insurance in a minimum amount of \$5 Million with the City of Richmond named as additional insured.

**Issues with “Free” Newspaper Boxes:**

Over the years there have been a number of new and free publications placing their distribution boxes on the streets without permission of the City. This includes but is not limited to, such papers as the Georgia Strait, the Asian Pacific Post, Realtylink, Western Driver, West Coast Families and the Employment Paper. Correspondence was sent on numerous occasions to the owners of the boxes distributing free publications requesting them to remove the boxes from City streets and to relocate them to local shopping malls, restaurants or similar establishments. Public liability and safety issues were given as reasons for removal of the boxes. None of the companies that were sent letters complied with our requests.

During late 2004 and 2005, Vancouver 24 hours, Dose and Metro - all three daily publications - have entered the market and placed their boxes on the City streets without permission.

Essentially, the problems associated with free newspaper boxes are:

1. Appearance - an assortment of different colour and sized boxes along a street may not be aesthetically pleasing.
2. Refuse – newspapers, particularly free editions are frequently left behind and litter the area requiring City staff to pick up the litter.
3. Boxes may obstruct the sidewalk and be a hazard for pedestrians. (Where the boxes do impede pedestrians the provisions of the City’s Traffic Bylaw do allow them to be removed)
4. Boxes on the streets without being permitted may not have insurance coverage potentially creating liability issues for the City.

It has also been noted that several of the publications do not regularly visit or maintain their boxes and several were noted to be full of old papers and debris.

**Staff Comments on Committee Referral:**

In addressing the items raised in Committee referral on May 16, 2005,

1. the proposed Bylaw, as attached, adds the definition of a newspaper distribution zone as a clearly defined area related to each intersection as the only area where a newspaper distribution box could be located;
2. while legal opinion would not preclude the elimination of newspaper distribution boxes, either City-wide or in any particular neighbourhood, our preference would be to regulate the size, numbers, maintenance standards and location; and
3. for the same reasons as in point 2, the City's Sign Bylaw could be used to ban newspaper distribution boxes on Moncton Street but, as has happened in other jurisdictions, the boxes are just moved to private property or arrangements are made to distribute the newspapers in person on the street.

**Proposed Amendments to Policy:**

Given the preference that both pay and free newspaper boxes are to be allowed on City streets, then a bylaw regulating their placement should be enacted. A proposed new bylaw for the placement of all newspaper boxes on City streets is included as Attachment 1 of this report.

The proposed bylaw introduces a permit for all newspaper distribution boxes and requires payment of the fee prior to the boxes being placed on the streets. The initial permit fee of \$20.00 per box for paid newspapers and \$40.00 per box for free newspapers allows for the recovery of costs associated with cleaning the areas around the boxes, administrative costs associated with the issuing of the permits and the enforcement of this bylaw. A provision has been included to increase the fees on an annual basis by an amount approximating the CPI for Greater Vancouver. Estimates from Environmental Programs indicate that the annual cost of cleaning up the litter from the free newspapers is approximately \$ 6,600.00.

Further the bylaw imposes conditions on the location of the boxes, the maximum number of each type at any intersection, ensures the companies have proper public liability insurance, requires they be kept in good repair, requires cleanup by the permit holder of litter from these boxes, requires graffiti to be removed and allows, where warranted, the removal of boxes that do not comply with this bylaw. Our communication to the newspaper vendors outlining our proposal and requesting any comments or suggestions has resulted in generally negative comment from the free newspaper group and positive support from the paid newspaper group. The former group denies the litter issue as outlined by the City's Public Works Department.

Upon adoption of the proposed bylaw, we would work with the existing newspaper box vendors on a transition period to meet the new regulations; possibly including pro-rated fees for permit issuance. Any relocation costs would be borne by the vendors.

It is proposed that the Transportation Department be delegated to administer this bylaw with enforcement support from Community Bylaws Department. Internal procedures will be developed with all affected Departments to field complaints and to ensure they are addressed in a timely and effective manner.

### **Implications on Future Streetscape Strategy:**


There is a concentration of the newspaper boxes in city centre and it is estimated that the ratio of pay boxes to free distribution boxes is 1:1. With the ongoing development in this area and the construction of both the Oval and the RAV line, the streetscape of this area of Richmond will be evolving for many years. It is not intended that this Bylaw will deal with all related streetscape issues but it would certainly be possible to amend it to incorporate new guidelines as they are developed.

### **Financial Impact**

Based on the current estimate of approximately 305 paid newspaper distribution boxes presently on City streets, the proposed location fee of \$20 per unit for 2006 will generate \$ 6,100 annually. If the number of boxes currently distributing free publications were to be licensed at \$40 per unit, as proposed in the new bylaw, then the anticipated annual revenue would increase to approximately \$ 18,300. As mentioned, these revenues are expected to offset the costs of cleaning up around the boxes (estimated at \$ 6,600 annually); the administrative and material costs of the program and the enforcement costs when required.

### **Conclusion**

The adoption of this bylaw will establish the terms and conditions under which newspaper distribution boxes may be placed on City property and eliminate many of the existing differences between newspapers that are sold and those distributed free of charge. It will, as well, ensure significantly more control over the location of the boxes and allow for the City to take remedial action when they are in contravention of any sections of the bylaw.



Wayne Mercer  
Manager, Community Bylaws  
(604.247.4601)

WM:wm



---

## Use of Public Streets and Other City Property

The Council of the City of Richmond enacts as follows:

### PART ONE: GENERAL PROVISIONS

#### 1.1 Authorizations

- 1.1.1 The **General Manager Engineering & Public Works** is authorized to establish **newspaper distribution zones** pursuant to the provisions of this bylaw and to issue permits for the location of **newspaper distribution boxes**.

#### 1.2 Prohibitions

- 1.2.1 No person shall place or maintain any **newspaper distribution box** on any portion of any road allowance under the jurisdiction of the **City** or on any lands owned by the **City** or on any other public rights of passage within the **City**, unless such location is within a **newspaper distribution zone** as outlined in the provisions of this bylaw and unless such person has previously obtained a **permit** to do so from the **City** in accordance with the provisions of this bylaw.

### PART TWO: PERMITS

#### 2.1 Permit Application

- 2.1.1 Every applicant for a **permit** to place one or more **newspaper distribution boxes** within a **newspaper distribution zone** as outlined in the provisions of this bylaw shall provide to the **General Manager Engineering & Public Works**:
- (a) a signed application stating the full name or names and addresses of the applicant and in addition, in the case of a Corporation, the application shall contain the corporate seal and state the address of the head office;
  - (b) an annual statement at the time of application that contains the number and exact location of each **newspaper distribution box** to be placed, an alphabetical street inventory of **newspaper distribution boxes**, and, when requested by the **General Manager Engineering and Public Works**, a sketch map;

- (c) the annual payment based on the fee schedule provided in subsection 2.1.2 of this bylaw and subsequent amendments thereto; and,
  - (d) certificate of insurance, in a form acceptable to the **City's** solicitor, to provide \$5,000,000 general liability insurance and naming the **City** as additionally insured.
- 2.1.2 The **permittee** shall pay the **City** an annual fee of:
- (a) \$ 20.00 per **newspaper distribution box** for paid publications; or
  - (b) \$ 40.00 per **newspaper distribution box** for free publications; and
  - (c) all fees are to be increased annually, effective January 1, by an amount equal to the previous year's Consumer Price Index for Greater Vancouver and rounded to the nearest \$0.10.
- 2.1.3 **Permits** are valid for the period January 1 to December 31 inclusive in the calendar year for which they are issued.
- 2.1.4 No locations or privileges granted under these **permit** procedures may be sublet or assigned in any manner.
- 2.1.5 No portion of the fee, described in subsection 2.1.2, shall be refunded by the **City**, if any **newspaper distribution box** is removed at any time by the **permittee** or the **City**.
- 2.1.6 The **General Manager Engineering & Public Works** may limit the number of **newspaper distribution boxes** in any **newspaper distribution zone**. However, the general allocation of locations will be based on:
- (a) only one **newspaper distribution box** will be allowed from any one **permittee** within 15 m of any intersection or bus stop; and
  - (b) space at high demand locations shall be negotiated between the interested parties, but if agreement cannot be reached, applicants will be chosen at the discretion of the **General Manager Engineering & Public Works**.

## 2.2 General Permit Conditions

- 2.2.1 No **newspaper distribution box** shall be placed:
- (a) outside of the boundaries of a **newspaper distribution zone**;
  - (b) in such a manner as to obstruct or interfere with pedestrian traffic;
  - (c) on a sidewalk having a width of 2 metres or less;

- (d) at a bus stop, in such a manner as to obstruct or interfere with passenger movements;
- (e) in such a manner to interfere with vehicular traffic;
- (f) within 10 metres of any fire hydrant;
- (g) in front of any single-family dwelling;
- (h) within 3 metres of a driveway crossing;
- (i) within any curb radius;
- (j) partially or wholly in front of a wheelchair ramp;
- (k) in such a manner as to make entrance/exit from adjacently parked vehicles difficult;
- (l) on top of a manhole cover or valve cover.

2.2.1 **Newspaper distribution boxes** shall not be chained or fastened to any utility apparatus, including signal, street light, hydro or telephone poles or signposts, fire hydrants, parking meters, bus shelters, telephone booths, post boxes, city benches or trees.

2.2.2 **Newspaper distribution boxes** may be chained or fastened to objects, other than those described in subsection 2.2.1 herein, provided the **permittee** first receives written approval from the **General Manager Engineering & Public Works** for the same.

2.2.3 **Newspaper distribution boxes** shall not display any third party advertising.

2.2.4 **Newspaper distribution boxes** shall not exceed the following dimensions:

Width - 65 cm  
Depth - 50 cm  
Height - 110 cm

2.2.5 **Each newspaper distribution box** shall display a valid **identification decal** issued by the **City**.

2.2.6 The **permittee** shall maintain all **newspaper distribution boxes**:

- (a) in a good state of repair,
- (b) free of graffiti,
- (c) free of litter within a 2 m radius, and
- (b) in good working order.

2.2.7 In addition to the provisions of this bylaw, every **permittee** must comply with any other **City** bylaw applicable to its business.



### 2.3 Permit Revocation

- 2.3.1 Any **permit** issued pursuant to the this bylaw may be revoked by the **City's General Manager Engineering & Public Works**, without notice, if the **permittee** is in contravention of any of the provisions of this bylaw.
- 2.3.2 Any **permit** issued pursuant to this bylaw may be revoked by the **City** for any reason, without cause, provided the City Clerk gives 30 day's notice to the **permittee**.
- 2.3.3 For the purposes of this subsection 2.3.2, notice shall be deemed to have been given 4 days following mailing, if sent by ordinary prepaid mail, to the **permittee's** address as set out in the application for **permit**.

### 2.4 Newspaper Distribution Box Removal or Relocation

- 2.4.1 The **General Manager Engineering & Public Works** may order, at any time and without notice, the temporary or permanent removal or movement of any **newspaper distribution box**:
- (a) that he or she considers creates a safety hazard;
  - (b) that, in his or her opinion, is not in a good state of repair, free of graffiti and in good working order;
  - (b) due to special events in the **City**;
  - (c) due to road work, work on bus shelters or other construction;
  - (d) that is not displaying a valid **identification decal**; or
  - (e) that does not comply with any other provision of this bylaw.
- 2.4.2 In the event the **permittee** refuses to remove or relocate **newspaper distribution boxes**, as directed by the **General Manager Engineering & Public Works** pursuant to subsection 2.4.1 of this bylaw, the **General Manager Engineering & Public Works** is authorized, without further notice, to remove the **newspaper distributions boxes**.
- 2.4.3 **Newspaper distribution boxes** removed by the **City**, pursuant to subsection 2.4.2 of this bylaw, shall be stored by the **City** for 90 days and may be picked up by the **permittee** upon the payment of a storage fee of \$ 100.00 per box for any portion of the 90 days plus recovery and labour costs incurred by the City.

- 2.4.4 Any **newspaper distribution box** left unclaimed by the **permittee**, for a period in excess of 90 days, may be disposed of by the **City** and the **permittee** shall not be entitled to any compensation for loss of its **newspaper distribution box**.
- 2.4.5 The **permittee** shall restore the road allowance or lands owned by the **City** to their former condition upon removal or relocation of any of its **newspaper distribution boxes**, if requested to do so by the **City**.
- 2.4.6 The **City** is authorized to complete any work not carried out by the **permittee** pursuant to subsection 2.4.5 of this bylaw and any expenses incurred by the **City** in restoring road allowance, including sidewalks, or **City** owned land to its former condition shall become a debt immediately due and owing by the **permittee** to the **City**.

**PART THREE: VIOLATIONS AND PENALTIES**

- 3.1 Every person who contravenes any provision of this bylaw is considered to have committed an offence against this bylaw and is liable on summary conviction, to the penalties provided for in the *Offence Act*, and each day that such violation is caused, or allowed to continue, constitutes a separate offence.

**PART FOUR: INTERPRETATION**

- 4.1 In this bylaw, the following words shall have the following meanings:

**CITY** means the City of Richmond, British Columbia.

**GENERAL MANAGER,  
ENGINEERING & PUBLIC WORKS** means the person in that position or his or her delegate.

**IDENTIFICATION DECAL** means the decal issued by the **City** to be placed on every **newspaper distribution box** indicating that it has a valid **permit** for the current year.

**NEWSPAPER DISTRIBUTION BOX** means any type of vending box or other receptacle used for the purpose of displaying or distributing any newspapers, magazines or other publications, and includes all distribution boxes whether there is any cost for the newspaper, magazine or publication or not.

**NEWSPAPER DISTRIBUTION ZONE** means the designated road allowance, including sidewalks or **City** owned land, at intersecting

streets, as shown in Schedules A and B; or adjacent to a bus stop, as shown in Schedule C and D; all schedules which are attached and form part of this bylaw. The exact location is to be determined at each site by the **City** at its sole discretion.

**PERMIT**

means a document as issued and authorized by the **City** for the placement of one or more **newspaper distribution boxes** within the **City** as allowed within this bylaw.

**PERMITTEE**

means an applicant who has received permission from the **City** to place one or more **newspaper distribution boxes** in the **City** as allowed within this bylaw.

**PART FIVE: SEVERABILITY AND BYLAW CITATION**

- 5.1 If any part, section, sub-section, clause, or sub-clause of this bylaw is, for any reason, held to be invalid by the decision of a Court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this bylaw.
- 5.2 This bylaw is cited as "**The Use of Public Streets and Other City Property Bylaw No. 7954.**"

FIRST READING

SECOND READING

THIRD READING

ADOPTED

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

CITY OF RICHMOND
APPROVED for content by originating dept.
APPROVED for legality by Solicitor

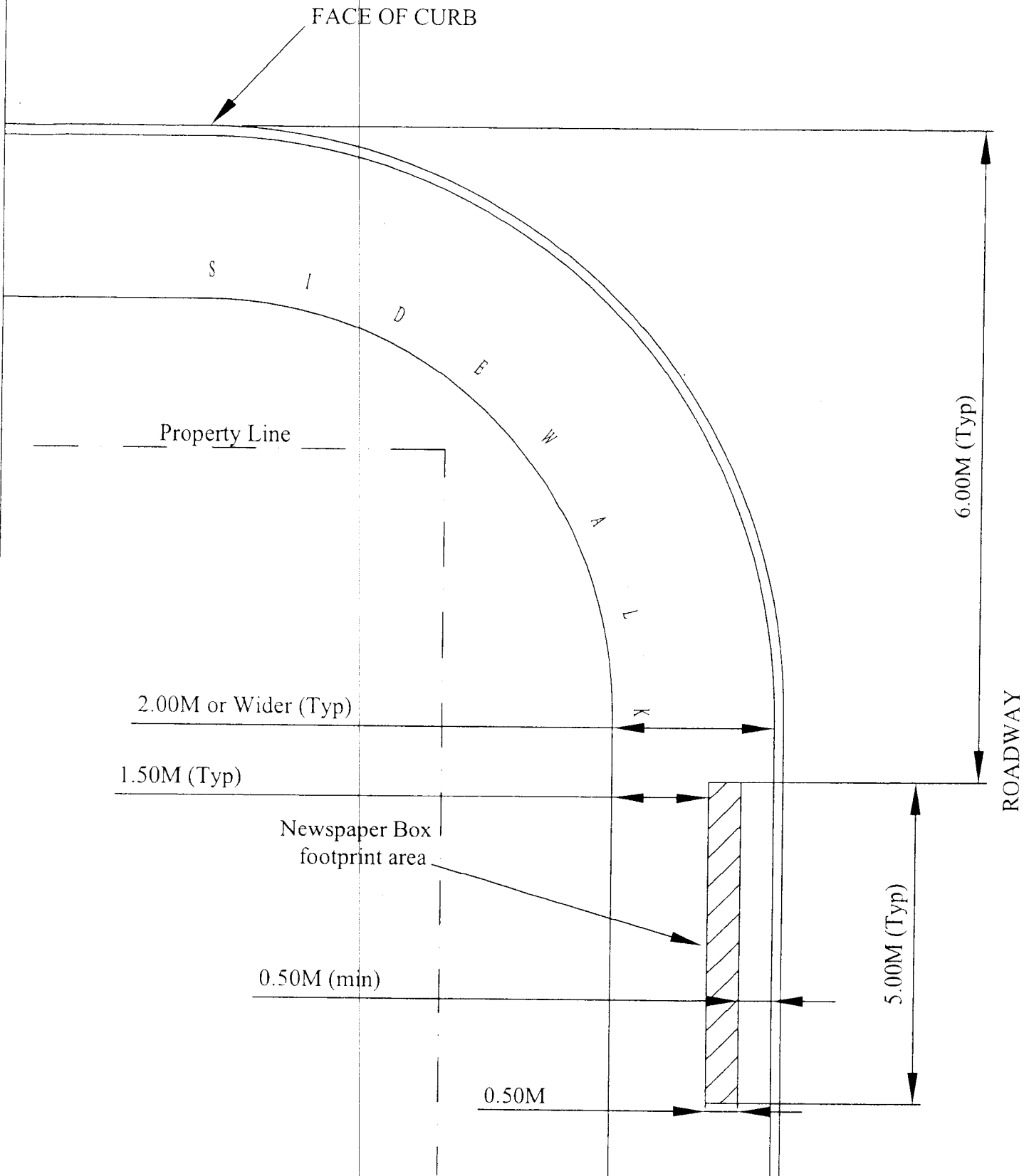
*WCB*

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CORPORATE OFFICER

# SCHEDULE "A"

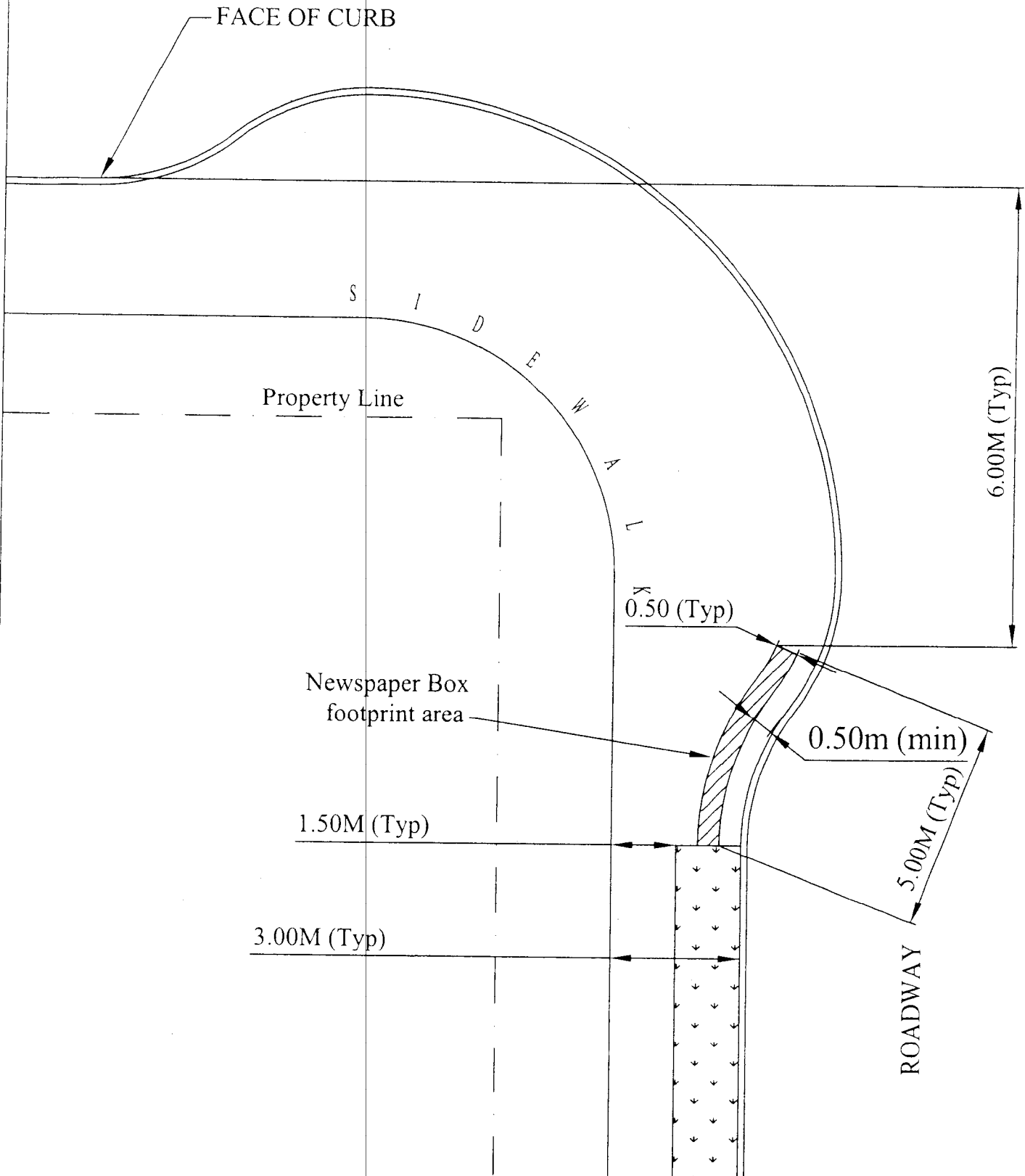
## Use of Public Streets and Other City Property - Bylaw 7954 Typical Newspaper Box Placement - Without Curb Extensions



The exact location is to be determined at each site by the City at its sole discretion.

# SCHEDULE "B"

## Use of Public Streets and Other City Property - Bylaw 7954 Typical Newspaper Box Placement - With Curb Extensions

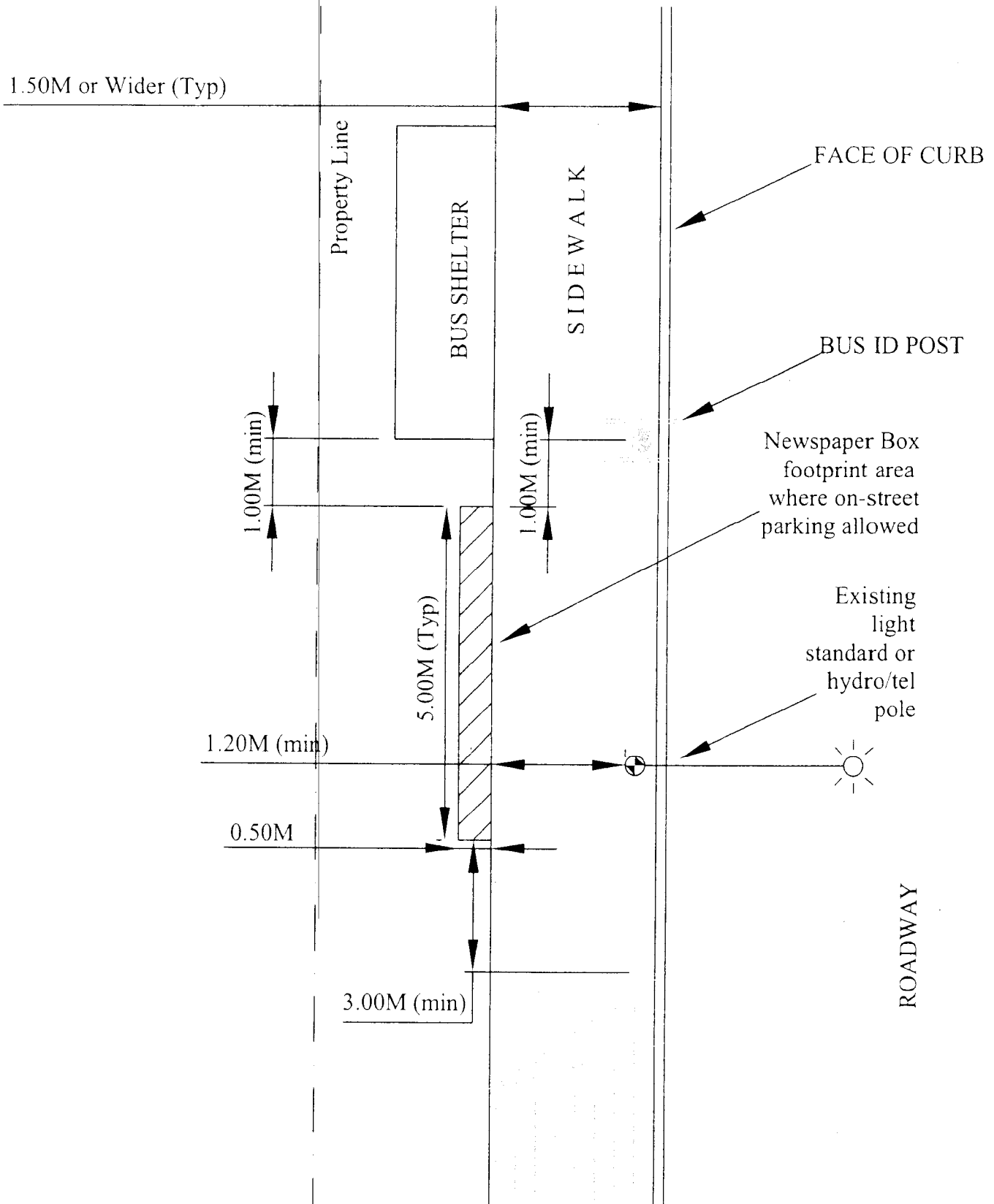


The exact location is to be determined at each site by the City at its sole discretion.

# SCHEDULE "C"

## Use of Public Streets and Other City Property - Bylaw 7954

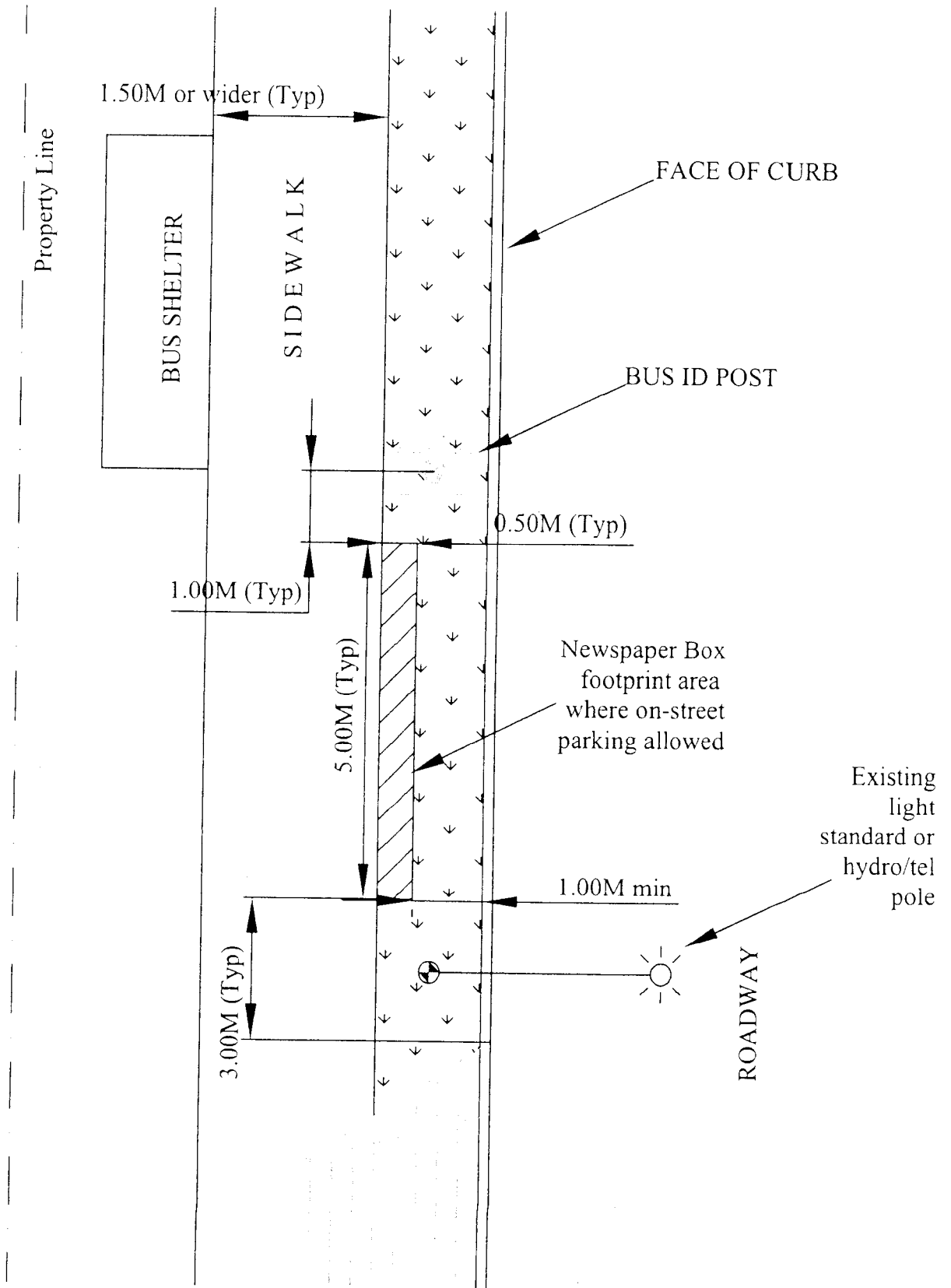
### Typical Newspaper Box Placement - Mid-Block with No Boulevard



The exact location is to be determined at each site by the City at its sole discretion.

# SCHEDULE "D"

## Use of Public Streets and Other City Property - Bylaw 7954 Typical Newspaper Box Placement - Mid-Block with Boulevard



The exact location is to be determined at each site by the City at its sole discretion.