



City of Richmond

Report to Committee

To: Public Works and Transportation Committee

Date: March 27, 2013

From: Tom Stewart, AScT.
Director, Public Works Operations

File: 10-6405-01/2012-Vol
01

Re: Regulation of Newspaper Distribution Agents and Zones

Staff Recommendation

That:

1. Newspaper Distribution Regulation Bylaw No. 7954, Amendment Bylaw No. 8933 (Attachment 1), be introduced and given first, second and third readings;
2. Consolidated Fees Bylaw No. 8636, Amendment Bylaw No. 9017 (Attachment 2) be introduced and given first, second and third readings; and
3. Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, Amendment Bylaw No. 9018 (Attachment 3), be introduced and given first, second and third readings.

Tom Stewart, AScT.
Director, Public Works Operations
(604-233-3301)

Att. 3

REPORT CONCURRENCE			
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER	
Law	<input checked="" type="checkbox"/>		
REVIEWED BY DIRECTORS	INITIALS:	REVIEWED BY CAO	INITIALS:

Staff Report

Origin

This report presents recommended amendments to the City's Newspaper Distribution Regulation Bylaw No. 7954 to further regulate newspaper distribution agents within newspaper distribution zones, following a pilot program that was implemented in September 2011. This report also moves the fees under Bylaw 7954 to the City's Consolidated Fees Bylaw No. 8636 and proposes an increase in the permit fee for newspaper distribution agents. This report further proposes amendments to Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122 to add penalties for bylaw contraventions relating to newspaper distribution boxes and agents.

Analysis

Background

Newspaper Distribution Regulation Bylaw No. 7954 establishes distribution zones for both newspaper distribution boxes and agents, encompasses a permit system, outlines maintenance requirements to address graffiti, disrepair and potential litter issues, and establishes permit and other fees.

While Bylaw 7954 authorizes newspaper distribution agents with a permit fee of \$100.00, none had been permitted as a result of past experience with agents due to concerns such as litter, abandoned papers, and agent conduct - including obstructing access for transit riders. In addition, under the current provisions of Bylaw 7954, newspaper distribution agents are not permitted in zones where a newspaper distribution box or multiple publication news rack (MPN) has been approved.

In response to a request from a free daily publication to allow newspaper distribution agents outside the Canada Line stations, a pilot program was put into effect in September 2011 under a protocol agreement. The protocol agreement established guidelines around distribution agent conduct, general operating practices, litter, etc. The pilot program demonstrated that distribution by agents is feasible provided conditions and best practices are established to mitigate these issues.

The proposed amendments to section 2.1.7 of Bylaw 7954 will allow a newspaper distribution agent in zones where MPN's have been installed. Where no MPN is installed, either a distribution box or a newspaper agent will be allowed from any one permittee (not both). See proposed Amendment Bylaw No. 8933 (Attachment 1).

Pilot Program Best Management Practices

While the City has a dedicated litter attendant servicing the Canada Line seven days per week, it is important that distribution agents follow protocols which help to reduce problems with recurring litter as free daily newspapers are distributed. Litter problems can quickly arise from abandoned or dropped papers, loose inserts, newspaper strapping or plastic, wind, etc. at one station while the litter attendant is servicing another.

Often, transit riders who do not want free dailies are handed the papers while rushing to transit and subsequently will drop the papers on the ground. Loose inserts can also fall to the ground. There have also been past complaints from transit riders regarding agent conduct (poor public relations skills, lack of identification, obstructing commuters, etc.). In order to maintain a high standard of cleanliness and agent conduct wherever newspaper distribution agents are allowed, the pilot program revealed the following as best practices/operating protocols to be exercised by the newspaper distribution company's agents:

- Limiting to one agent per company per station;
- All waste (plastic, strapping, etc.) is properly disposed;
- Papers are secured to prevent blowing and are protected from rain and weather elements;
- Agents clean up discarded papers from their respective companies within the distribution zone at regular intervals during their shifts;
- Agents maintain professional appearance and conduct at all times;
- Agents remain outside the station at all times a minimum of two metres from the pedestrian access points;
- Agents do not stand in the way of or block the flow of pedestrian traffic;
- Agents ensure any remaining papers are placed in the distribution box at the end of their shift and that no papers are left outside of the box;
- Agents wear appropriate identification to allow the City to contact the distribution company in order to resolve issues that arise.

The above issues are reflected in the proposed Amendment Bylaw No. 8933 which amends Bylaw 7954.

Permit Fees and Penalties

Even with the above conditions in place, City costs associated with collecting discarded papers from distribution agent activity are approximately \$7,500 annually, based on an average of .75 hours/day spent by litter operations staff on areas with distribution agents, as estimated during the pilot program.

Schedule E of Bylaw 7954 establishes permit and other fees for distribution boxes or newspaper agents. The current fee for distribution agents is \$100.00 per agent per year. On January 10, 2011, Council adopted the Consolidated Fees Bylaw ("CFB") No. 8636 to amalgamate a majority of the City's fees and charges into one bylaw for ease of review and adjustment for CPI increases. When the CFB No. 8636 was adopted, annual newspaper box and agent permit fees set out in Schedule E of Bylaw 7954 were not part of the consolidated bylaw. This report recommends including those fees in the Consolidated Fee Bylaw and deleting Schedule E of Bylaw 7954 in its entirety. Further, in light of the additional onus these agents place on the City for litter collection and monitoring of agent behaviour, it is recommended that the annual permit fee for each newspaper distribution agent be increased to \$250.00.

Since the initial adoption of Newspaper Distribution Regulation Bylaw No. 7954, updated authority has been provided under the Community Charter to increase the maximum fine for offences. Existing Bylaw 7954 provisions are tied to the Offence Act, which allows a maximum

fine of \$2,000. In light of the expense of prosecution, it is appropriate to increase the maximum fine to \$10,000, being the maximum permitted under the Community Charter. Amendment Bylaw No. 8933 includes provisions for this proposed increase in the maximum fine. Further, to ensure the City has sufficient tools to address any bylaw contraventions, it is recommended that Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122 be amended to add penalties for contraventions relating to newspaper distribution boxes and agents. Amendment Bylaw No. 9018, which amends Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, reflects these added penalties.

Financial Impact

None.

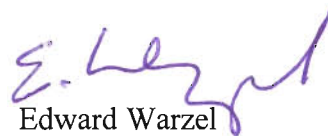
Conclusion

The proposed amendments will allow a newspaper distribution agent where a multiple publication news rack is installed if the General Manager, Engineering and Public Works deems it appropriate. Clear conditions and associated penalties for contraventions are included in the proposed amendments concerning the agent's responsibilities and to avoid litter concerns associated with the hand distribution of newspapers. The proposed amendments also include a recommendation to increase the permit fee for newspaper distribution agents to \$250.00 each annually.

Staff recommends that Council adopt the attached amendments to the City's Newspaper Regulation Bylaw No. 7954, Consolidated Fees Bylaw No. 8636 and Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122.



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Manager, Fleet & Environmental Programs
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(604-247-4601)



Newspaper Distribution Regulation Bylaw No. 7954, Amendment Bylaw No. 8933

The Council of the City of Richmond enacts as follows:

1. Newspaper Distribution Regulation Bylaw No. 7954 is amended:
 - (a) by adding the following at the end of section 2.1.2:

“A **permit** may contain such additional terms and conditions deemed advisable by the **General Manager Engineering & Public Works**.”
 - (b) by deleting section 2.1.3 and substituting the following:

“2.1.3 Upon approval of an application for a **permit** by the **General Manager Engineering & Public Works**, the applicant will pay to the **City** the applicable annual **permit** fees set-out in the Consolidated Fees Bylaw No 8636. For applications approved on or after July 1 of a calendar year, the **permittee** will pay 50% of the applicable annual **permit** fees set-out in the Consolidated Fees Bylaw No 8636.”
 - (c) by deleting paragraph 2.1.6(d) and substituting the following:

“(d) each **newspaper distribution agent** authorized by the **permit** displays a valid **permit card** on a visible part of the **newspaper distribution agent’s** clothing and provides the **permit card** to **City** staff upon request.”
 - (d) by deleting paragraphs 2.1.7(a) and (b) and substituting the following:

“(a) where a **multiple publication news rack (MPN)** has been installed by or on behalf of the **City** within a **newspaper distribution zone**, deployment of a **newspaper distribution agent** will be permitted within the same **newspaper distribution zone** only if the **General Manager Engineering & Public Works** deems it appropriate to issue a **permit** for such **newspaper distribution agent**;

(b) where a **multiple publication news rack (MPN)** has not been installed by or on behalf of the **City** within a **newspaper distribution zone**, a maximum of one **newspaper distribution box** or one **newspaper distribution agent** will be allowed from any one **permittee** within the **newspaper distribution zone**; and”

(e) by deleting section 2.2.4 and substituting the following:

“2.2.4 A **permittee** must ensure that its **newspaper distribution boxes**:

- (a) are not placed outside of the boundaries of the applicable **newspaper distribution zone**;
- (b) display an **identification decal**, in accordance with any instructions provided by the **City**;
- (c) are not chained or fastened to any utility apparatus, including any signal, street light, hydro or telephone pole or signpost, fire hydrant, parking meter, bus shelter, telephone booth, post box, benches or trees;
- (d) are not chained or fastened to objects other than those described in section 2.2.4(c) of this bylaw, except with the prior written approval of the **General Manager Engineering & Public Works**;
- (e) do not display any third party advertising;
- (f) are not placed within the sightline triangle of a **street** intersection, as outlined in the visibility clearance provision set-out in section 5.1 of the **City’s** Traffic Bylaw No. 5870, as amended or replaced from time to time;
- (g) do not exceed the following dimensions:
 - Width – 65 cm
 - Depth – 50 cm
 - Height – 110 cm
- (h) comply with all applicable provisions of this **bylaw** and the **permit** applicable to the **newspaper distribution box**.”

(f) by deleting section 2.2.5 and substituting the following:

“2.2.5 **Newspaper distribution agents** must comply with the following and each **permittee** must ensure that its **newspaper distribution agents** comply with the following:

- (a) do not distribute or sell **newspapers** outside of the boundaries of a **newspaper distribution zone**;
- (b) do not display, distribute or sell third party advertising or products;
- (c) secure the **permittee’s newspapers** to prevent scattering;

- (d) display a valid **permit card** on a visible part of the **newspaper distribution agents'** clothing and when requested by **City** staff, provide the **permit card** to the **City** staff;
 - (e) maintain a professional appearance and do not act in an abusive, aggressive or offensive manner;
 - (f) maintain a minimum distance of 2 metres from pedestrian access points at Canada Line stations and bus stops;
 - (g) do not stand in the way of or block the flow of pedestrian traffic;
 - (h) remove all of the **permittee's newspapers** that are thrown away or accumulate in the **newspaper distribution zone**;
 - (i) at the end of each shift, remove all surplus **newspapers** or place all surplus **newspapers** in the **permittee's newspaper distribution box** or allocated portion of the **multiple publication news rack (MPN)**; and
 - (j) comply with all applicable provisions of this bylaw and the **permit** applicable to the **newspaper distribution agent.**”
- (g) by deleting section 2.4.3 and substituting the following:
- “2.4.3 **Newspaper distribution boxes** removed by the **City** pursuant to section 2.4.2 of this bylaw will be stored by the **City** for 90 days and may be picked up by the **permittee** upon payment of the storage fee set-out in the Consolidated Fees Bylaw No 8636, plus recovery and labour costs incurred by the **City.**”
- (h) by deleting section 3.2 and substituting the following:
- “3.2 Any person who contravenes or violates any provision of this bylaw or any **permit** issued under this bylaw or who suffers or allows any act or thing to be done in contravention or violation of this bylaw or any **permit** issued under this bylaw, or who fails or neglects to do anything required to be done under this bylaw or any **permit** issued under this bylaw, commits an offence and upon conviction shall be liable to a fine of not more than Ten Thousand Dollars (\$10,000.00) and where the offence is a continuing one, each day that the offence is continued shall constitute a separate offence.”
- (i) by deleting Schedule E in its entirety.

2. This bylaw is cited as **“Newspaper Distribution Regulation Bylaw No. 7954, Amendment Bylaw No. 8933”**.

FIRST READING

SECOND READING

THIRD READING

ADOPTED

CITY OF RICHMOND
APPROVED for content by originating Division <i>[Signature]</i>
APPROVED for legality by Solicitor <i>[Signature]</i>

MAYOR

CORPORATE OFFICER



City of Richmond

Bylaw 9027

Consolidated Fees Bylaw No. 8636, Amendment Bylaw 9027

The Council of the City of Richmond, in open meeting assembled, enacts as follows:

1. The Consolidated Fees Bylaw No. 8636, as amended, is further amended by adding Schedule A of this bylaw as a schedule to the Consolidated Fees Bylaw No. 8636, in alphabetical order.
2. This Bylaw may be cited as **“Consolidated Fees Bylaw No. 8636, Amendment Bylaw No. 9027.”**

FIRST READING

SECOND READING

THIRD READING

ADOPTED

CITY OF RICHMOND
APPROVED by
<i>SL</i>
APPROVED by Director or Solicitor
<i>ny</i>

MAYOR

CORPORATE OFFICER

Schedule A to Bylaw 9027

SCHEDULE – NEWSPAPER DISTRIBUTION REGULATION

Newspaper Distribution Regulation Bylaw No. 7954

Section	Description	Fee
Section 2.1.3	Each compartment within a multiple publication news rack (MPN) for paid or free newspapers	\$150.00, plus applicable taxes, per year
Section 2.1.3	Each newspaper distribution box for paid newspapers	\$75.00, plus applicable taxes, per year
Section 2.1.3	Each newspaper distribution box for free newspapers	\$100.00, plus applicable taxes, per year
Section 2.1.3	Each newspaper distribution agent for paid or free newspapers	\$250.00 plus applicable taxes, per year
Section 2.4.3	Storage fee for each newspaper distribution box	\$100.00, plus applicable taxes



City of Richmond

Bylaw 9018

Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, Amendment Bylaw No. 9018

The Council of the City of Richmond enacts as follows:

1. Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, as amended, is further amended at Schedule A (page 13) by deleting the content under Newspaper Distribution Regulation Bylaw No 7954 and substituting the content in the table in Schedule A attached to and forming part of this bylaw.
2. This Bylaw is cited as **“Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, Amendment Bylaw No. 9018.**

FIRST READING

SECOND READING

THIRD READING

ADOPTED

CITY OF RICHMOND
APPROVED for content by originating Division <i>EW</i> <i>SB</i>
APPROVED for legality by Solicitor <i>Ug</i>

MAYOR

CORPORATE OFFICER

SCHEDULE A to BYLAW NO. 9018

Bylaw	A2 Description of Contravention	A3 Section	A4 Compliance Agreement Available	A5 Penalty	A6 Early Payment Option	A7 Late Payment Amount	A8 Compliance Agreement Discount
	Period of Time from Receipt (inclusive)		n/a	29 to 60 days	1 to 28 days	61 days or more	n/a
Newspaper Distribution Regulation No. 7954 Bylaw	Distributing or selling newspapers without a permit	1.2.1	No	\$ 475.00	\$ 450.00	\$500.00	n/a
	Using multiple publication news rack (MPN) without a permit	1.2.2 (a)	No	\$ 475.00	\$ 450.00	\$500.00	n/a
	Installing or maintaining newspaper distribution box without a permit	1.2.2 (b)	No	\$ 475.00	\$ 450.00	\$500.00	n/a
	Distributing or selling newspapers as a newspaper distribution agent without a permit	1.2.2 (c)	No	\$ 475.00	\$ 450.00	\$500.00	n/a
	Placing newspaper distribution box outside newspaper distribution zone	2.2.4(a)	No	\$275.00	\$250.00	\$300.00	n/a
	Failure to display identification decal on newspaper distribution box	2.2.4 (b)	No	\$275.00	\$250.00	\$300.00	n/a
	Securing newspaper distribution box to unauthorized structure	2.2.4 (c)	No	\$275.00	\$250.00	\$300.00	n/a
	Securing newspaper distribution box to object without prior approval of General Manager	2.2.4 (d)	No	\$325.00	\$300.00	\$350.00	n/a
	Displaying third party advertising on newspaper distribution box	2.2.4 (e)	No	\$175.00	\$150.00	\$200.00	n/a
	Placing newspaper distribution box within traffic sightline	2.2.4 (f)	No	\$275.00	\$250.00	\$300.00	n/a
Exceeding permitted dimensions of newspaper distribution box	2.2.4 (g)	No	\$275.00	\$250.00	\$300.00	n/a	

	Failing to comply with term or condition of permit	2.2.4 (h)	No	\$375.00	\$350.00	\$400.00	n/a
	Agent distributing or selling newspapers outside of newspaper distribution zone	2.2.5 (a)	No	\$275.00	\$250.00	\$300.00	n/a
	Agent displaying, distributing or selling third party advertising or products	2.2.5 (b)	No	\$175.00	\$150.00	\$200.00	n/a
	Agent failing to secure newspapers to prevent scattering	2.2.5 (c)	No	\$175.00	\$150.00	\$200.00	n/a
	Agent failing to visibly display and/or provide permit card	2.2.5 (d)	No	\$175.00	\$150.00	\$200.00	n/a
	Agent acting in an abusive, aggressive or offensive manner or not maintaining professional appearance	2.2.5 (e)	No	\$175.00	\$150.00	\$200.00	n/a
	Agent failing to maintain minimum 2-metre distance from Canada Line station or bus stop access points	2.2.5 (f)	No	\$275.00	\$250.00	\$300.00	n/a
	Agent obstructing flow of pedestrian traffic	2.2.5 (g)	No	\$375.00	\$350.00	\$400.00	n/a
	Agent failing to remove permittee's newspapers accumulated in newspaper distribution zone	2.2.5(h)	No	\$275.00	\$250.00	\$300.00	n/a
	Agent failing to remove surplus newspapers and/or properly place surplus newspapers	2.2.5 (i)	No	\$275.00	\$250.00	\$300.00	n/a
	Agent failing to comply with term or condition of permit	2.2.5 (j)	No	\$375.00	\$350.00	\$400.00	n/a