



CITY OF RICHMOND

NEWSPAPER DISTRIBUTION REGULATION

BYLAW NO. 7954

EFFECTIVE DATE – May 10, 2010



Newspaper Distribution Regulation Bylaw No. 7954

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 use of compartments in **multiple publication news racks (MPNs)**, for the location of **newspaper distribution boxes**, and for **newspaper distribution agents**.

1.1.2 The **General Manager Engineering & Public Works** may designate portions of **streets** and **City-owned** land as **newspaper distribution zones** in accordance with the following:

- (a) at intersecting **streets**, in accordance with Schedules A and B of this bylaw; and
- (b) adjacent to a bus or transit stop, in accordance with Schedules C and D of this bylaw.

1.2 Prohibitions

1.2.1 No person shall distribute or sell **newspapers**, or place or leave **newspapers** for distribution or sale, on any portion of any **street** or **City-owned** land, except in accordance with this bylaw and a **permit** issued pursuant this bylaw.

1.2.2 No person shall, on any portion of any **street** or **City-owned** land:

- (a) use a **multiple publication news rack (MPN)**; or
- (b) install or maintain any **newspaper distribution box**; or
- (c) distribute or sell **newspapers** as a **newspaper distribution agent**,

unless such portion of **street** or **City-owned** land is within a **newspaper distribution zone** and unless such person has previously obtained a **permit** to do so from the **City** in accordance with the provisions of this bylaw and

maintained the **permit** in good standing in accordance with section 2.1.6 of this bylaw.

PART TWO: PERMITS

2.1 Permit Application & Issuance

2.1.1 Every applicant for a **permit** to use a compartment in a **multiple publication news rack (MPN)** or place one or more **newspaper distribution boxes** or deploy one or more **newspaper distribution agents** within the **City's newspaper distribution zones** must provide to the **General Manager Engineering & Public Works**:

- (a) a completed application, in a form and containing such information required by the **General Manager Engineering & Public Works**, signed by the applicant or by an individual who has legal authority to bind the applicant;
- (b) a statement with respect to the total number and exact location, in alphabetical order by street name, of each of the applicant's existing and proposed locations for compartments in **multiple publication news racks (MPNs)**, **newspaper distribution boxes** and/or **newspaper distribution agents**, and, if requested by the **General Manager Engineering and Public Works**, a sketch map showing each such location;
- (c) certificate of insurance, in a form and on terms acceptable to the **City's** Risk Manager, to provide \$5,000,000 general liability insurance and naming the **City** as an additional insured; and
- (d) a release and indemnity by the applicant in favour of the **City**, in a form and on terms acceptable to the **City's** Risk Manager.

2.1.2 The **General Manager Engineering & Public Works** may issue a **permit** to an applicant for all or some of the applicant's existing and proposed locations for compartments in **multiple publication news racks (MPNs)**, **newspaper distribution boxes** and/or **newspaper distribution agents**, provided the applicant:

- (a) has complied with the requirements set-out in section 2.1.1 of this bylaw;
- (b) is not in breach of any term or condition of this bylaw or any current or previous **permit** issued to the applicant by the **City**; and
- (c) has paid the fees set-out section in 2.1.3 of this bylaw.

The allocation of locations for each **permit** must comply with section 2.1.7 of this bylaw.

- 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 Schedule E of this bylaw. 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 Schedule E of this bylaw. All annual **permit** fees are to be increased annually, effective January 1 of each year, by an amount equal to the previous year's Consumer Price Index for Greater Vancouver, rounded to the nearest \$1.00.
- 2.1.4 A **permit** issued pursuant to section 2.1.2 of this bylaw is valid from the date of issue to December 31 of the calendar year for which the **permit** is issued.
- 2.1.5 Neither the temporary or permanent removal or relocation of a **multiple publication news rack (MPN)**, **newspaper distribution box** or **newspaper distribution agent** by the **General Manager Engineering & Public Works** pursuant to this bylaw nor the revocation or surrender of a **permit** entitles the **permittee** to a refund of any portion of any annual **permit** fee paid pursuant to section 2.1.3 of this bylaw.
- 2.1.6 A **permit** is considered in good standing if:
- (a) all annual **permit** fees, as outlined in section 2.1.3 are fully paid;
 - (b) business licence fees payable under the **City's** Business Licence Bylaw No. 7360, as amended or replaced from time to time, are fully paid;
 - (c) an **identification decal** has been affixed to each compartment within a **multiple publication news rack (MPN)** and each **newspaper distribution box** covered by the **permit**, in accordance with any instructions provided by the City; and
 - (d) when requested by **City** staff, a **permit card** can be produced by each **newspaper distribution agent** authorized by the **permit**;
- 2.1.7 The **General Manager Engineering & Public Works** will determine where to locate **multiple publication news racks (MPNs)** and may prohibit or limit the number of **newspaper distribution boxes** or **newspaper distribution agents** in any **newspaper distribution zone**. The general allocation of locations of **multiple publication news racks (MPNs)**, **newspaper distribution boxes** and **newspaper distribution agents** will be based on 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**, the placement of a **newspaper distribution box** or deployment of a **newspaper distribution agent** will not be permitted within the same **newspaper distribution zone**;
- (b) a maximum of one **newspaper distribution box** or one **newspaper distribution agent** will be allowed from any one **permittee** within each **newspaper distribution zone**; and
- (c) space at high demand locations will be allocated to the interested applicants by way of a lottery draw, on the basis of rules the **General Manager Engineering & Public Works** considers just and equitable in the circumstances.

2.2 General Permit Conditions

- 2.2.1 Subject to the terms and conditions of this bylaw, a **permit** that is in good standing in accordance with section 2.1.6 of this bylaw gives the **permittee** the non-exclusive licence to use a compartment in a **multiple publication news rack (MPN)**, to place one or more **newspaper distribution boxes**, and/or to deploy one or more **newspaper distribution agents** within the **City's newspaper distribution zones** in accordance with the provisions of this bylaw and the **permit**.
- 2.2.2 A **permit** does not vest any ownership or other interest in land, or in a **multiple publication news rack (MPN)**, to the **permittee**.
- 2.2.3 A **permittee** must not dispose, assign or sublicense a **permit**, or any of the **permittee's** rights or obligations under the **permit**, to another person, without the **City's** prior written approval.
- 2.2.4 **Newspaper distribution boxes** must:
 - (a) not be placed outside of the boundaries of a **newspaper distribution zone**;
 - (b) display an **identification decal**, in accordance with any instructions provided by the **City**;
 - (c) not be 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) not be 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) not display any third party advertising;
- (f) not be 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; and
- (g) not exceed the following dimensions:

Width - 65 cm

Depth - 50 cm

Height - 110 cm

2.2.5 Newspaper distribution agents must:

- (a) not be deployed outside of the boundaries of a **newspaper distribution zone**;
- (b) not display, distribute or sell third party advertising or products;
- (c) not act in an abusive, aggressive or offensive manner; and
- (d) present a valid **permit card**, upon request by **City** staff.

2.2.6 A **permittee** must maintain its **newspaper distribution boxes** in accordance with the following:

- (a) in a good state of repair, in good working order and free of graffiti, to the satisfaction of the **General Manager Engineering & Public Works**;
- (b) stocked with issues of the permitted **newspaper** on each scheduled circulation date or weekly, whichever period is shorter;
- (c) free of old issues of the permitted **newspaper** with old issues recycled using the **permittee's** own resources and at the **permittee's** cost and expense; and
- (d) free of litter within a 2 metre radius of the **permittee's newspaper distribution boxes**, with all litter disposed of using the **permittee's** own resources and at the **permittee's** cost and expense.

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

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

- (a) the application submitted by the **permittee** pursuant to section 2.1.1(a) of this bylaw contains false or misleading information, and the **permittee** does not correct such information, to the satisfaction of the **General Manager Engineering & Public Works**;
 - (b) the **permittee's** certificate of insurance, provided to the **City** pursuant to section 2.1.1(c) of this bylaw, is void or cancelled by the insurer and the **permittee** does not promptly provide proof of replacement insurance, to the satisfaction of the **City's** Risk Manager; or
 - (c) the **permittee** is in contravention of or fails to comply with any of the provisions of this bylaw or the **permit**.
- 2.3.2 Any **permit** issued pursuant to this bylaw may be revoked by the **General Manager Engineering & Public Works** for any reason, without cause, by providing 30 days' prior written notice to the **permittee**.
- 2.3.3 For the purposes of this section 2.3.2, written notice will be deemed to have been given four (4) days following mailing of the notice, if sent by ordinary prepaid mail, to the **permittee's** address as set out in the application for the **permit** or the most recent address provided by the **permittee** to the **City**, and the next business day if sent via facsimile.

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 relocation of any **newspaper distribution box** or **newspaper distribution agent**:
- (a) which or who the **General Manager Engineering & Public Works** considers creates a safety hazard;
 - (b) due to a special events;
 - (c) due to **street** work, work on bus or transit stops or shelters, or other construction; or
 - (d) which or who does not comply with any provision of this bylaw or the **permit** applicable to the **newspaper distribution box** or **newspaper distribution agent**.
- 2.4.2 If the **permittee** refuses or fails to remove or relocate a **newspaper distribution box** or **newspaper distribution agent**, as directed by the **General Manager Engineering & Public Works** pursuant to section 2.4.1 of this bylaw, the **General Manager Engineering & Public Works** is authorized, without further

notice to the **permittee**, to remove the **newspaper distribution box** or request the **newspaper distribution agent** to leave the **newspaper distribution zone**.

- 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 the payment of the storage fee set-out in Schedule E of this bylaw for any portion of the 90 days, plus recovery and labour costs incurred by the **City**.
- 2.4.4 Any **newspaper distribution box** removed by the **City** pursuant to section 2.4.2 of this bylaw and left unclaimed by the **permittee** for a period in excess of 90 days become the property of the **City** and may be disposed by the **City**, in its sole discretion, without compensation to the **permittee**.
- 2.4.5 The **General Manager Engineering & Public Works** may order, at any time and without notice, the temporary or permanent removal or relocation of a **multiple publication news rack (MPN)**, including disposing any **newspapers** within any compartment, for the reasons set-out in sections 2.4.1(a) to (c) of this bylaw, without compensation to a **permittee** for the loss of use of a compartment in the **multiple publication news rack (MPN)** or any **newspapers** disposed pursuant to this section 2.4.5.
- 2.4.6 The **permittee** will permanently remove its **newspaper distribution box** or **newspaper distribution agent** from a **newspaper distribution zone** and restore the portion of **street** or **City**-owned land used by the **permittee** to its former condition upon:
- (a) the expiry of a **permit** applicable to the **newspaper distribution zone** if a new **permit** is not issued by the **City** to the **permittee** for the same **newspaper distribution zone**; or
 - (b) revocation of a **permit** applicable to the **newspaper distribution zone**, in accordance with section 2.3.1 or 2.3.2 of this bylaw.
- 2.4.7 The **permittee** will restore the portion of **street** or **City**-owned land used by the **permittee** to its former condition upon any removal or relocation of a **newspaper distribution box** ordered by the **General Manager Engineering & Public Works** pursuant to section 2.4.1 of this bylaw.
- 2.4.8 If a **permittee** fails to comply with section 2.4.6 or 2.4.7 of this bylaw, the **City** is authorized to complete any work not carried out by the **permittee** and any costs or expenses incurred by the **City** will become a debt immediately due and owing by the **permittee** to the **City**.

PART THREE: VIOLATIONS AND PENALTIES

- 3.1 (a) A violation of any of the provisions identified in this bylaw shall result in liability for penalties and late payment amounts established in Schedule A of the *Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122*; and
- (b) A violation of any of the provisions identified in this bylaw shall be subject to the procedures, restrictions, limits, obligations and rights established in the *Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122* in accordance with the *Local Government Bylaw Notice Enforcement Act, SBC 2003, c. 60*.
- 3.2 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 have the following meanings:

CITY	means the City of Richmond
GENERAL MANAGER ENGINEERING & PUBLIC WORKS	means the person appointed by Council to the position of General Manager of Engineering and Public Works and includes an alternate
IDENTIFICATION DECAL	means a decal, in the form required by the City , containing the following information in clear and legible writing: <ul style="list-style-type: none"> (a) permit reference number and calendar year for which the permit is issued; and (b) current contact name, address and telephone number for the permittee or agent responsible for refilling and maintaining the newspaper distribution box.
MULTIPLE PUBLICATION NEWS RACK (MPN)	means a multi-compartment vending box installed by or on behalf of the City and used for the purpose of displaying or distributing any newspaper , whether there is any cost for the newspaper or not.
NEWSPAPER	means a newspaper, local periodical, magazine or other publication that contains news and/or advertising.

NEWSPAPER DISTRIBUTION AGENT

means any person displaying or distributing any **newspaper**, whether there is any cost for the **newspaper** or not.

NEWSPAPER DISTRIBUTION BOX

means any type of vending box or other receptacle used for the purpose of displaying or distributing any **newspaper**, whether there is any cost for the **newspaper** or not.

NEWSPAPER DISTRIBUTION ZONE

means that portion of a **street** or **City**-owned land designated by the **General Manager Engineering & Public Works** as a newspaper distribution zone in accordance with section 1.1.2 of this bylaw.

PERMIT

means a permit issued by the **General Manger Engineering & Public Works** pursuant to section 2.1.2 of this bylaw.

PERMIT CARD

means a card issued by the **City** to a **permittee** for a **newspaper distribution agent**, setting out the following information:

- (a) **permit** reference number and calendar year for which the **permit** is issued; and
- (b) current contact name, address and telephone number for **permittee** or agent responsible for the **newspaper distribution agent**.

PERMITTEE

means a person who has been issued a **permit**.

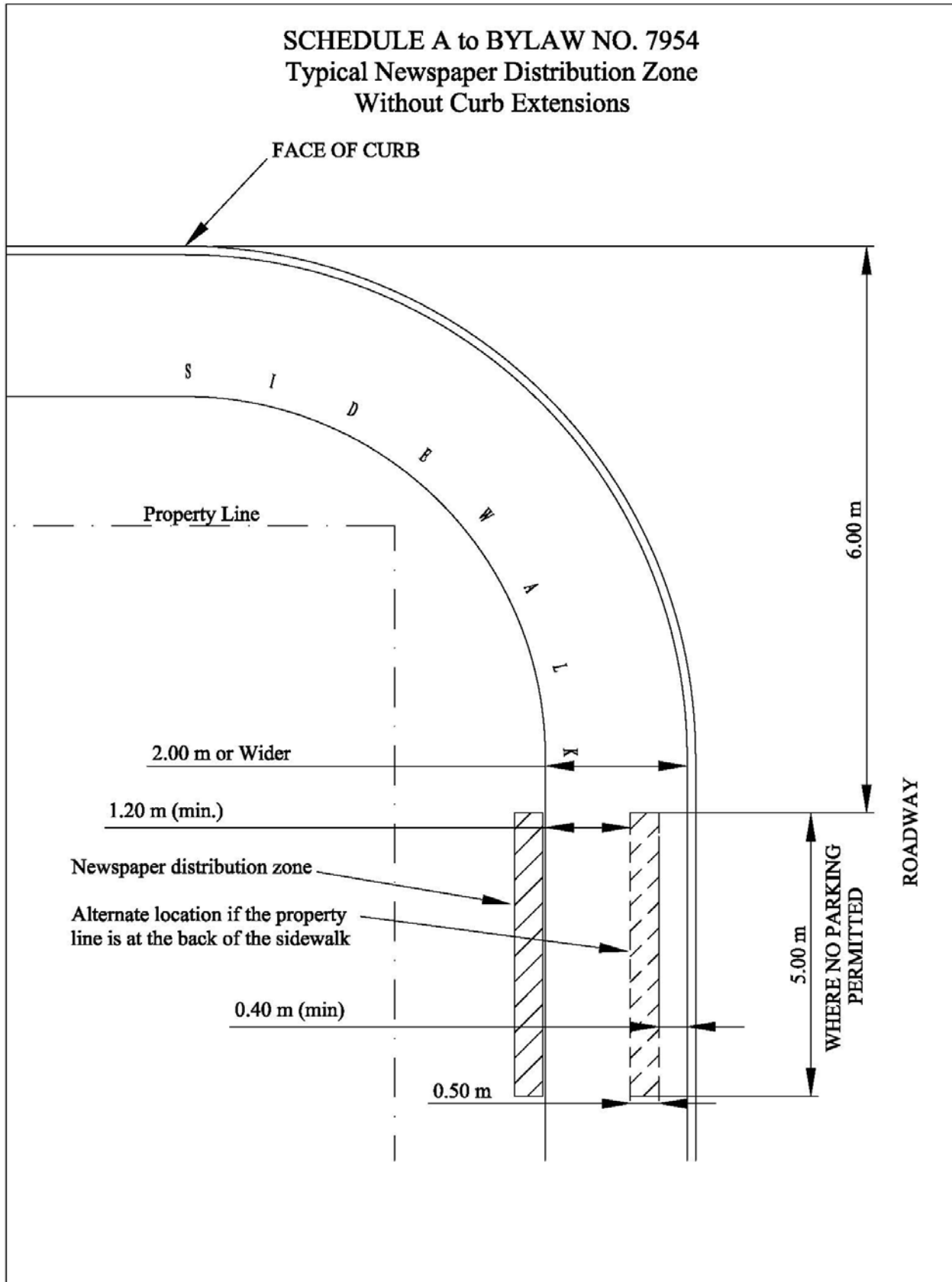
STREET

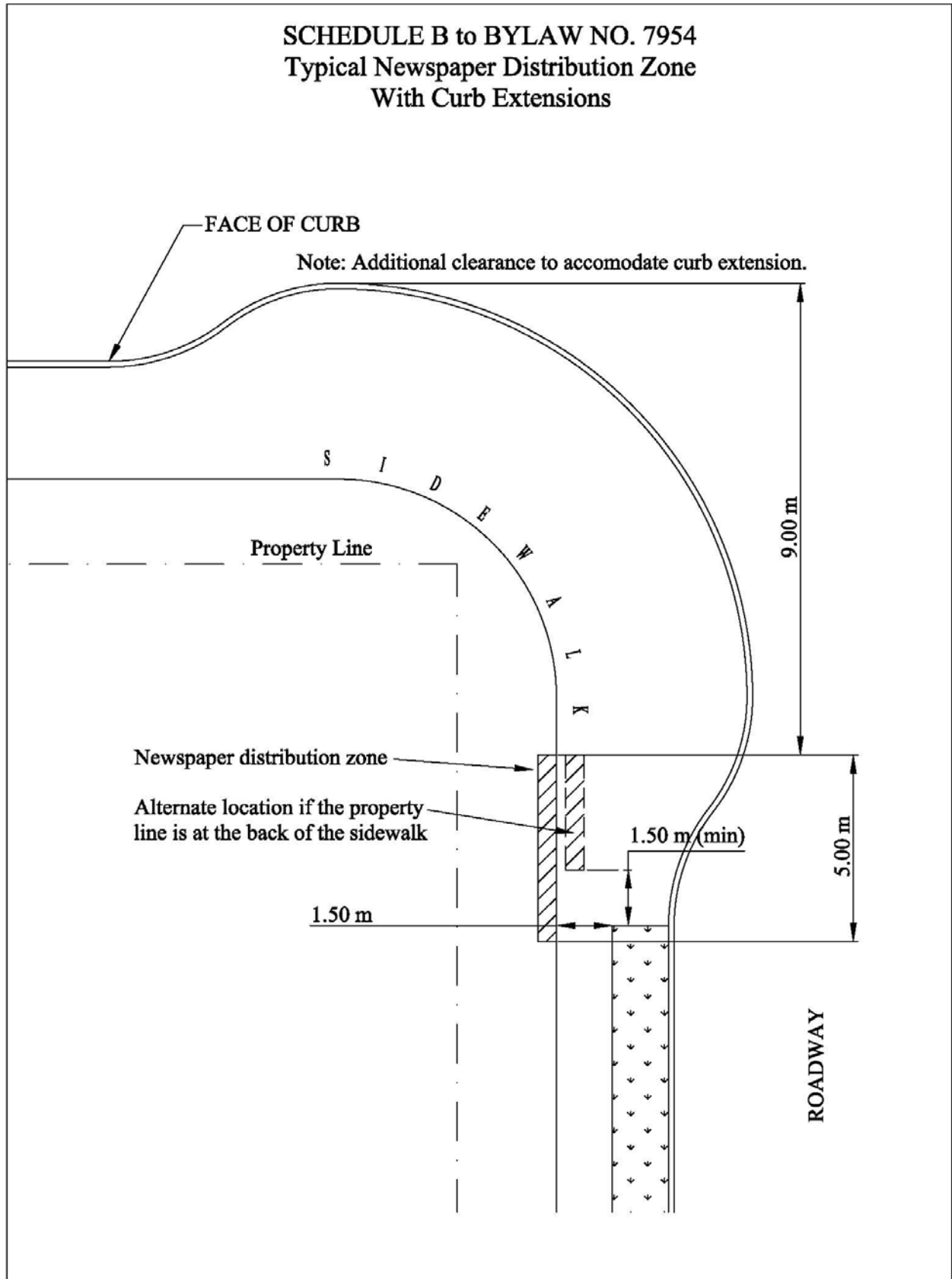
means a road, highway, lane, sidewalk, boulevard or other public right-of-way, including a statutory right-of-way over private land for vehicular or pedestrian purposes.

PART FIVE: SEVERABILITY AND BYLAW CITATION

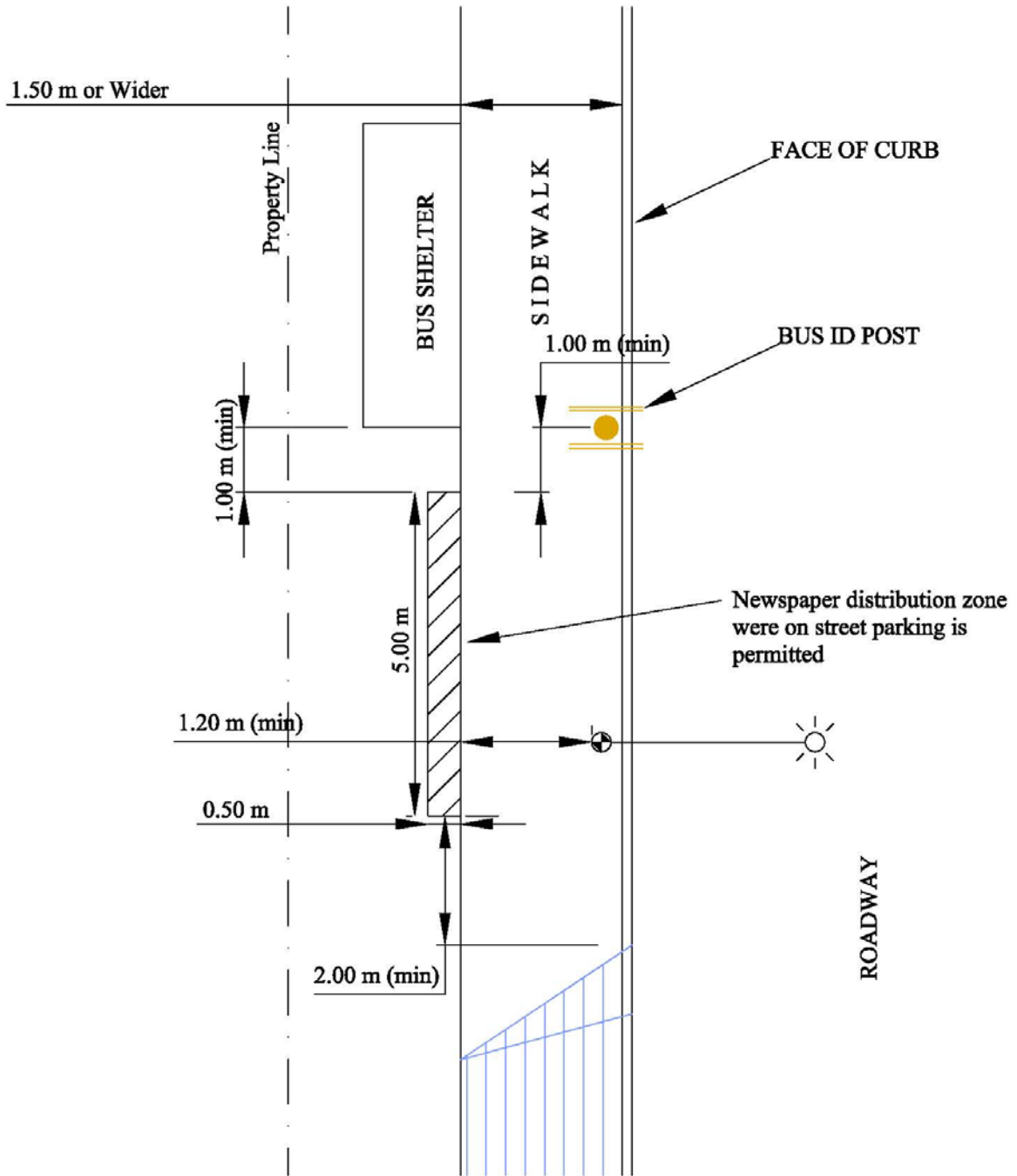
5.1 If any part, section, sub-section, clause, or sub-clause of this bylaw is, for any reason, held to be invalid by the decision of a Court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this bylaw.

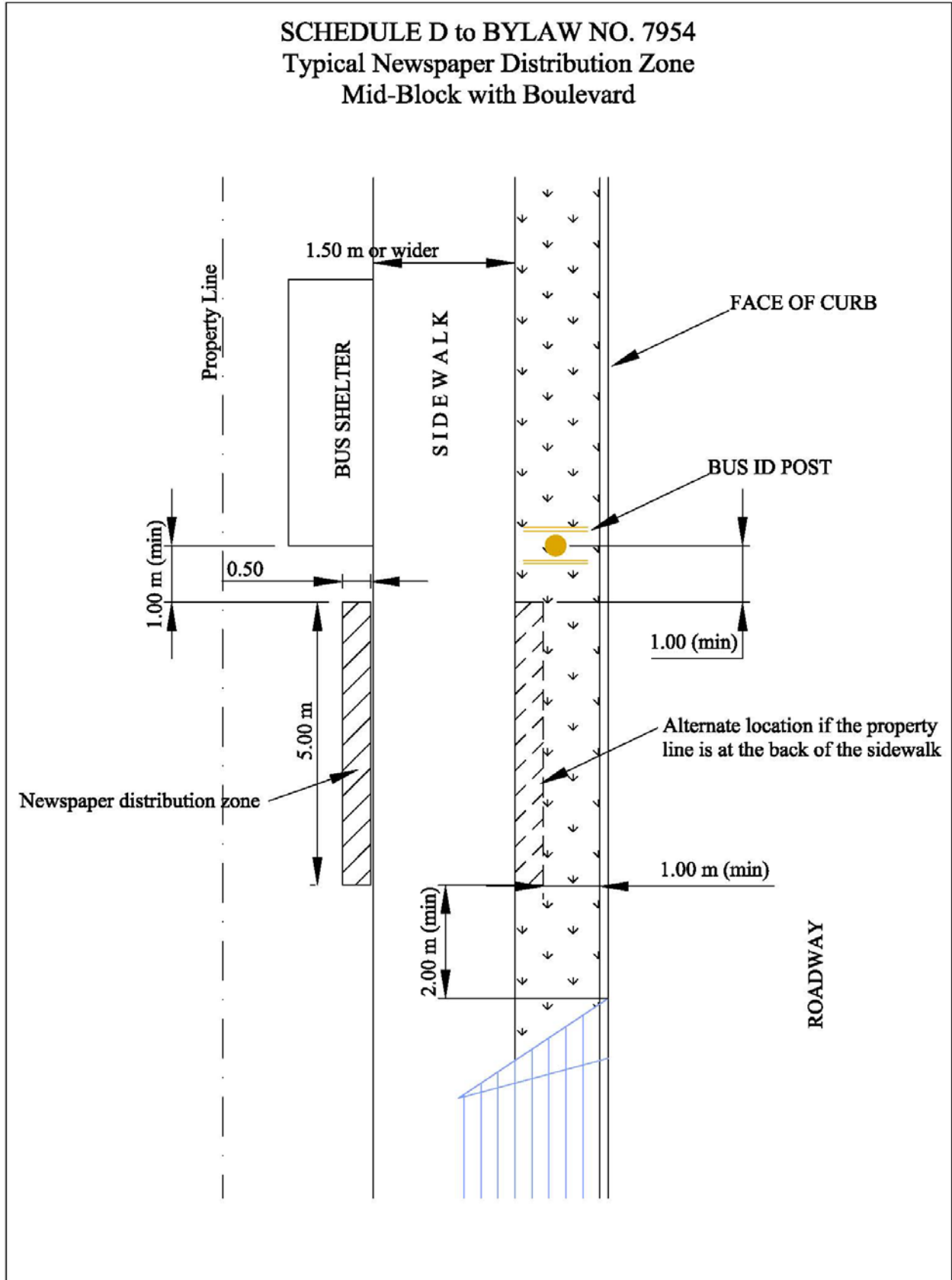
5.2 This bylaw is cited as “**Newspaper Distribution Regulation Bylaw No. 7954.**”





SCHEDULE C to BYLAW NO. 7954 Typical Newspaper Distribution Zone Mid-Block without Boulevard





SCHEDULE E TO BYLAW 7954

FEES

Annual **permit** fee for paid **newspapers** (pursuant to section 2.1.3):

\$150.00, plus applicable taxes for each compartment within a **multiple publication news rack (MPN)**

\$75.00, plus applicable taxes, for each **newspaper distribution box** or **newspaper distribution agent**

Annual **permit** fee for free **newspapers** (pursuant to section 2.1.3):

\$150.00, plus applicable taxes, for each compartment within a **multiple publication news rack (MPN)**

\$100.00, plus applicable taxes, for each **newspaper distribution box** or **newspaper distribution agent**

Newspaper distribution box storage fee (pursuant to section 2.4.3):

\$100.00, plus applicable taxes, for each **newspaper distribution box**