



City of Richmond

Report to Committee

To: General Purposes Committee
From: Don Pearson
Manager, Community Bylaws

Date: April 25, 2005
File:

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

Staff Recommendation

That the following bylaw be given first, second and third reading:

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

Don Pearson
Manager, Community Bylaws
(4269)

Att. 1

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

Staff Report

Origin

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

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 the Licence Bylaw."

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.

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.

More recently Vancouver 24 hours, Dose and Metro, all three daily publications, have entered the market and placed their boxes on the City streets without permission.

The problems associated with free newspaper boxes are essentially:

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 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 update their boxes and several were noted to be full of old papers and debris.

If 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 permit fee of \$30.00 per box 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.

Further the bylaw imposes conditions on the location of the boxes, ensures the companies have proper public liability insurance, requires they be kept in good repair, graffiti removed and allows, where warranted, the removal of boxes that do not comply with this bylaw.

It is proposed that the Transportation Department be delegated to administer this bylaw by the General Manager of Engineering and Public Works.

There is a concentration of the newspaper boxes in city centre, 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

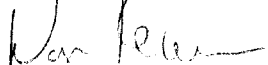
construction of both the Oval and the RAV line the streetscape of this area of Richmond will be evolving for many years. It is not intended that this Bylaw will deal with all related streetscape issues but it would certainly be possible to amend it to incorporate new guidelines as they are developed.

Financial Impact

Currently it is estimated there are approximately 305 newspaper distribution boxes that the City has agreed to have placed on City streets. The proposed location fee of \$30 per unit will generate \$9,150 annually. If boxes currently distributing free publications were to be licensed as proposed in the new bylaw, then the anticipated revenue would increase to approximately \$18,300.00. As mentioned these revenues will offset the costs of cleaning up around the boxes, the administrative and material costs of the program and the enforcement costs when required.

Conclusion

The adoption of this bylaw will specify the conditions under which newspaper distribution boxes may be placed on City property and eliminate the difference between newspapers that are sold and those distributed free of charge. It will, as well, ensure some control over the location of the boxes and allow for the City to take remedial action when the bylaw is not complied with.



Don Pearson
Manager, Community Bylaws
(4269)

DP:dp



Use of Public Streets and Other City Property

The Council of the City of Richmond enacts as follows:

PART ONE: GENERAL PROVISIONS

1.1 Prohibitions

- 1.1.1 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 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** on any portion of any road allowance under the jurisdiction of the **City** or on any lands owned by the **City** or on any public rights of passage within the **City** 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 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) an undertaking, in a form acceptable to the **City's** solicitor, agreeing to provide \$5,000,000 public liability insurance in the joint name of the applicant and the **City**.
- 2.1.2 The **permittee** shall pay the **City** an annual fee of \$30.00 per **newspaper distribution box**.

- 2.1.3 **Permits** are valid from the period January 1 to December 31 in the year in which they are issued.
- 2.1.4 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**.
- 2.1.5 The **General Manager Engineering & Public Works** may limit the number of **newspaper distribution boxes** at any one location. Space at high demand locations shall be negotiated between the interested parties, but if agreement cannot be reached, applicants will be chosen through a lottery.

2.2 **General Permit Conditions**

- 2.2.1 No **newspaper distribution box** shall be placed:
- (a) in such a manner as to obstruct or interfere with pedestrian traffic;
 - (b) on a sidewalk having a width of 2 meters or less;
 - (c) at a bus stop in such a manner as to obstruct or interfere with passenger movements;
 - (d) in such a manner to interfere with vehicular traffic;
 - (e) within 10 meters of any fire hydrant;
 - (f) in front of any single-family dwelling;
 - (g) within 5 meters of any street intersection;
 - (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 - 61 cm

Depth - 28 cm

Height - 108 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** in a good state of repair, free of graffiti and 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 any of the provisions of this bylaw are not complied with by the **permittee**.

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 the temporary or permanent removal or movement of any **newspaper distribution box**:

- (a) that he or she considers creates a safety hazard;
- (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 Despite subsection 2.4.1 of this bylaw, the **General Manager Engineering & Public Works** may remove, at any time and without notice, any **newspaper distribution box** that:
- (a) he or she considers creates a safety hazard;
 - (b) is not displaying a valid **identification decal**; or
 - (c) does not comply with any other provision of this bylaw.
- 2.4.3 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 to remove the **newspaper distributions boxes**.
- 2.4.4 **Newspaper distribution boxes** removed by the **City** shall be stored by the **City** for 3 months, and may be picked up by the **permittee**.
- 2.4.5 After 3 months, any **newspaper distribution box** left unclaimed by the **permittee** may be disposed of by the **City**, and the **permittee** shall not be entitled to any compensation for loss of its **newspaper distribution box**.
- 2.4.6 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**.
- 2.4.7 The **City** is authorized to complete any work not carried out by the **permittee** pursuant to subsection 2.4.6 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.

**GENERAL MANAGER,
ENGINEERING & PUBLIC WORKS**

means the person designated by Council 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.

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 a **newspaper distribution box** in the **City** as allowed within this bylaw.

PART FIVE: SEVERABILITY AND BYLAW CITATION

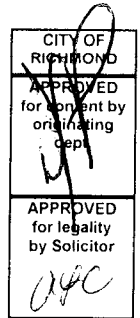
- 5.1 If any part, section, sub-section, clause, or sub-clause of this bylaw is, for any reason, held to be invalid by the decision of a Court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this bylaw.
- 5.2 This bylaw is cited as **“The Use of Public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

FIRST READING

SECOND READING

THIRD READING

ADOPTED



MAYOR

CORPORATE OFFICER