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**EXPLANATION****A By-law to amend CD-1 By-law No. 9275  
re miscellaneous text amendments**

After the public hearing on June 13, 2006, Council resolved to amend the CD-1 By-law for the Woodward's site to permit miscellaneous text amendments. The Director of Planning has advised that there are no prior-to conditions, and enactment of the attached by-law will implement Council's resolution.

Director of Legal Services  
July 18, 2006



BY-LAW NO. \_\_\_\_\_

**A By-law to amend CD-1 By-law No. 9275**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. In By-law No. 9275, Council:

- (a) from section 4.3(b)(i), repeals "11 115 m<sup>2</sup>", and substitutes "1 115 m<sup>2</sup>";
- (b) re-numbers sections 4.2 to 4.4 as sections 4.3 to 4.5 respectively;
- (c) after section 4.1, adds:

"4.2 Computation of floor area must include:

- (a) all floors having a minimum ceiling height of 1.2 m, regardless of maximum ceiling height, including earthen floor, both above and below ground level, measured to the extreme outer limits of the building; and
- (b) stairways, fire escapes, elevator shafts, and other features which the Director of Planning considers similar, measured by their gross cross-sectional areas and included in the measurements for each floor at which they are located."

(d) after section 4.5, adds:

"4.6 The use of floor space excluded, under this By-law, from the computation of floor space ratio must not be for any purpose other than that which justified the exclusion.";

(e) re-numbers section 5 as section 5.1; and

(f) after section 5.1, adds:

"5.2 Section 10.11, entitled Relaxation of Limitations on Building Height, of the Zoning and Development By-law, does not apply to this By-law."



**EXPLANATION**

**Street and Traffic By-law amending by-law  
regarding disability parking**

On June 13, 2006, Council approved changes to the disability parking provisions of the Street and Traffic By-law.

Director of Legal Services  
July 18, 2006

BY-LAW NO. \_\_\_\_\_



**A By-law to amend  
Street and Traffic By-law No. 2849  
regarding disability parking**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions and schedules of the Street and Traffic By-law.
2. Council repeals the definition of “Park” in section 3, and substitutes:  
  
‘ “Park” when prohibited, means the standing of a vehicle, whether occupied or not.’
3. After section 17.6, Council adds:  
  
“17.6A Despite section 17.6, a person may:
  - (a) park a vehicle, for no more than five minutes, while loading or unloading persons or materials; and
  - (b) despite subsection (a), park a custom transit vehicle or a vehicle that displays a disabled person’s parking placard authorized by the city, for no more than 30 minutes, while loading or unloading persons or materials.”
4. Council repeals sections 21.1, 21.2, 21.3, and 21.4, and substitutes:  
  
“21.1 A person must not stop a vehicle in a passenger zone except, for no more than three minutes, to load or unload passengers.  
  
21.2 Despite section 21.1, the driver of:
  - (a) an armoured vehicle, used to convey cash and other securities, may stop in a passenger zone while picking up or delivering such cash or securities;
  - (b) a commercial vehicle may stop in a passenger zone, before 12:00 noon on any day, for no more than 30 minutes, while loading or unloading materials; and
  - (c) a custom transit vehicle or a vehicle that displays a disabled person’s parking placard authorized by the city may stop in a passenger zone, for no more than 30 minutes, while loading or unloading persons or materials.
- 21.3 A person must not stop a vehicle in a loading zone except, for no more than three minutes, to load or unload passengers, and, for no more than 30 minutes, to load or unload materials.

21.4 Despite section 21.3, the driver of a custom transit vehicle or a vehicle that displays a disabled person's parking placard authorized by the city may stop in a loading zone, for no more than 30 minutes, while loading or unloading persons or materials."

5. After section 23, Council adds:

"23.1 If:

- (a) the City Engineer designates any street or part of a street for the parking of vehicles only of residents who live in a particular area of the city;
- (b) the City Engineer identifies any such street or part of a street by posting on it signs indicating a prohibition on parking except for a vehicle that displays a permit authorizing parking in that area; and
- (c) a person driving a vehicle that displays such a permit complies with all other parking restrictions that apply in that area;

such a person may park that vehicle on any such street or part of a street.

23.1A Despite section 23.1, a person driving a vehicle that displays a disabled person's parking placard authorized by the city may park that vehicle on a street or portion of a street referred to in section 23.1 for no more than three hours."

6. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this                      day of                      , 2006

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

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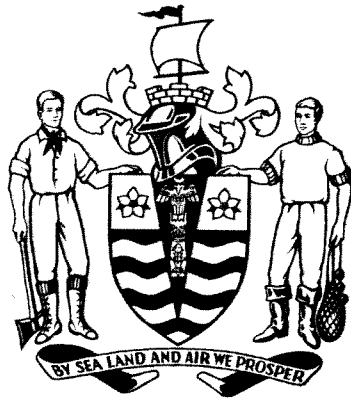
**EXPLANATION****Motor Vehicle Noise and Emission Abatement By-law**

This by-law implements Council's resolution of July 18, 2006 to substitute this by-law for the Motor Vehicle Noise Abatement By-law in order to add provisions to deal with anti-idling and to modernize the language.

Director of Legal Services  
July 18, 2006

CITY OF VANCOUVER  
BRITISH COLUMBIA

Q.



MOTOR VEHICLE NOISE AND EMISSION ABATEMENT BY-LAW NO. \_\_\_\_\_



# **MOTOR VEHICLE NOISE AND EMISSION ABATEMENT BY-LAW**

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**Motor Vehicle Noise and Emission Abatement By-law**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

**SECTION 1  
INTERPRETATION**

**Name of By-law**

1.1 The name of this By-law, for citation, is the “Motor Vehicle Noise and Emission Abatement By-law”.

**Definitions**

1.2 In this By-law:

“idle” or “idling” means the operation of the engine of a motor vehicle that is not in motion; and

“motor vehicle” means a vehicle which is self-propelled or propelled by electric power obtained from overhead wires but does not include a motorized wheelchair or a vehicle operated upon rails or tracks.

**Table of contents**

1.3 The table of contents for this By-law is for convenient reference only, and is not for use in interpreting or enforcing this By-law.

**Schedules**

1.4 Schedules attached to this By-law form part of this By-law.

**Severability**

1.5 A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.

**SECTION 2**  
**MOTOR VEHICLE NOISE AND EMISSION ABATEMENT**

**Disturbing noises**

2.1 The following noises are, in the opinion of Council, objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of individuals or the public:

- (a) the squeal of a tire, made by a motor vehicle that is accelerating or changing direction;
- (b) a loud, roaring, or explosive sound emitted by a motor vehicle;
- (c) the amplified sound of a radio, television, player, or other sound playback device or amplification equipment, or the sound of a musical instrument, that emanates from a motor vehicle and that someone outside the motor vehicle can easily hear;
- (d) the sound from vehicle-mounted sound amplification equipment made continuously for more than two minutes at the same location;
- (e) the sound of an automobile security system made, either continuously or intermittently, for a period exceeding one minute, or the sound of an automobile security system, not including its activation status signal, made more than three times in a 24 hour period; and
- (f) the sound of a motor vehicle that is idling in contravention of section 2.7 of this By-law except as exempted by section 2.8.

**Prohibition against disturbing noises**

2.2 A person must not make or cause to be made any objectionable noise set out in section 2.1 of this By-law.

**Noise from motor vehicle**

2.3 A person must not operate a motor vehicle so as to cause a nuisance by noise from the motor vehicle.

**Motor vehicle horn or warning device**

2.4 A person must not use or operate a horn or other warning device on a motor vehicle for any purpose other than as an audible warning incidental to the safe operation of the motor vehicle.

**Approved motor vehicle race or parade**

2.5 The prohibitions set out in sections 2.2, 2.3, and 2.4 are not to apply to participants in a motor vehicle race or a parade which Council has approved.

## **Engine brake**

2.6 A person must not use or operate a “Jacobs” brake or other type of engine brake on a motor vehicle for any purpose other than as an emergency braking device incidental to the safe operation of the motor vehicle.

## **Idling**

2.7 A person must not cause or permit a motor vehicle to idle:

- (a) for more than three consecutive minutes in a 60 minute period; or
- (b) while unattended and unlocked.

## **Idling exception**

2.8 Section 2.7(a) does not apply to a:

- (a) motor vehicle that contains or has attached to it equipment requiring power from the engine to operate in the course of the operation of such equipment for a commercial or public purpose;
- (b) police, fire, ambulance, or other emergency motor vehicle in the course of the performance of police, fire, ambulance, or other emergency duties including training activities;
- (c) motor vehicle in the course of assistance in an emergency;
- (d) armoured motor vehicle, used to transport money or valuables, in which a person remains to guard the contents, in the course of the loading or unloading of such money or valuables;
- (e) motor vehicle in the course of a race or parade Council has approved; or
- (f) bus while its passengers are in the course of embarking or disembarking.

## **Impounding**

2.9 For the purposes of the Impounding By-law, Council deems a motor vehicle that:

- (a) has an automobile security system operating in contravention of this By-law; or
- (b) is idling while unattended and unlocked or insecure;

to be a vehicle unlawfully left upon a street.

## **SECTION 3 ENFORCEMENT**

### **Offences under By-law**

3.1 A person who:

- (a) violates any provision of this By-law, or does any act or thing which violates any provision of this By-law, or suffers or allows any other person to do any act or thing which violates any provision of this By-law;
- (b) neglects to do or refrains from doing anything required to be done by any provision of this By-law; or
- (c) fails to comply with an order, direction, or notice given under any provision of this By-law, or suffers or allows any other person to fail to comply with an order, direction, or notice given under any provision of this By-law;

is guilty of an offence against this By-law, and liable to the penalties imposed under this Section 3.

### **Fine for offence**

3.2 Every person who commits an offence against this By-law is punishable on conviction by a fine of not less than \$100.00 and not more than \$2,000.00 for each offence, except that the fine under section 2.7 is not to be less than \$50.00 for a person operating a motor vehicle other than a bus, being a motor vehicle having a seating capacity of more than 12 persons, including the driver, operated for hire or for public transportation, or a truck, being a motor vehicle or combination of motor vehicles having a gross vehicle weight in excess of 10,000 kilograms.

### **Fine for continuing offence**

3.3 Every person who commits an offence of a continuing nature against this By-law is liable to a fine not exceeding \$50.00 for each day such offence continues.

## **SECTION 4 EFFECT OF BY-LAW, REPEAL, AND ENACTMENT**

### **Effect of this By-law**

4.1 The provisions of this By-law are in addition to, and not in substitution for, the provisions of the Noise Control By-law.

### **Repeal**

4.2 This By-law repeals By-law No. 4338.

**Force and effect**

4.3 This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this            day of            , 2006

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

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**EXPLANATION****Street and Traffic By-law amending by-law  
regarding buses and trucks**

On July 18, 2006, Council approved changes to the number of passengers needed to constitute a vehicle a bus and increased the gross vehicle weight for trucks and removed the axle requirement.

Director of Legal Services  
July 18, 2006

BY-LAW NO. \_\_\_\_\_



**A By-law to amend  
Street and Traffic By-law No. 2849  
regarding buses and trucks**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions and schedules of the Street and Traffic By-law.
2. From the definition of "Bus" in section 3, Council strikes out "10", and substitutes "12".
3. From section 90B, Council strikes out:
  - (a) "with more than 2 axles and "; and
  - (b) "5,500", and substitutes "10,000".
4. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this \_\_\_\_\_ day of \_\_\_\_\_, 2006

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



**EXPLANATION****Crossing By-law amending by-law  
regarding 2006 decrease in goods and services tax**

The attached by-law will implement Council's resolution of July 18, 2006 to amend the Crossing By-law to decrease certain fees from and after July 1, 2006 to reflect a decrease in goods and services tax from and after that date.

Director of Legal Services  
July 18, 2006

BY-LAW NO. \_\_\_\_\_



**A By-law to amend Crossing By-law No. 4644  
regarding a decrease in the goods and services tax**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. In section 9 of the Crossing By-law, Council:
  - (a) after “charges”, adds “, inclusive of a goods and services tax imposed under the Excise Tax Act (Canada),”; and
  - (b) strikes out “\$330.00”, and substitutes “\$327.00”.
2. This By-law is to be retroactive to, and Council deems this By-law to have come into force and effect on, July 1, 2006.

ENACTED by Council this

day of

, 2006

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

**EXPLANATION****Encroachment By-law amending by-law  
regarding 2006 decrease in goods and services tax**

The attached by-law will implement Council's resolution of July 18, 2006 to amend the Encroachment By-law to decrease certain fees from and after July 1, 2006 to reflect a decrease in goods and services tax from and after that date.

Director of Legal Services  
July 18, 2006

BY-LAW NO. \_\_\_\_\_

**A By-law to amend Encroachment By-law No. 4243  
regarding a decrease in the goods and services tax**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. Council repeals section 3A(4) of the Encroachment By-law, and substitutes:

“In addition to the fees payable under section A of the schedule hereto, and in lieu of any continuing annual charges, the owners of the real property to which anchor rods will be appurtenant must pay a one-time charge of \$43.14, inclusive of a goods and services tax imposed under the Excise Tax Act (Canada), per square metre of area of the proposed excavation face that will be supported by anchor rods and abuts a street or lane as calculated by the Engineer.”

2. Council repeals Part A of the Schedule attached to the Encroachment By-law, and substitutes:

“A. PERMIT FEES (inclusive of a goods and services tax imposed under the Excise Tax Act (Canada))

For the construction, repair or removal of an encroachment:

For an encroachment of up to and including  
20 square metres ..... \$ 48.00

For each additional square metre or part  
thereof ..... \$ 4.36

To a maximum fee of ..... \$337.00”.

3. This By-law is to be retroactive to, and Council deems this By-law to have come into force and effect on, July 1, 2006.

ENACTED by Council this \_\_\_\_\_ day of \_\_\_\_\_, 2006

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

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**EXPLANATION****Street and Traffic By-law amending by-law  
regarding 2006 decrease in goods and services tax**

The attached by-law will implement Council's resolution of July 18, 2006 to amend the Street and Traffic By-law to decrease certain fees from and after July 1, 2006 to reflect a decrease in goods and services tax from and after that date.

Director of Legal Services  
July 18, 2006

BY-LAW NO. \_\_\_\_\_



**A By-law to amend Street and Traffic By-law No. 2849  
regarding a decrease in the goods and services tax**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions of the Street and Traffic By-law.
2. In section 23.4, Council:
  - (a) from subsection (a), strikes out "\$60.00", and substitutes "\$59.00"; and
  - (b) from subsection (b), strikes out "\$46.00", and substitutes "\$45.00".
3. From section 30(7)(c), Council strikes out "\$678.00", and substitutes "\$672.00, inclusive of a goods and services tax imposed under the Excise Tax Act (Canada),".
4. From section 67A(6), Council strikes out "\$96.00", and substitutes "\$95.00".
5. In section 80(2), Council:
  - (a) after "fee", adds ", inclusive of a goods and services tax imposed under the Excise Tax Act (Canada),"; and
  - (b) strikes out "\$147.00", "\$209.00", "\$638.00", "\$1,198.00", "\$2,384.00", "\$2,853.00", "\$294.00", and "\$526.00", and substitutes "\$146.00", "\$207.00", "\$632.00", "\$1,187.00", "\$2,362.00", "\$2,826.00", "\$291.00", and "\$521.00" respectively.
6. From section 96, Council strikes out "\$251.00", and substitutes "\$248.00".
7. This By-law is to be retroactive to, and Council deems this By-law to have come into force and effect on, July 1, 2006.

ENACTED by Council this \_\_\_\_\_ day of \_\_\_\_\_, 2006

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

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**EXPLANATION****Street Vending By-law amending by-law  
regarding 2006 decrease in goods and services tax**

The attached by-law will implement Council's resolution of July 18, 2006 to amend the Street Vending By-law to decrease certain fees from and after July 1, 2006 to reflect a decrease in goods and services tax from and after that date.

Director of Legal Services  
July 18, 2006

BY-LAW NO. \_\_\_\_\_



**A By-law to amend Street Vending By-law No. 4781  
regarding a decrease in the goods and services tax**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. Council repeals that portion of Schedule A of the Street Vending By-law under the heading "Permit Fees", and substitutes that portion of Schedule A headed "Permit Fees" attached to this By-law, which new Schedule A is to form part of the Street Vending By-law.
2. This By-law is to be retroactive to, and Council deems this By-law to have come into force and effect on, July 1, 2006.

ENACTED by Council this \_\_\_\_\_ day of \_\_\_\_\_, 2006

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



Schedule A

Permit Fees

The following fees shall be paid prior to issuance of a permit, inclusive of a goods and services tax imposed under the *Excise Tax Act* (Canada) unless otherwise stated:

- (a) general street vendor
  - (i) food ..... \$923.00 per year
  - (ii) all other products ..... \$692.00 per year
- (b) special event market vendor ..... \$ 94.00 per block per day to a maximum fee of \$371.00 per day
- (b.1) individual special event vendor (not available for an event for which a special event market vendor permit under clause (b) has already been issued) ..... \$ 30.00 per day
- (c) mobile street vendor
  - (i) with motorized unit ..... \$249.00 per year
  - (ii) without motorized unit ..... \$125.00 per year
- (d) blind street vendor any category ..... \$ 1.00 per year (no g.s.t.)
- (e) street use for the display of produce, plants and cut flowers for each square foot of display area ..... \$ 3.74 per year  
subject to a minimum fee of ..... \$105.00 per year
- (f) street use for the provision of tables and chairs accessory to a food vending establishment ..... \$289.00 per year

# LATE DISTRIBUTION FOR COUNCIL - JULY 18, 2006

EXPLANATION

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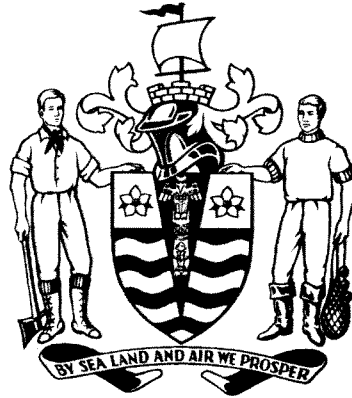
## Street Distribution of Publications By-law

On June 29, 2006, Council resolved to approve a by-law to regulate the distribution of publications on city streets by way of news boxes, drop boxes, and multiple publications news boxes, and the charging of permit fees.

Director of Legal Services  
July 18, 2006

*File*

**CITY OF VANCOUVER  
BRITISH COLUMBIA**



**STREET DISTRIBUTION OF PUBLICATIONS BY-LAW NO. \_\_\_\_\_**

# STREET DISTRIBUTION OF PUBLICATIONS BY-LAW

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BY-LAW NO. \_\_\_\_\_

**A By-law to regulate the distribution of publications on streets**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

**SECTION 1  
INTERPRETATION**

**Name of By-law**

1.1 The name of this By-law, for citation, is the “Street Distribution of Publications By-law”.

**Definitions**

1.2 In this By-law:

“block face” means the sidewalk area along one side of a street between two streets that intersect the street on that side;

“compartment” means a single compartment, in a multiple publications news box, used to dispense one or more publications to the public;

“compartment permit” means a permit issued by the engineering services committee under section 5.4(c);

“drop box” means a container used to distribute one or more publications to retail outlets in the vicinity of the drop box;

“drop box permit” means a permit issued by the engineering services committee under section 5.4(b);

“engineering services committee” means a committee comprised of the city engineer, being the General Manager of Engineering Services, and deputy city engineer;

“existing permit” means a permit for the placement and use of a news box or drop box that is current on the date of enactment of this By-law;

“multiple publications news box” means a container provided by the city, consisting of multiple compartments, and used to dispense more than one publication to the public;

“news box” means a container used to dispense one or more publications to the public;

“news box cluster” means two or more news boxes grouped immediately adjacent to one another;

“news box permit” means a permit issued by the engineering services committee under section 5.4(a);

“permit” means a news box permit, drop box permit, compartment permit, and existing permit, or any one of them, as applicable;

“permit holder” means a person who holds a current permit that the engineering services committee has not revoked;

“person” means an individual, partnership, corporation, trustee, government, government agency, board or commission, or other legal entity capable of suing or being sued;

“place” means to place or install a news box, drop box, or multiple publications news box on a street; and

“publication” means a newspaper or similar printed document published at regular intervals and intended for distribution to the public either for a price or free of charge including a publication that contains classified advertisements but excluding a publication the sole purpose of which is to advertise a retail outlet, product, product line, or service.

### **Table of contents**

1.3 The table of contents for this By-law is for convenient reference only, and is not for assistance in interpreting or enforcing this By-law.

### **Schedules**

1.4 Schedules to this By-law form part of this By-law.

### **Severability**

1.5 A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.

### **Delegation to engineering services committee**

1.6 Council delegates to the engineering services committee all powers otherwise exercisable by Council under this By-law.

## **SECTION 2 GENERAL REGULATIONS**

### **Compliance with by-laws and permits**

2.1 A person must not place or use a news box or drop box on a street, or use a compartment, unless that person complies with:



- (a) the terms and conditions of this By-law; and
- (b) the terms and conditions of the permit that applies in respect of that news box, drop box, or compartment.

#### **Limit on number of permits and news boxes**

2.2 A person must not hold, at any one time, more than 700 permits to place or keep news boxes on streets, and a particular publication may not occupy more than 700 news boxes at any one time regardless of who owns that news box.

### **SECTION 3 GENERAL APPLICATIONS**

#### **General application**

3.1 A person who wishes to:

- (a) retain an existing permit for a news box or drop box; or
- (b) apply for a permit to place a news box or drop box on a street or to use a compartment;

must submit to the engineering services committee a general application, in the form prescribed by the engineering services committee, signed by the applicant or by an individual who has legal authority to bind the applicant.

#### **Submissions with respect to existing permits**

3.2 With the general application, an applicant under section 3.1(a) must submit to the engineering services committee:

- (a) the release and indemnity required under section 10.1;
- (b) proof of the insurance required under section 10.3; and
- (c) such other information as the engineering services committee may require.

#### **Submissions with respect to new permits**

3.3 With the general application, an applicant under section 3.1(b) must submit to the engineering services committee:

- (a) a copy of the publication or publications that the news box, drop box, or compartment is to contain;
- (b) a description of the frequency of distribution of the publication to the public;

- (c) a plan showing the proposed dimensions, and a photograph or rendering showing the proposed design of the exterior, of the news box;
- (d) the release and indemnity required under section 10.1;
- (e) proof of the insurance required under section 10.3; and
- (f) such other information as the engineering services committee may require.

#### **Time limit for applications with respect to existing permits**

3.4 A person must submit a general application under section 3.1(a) within 60 days after the date of enactment of this By-law.

#### **Acceptance of application**

3.5 The engineering services committee will advise the applicant whether or not the general application and submissions are acceptable to the engineering services committee.

#### **No fee**

3.6 No fee is payable in respect of a general application.

#### **Changes to general application or submissions**

3.7 If, from time to time, anything in a general application or the submissions referred to in section 3.2 or 3.3 changes, the applicant must notify the engineering services committee promptly in writing.

### **SECTION 4 STATUS OF EXISTING PERMITS**

#### **Continuance of existing permit**

4.1 Subject to section 12.2, Council deems each existing permit to continue, under this By-law, as a news box permit as if the engineering services committee had issued such a permit under section 5.4.

#### **Effect of continuance of existing permit**

4.2 A permit holder who holds an existing permit must comply with all requirements of this By-law, except for sections 5.1 to 5.3, including payment, from time to time, of applicable fees.

## **SECTION 5 PERMIT PROCESS**

### **Application for permit**

5.1 An applicant for a permit to:

- (a) place and use a news box on a street;
- (b) place and use a drop box on a street; or
- (c) use a compartment in a multiple publications news box;

must submit to the engineering services committee an application, in the form prescribed by the engineering services committee, signed by the applicant or by an individual who has legal authority to bind the applicant.

### **Submissions with application**

5.2 With the application, an applicant under section 5.1 must submit to the engineering services committee:

- (a) a precise description of the location, or compartment in a multiple publications news box, desired by the applicant; and
- (b) the appropriate application fee referred to in Part 1 of Schedule A unless the applicant submits the application within 10 days after the engineering services committee has revoked a permit of the applicant other than by reason of the applicant's breach of this By-law in which case no application fee is payable.

### **Refusal to issue permit**

5.3 If:

- (a) the applicant is in breach of any term or condition of this By-law, or any other permit then held by the applicant;
- (b) the applicant has not submitted a general application under section 3.1(b);
- (c) the engineering services committee has not accepted the general application submitted by the applicant under section 3.1(b);
- (d) the applicant has not paid the applicable fees under section 5.2(b);
- (e) with respect to a news box or drop box, the engineering services committee does not approve the location, the location is not available, or the location is then subject to a lottery draw under Section 13;

- (f) no compartment is available in the specified multiple publications news box, or the location is then subject to a lottery draw under Section 13; or
- (g) the engineering services committee has revoked a permit under section 12.2(a), (b), (c), (d), (e), or (f) held by the applicant for the same location;

the engineering services committee must refuse to issue the permit for which the applicant has applied.

#### **Issuance of permit**

5.4 If no ground of refusal set out in section 5.3 applies, the engineering services committee may issue a permit, in the form prescribed by the engineering services committee, pursuant to an application under section 5.1, for:

- (a) placement and use of a news box on a street;
- (b) placement and use a drop box on a street; or
- (c) use of a compartment in a specified multiple publications news box on a street;

as applicable.

### **SECTION 6 EFFECT OF PERMIT**

#### **Non-exclusive licence**

6.1 Subject to the terms and conditions of this By-law, issuance or continuance of a permit gives the permit holder the non-exclusive licence to place and use a news box, drop box, or compartment as set out in this By-law and in the permit.

#### **Limits on scope of permit**

6.2 Issuance or continuance of a permit does not vest any ownership or other interest in land, or in a multiple publications news box, to a permit holder.

#### **Non-disposition of permit**

6.3 A permit holder must not dispose of the permit, or any of the permit holder's rights or obligations under the permit, to another person.

### **SECTION 7 NEWS BOX AND DROP BOX SPECIFICATIONS**

#### **Size of news box**

7.1 A news box must be at least:

- (a) 0.9 metre, and not more than 1.08 metres, high;
- (b) 0.42 metre, and not more than 0.61 metre, wide, except that the engineering services committee may permit a news box less than 0.42 metre wide if located in the middle of a news box cluster of three or more news boxes; and
- (c) 0.38 metre, and not more than 0.51 metre, deep.

#### **Weight of news box**

7.2 A news box must weigh at least 40 kg including sufficient base weight to prevent it from tipping.

#### **Appearance of news box or drop box**

7.3 A news box or drop box must consist of metal except for the door, completely enclose the publications it contains, and include a self-closing door.

#### **Advertising on news box**

7.4 The exterior of a news box may contain only:

- (a) the name of the publication the news box contains;
- (b) the logo of the publication;
- (c) the price of the publication; and
- (d) box cards, advertising the publication or promotion sponsored by the publication, and displayed only on the front of the news box below the door;

and, without limiting the generality of the foregoing, may not include third party advertising, notices, or signs.

#### **Identification of news box or drop box**

7.5 A news box or drop box must have affixed to it, readily visible and legible at all times, the contact name, address, email address if applicable, and telephone number of the permit holder with respect to that news box or drop box, any applicable circulation department for the publication in the news box or drop box, and the owner or person in control of the news box or drop box.

#### **Other specifications of drop box**

7.6 A drop box must be smaller than a news box, contain no markings or advertising on the outside except as required by section 7.5, be a neutral colour, and otherwise be satisfactory to the engineering services committee.

**SECTION 8  
NEWS BOX AND DROP BOX PLACEMENT  
AND LOCATION RESTRICTIONS**

**News box placement restrictions**

- 8.1 The following restrictions apply to the placement of news boxes on streets:
- (a) a block face must not include more than three news box clusters;
  - (b) a news box cluster must not exceed four news boxes;
  - (c) news boxes must be in a cluster, and placed or installed parallel to the nearest curb;
  - (d) neither an intersection of two or more streets nor a block face may contain more than two news boxes for the same publication;
  - (e) no corner of an intersection may contain more than one news box for the same publication;
  - (f) no block face measuring less than 110 metres long between the two curbs that are nearest to the block face on the streets that intersect the block face may contain a news box cluster other than at either corner; and
  - (g) there must be no news boxes in areas that consist of one-family or two-family dwellings, except at bus stops, and the engineering services committee is to consider the approval of news boxes in areas that consist of other types of residential dwellings on a case by case basis.

**News box location restrictions**

- 8.2 The following restrictions apply to the location of news boxes on streets, which news boxes must not:
- (a) be within the corner curb radius of any intersection;
  - (b) be within 0.3 metre of the edge of the curb where parking and loading in the adjacent roadway are not permitted at curb locations;
  - (c) be within 1.0 metre of the edge of a curb where parking and loading in the adjacent roadway is permitted;
  - (d) be in any curb cut designed to facilitate access by disabled persons or within one metre of the curb cut;
  - (e) be within any driveway or 0.6 metre of any driveway;

- (f) be within 1.5 metres of a fire hydrant or other fire service connection or bicycle rack;
- (g) be within one metre of, or bolted or chained to, a tree, traffic signal, utility pole, transit stop pole, decorative street light pole, or street furniture;
- (h) be between traffic signal poles, or other utility poles to which pedestrian activation buttons are attached, and the crosswalk which they serve;
- (i) be within any transit loading or unloading area in a manner that interferes with boarding, disembarking, or queuing by transit passengers;
- (j) obstruct the sightlines of an advertising panel on a transit shelter;
- (k) be on, over, or within any part of the travelled surface of the roadway portion of a street, including any curb;
- (l) be on any sidewalk in such a manner that less than 1.5 metres of sidewalk width immediately adjacent to the installation is available for pedestrian passage;
- (m) obstruct driver or pedestrian sight lines, or otherwise compromises public safety;
- (n) be on top of, or in a manner that interferes with access to, any utility access cover;
- (o) be on grass or landscaped surfaces;
- (p) require pedestrians to adjust their line of travel to pass the news box; or
- (q) be at an intersection corner or mid-block location where there is a multiple publications news box.

#### **Drop box location restrictions**

8.3 A drop box on a street must be flush against the wall of a retail outlet that is to receive copies of the publication or publications the drop box contains and must be kept locked.

### **SECTION 9 NEWS BOX, DROP BOX, AND COMPARTMENT OPERATION AND PERMIT HOLDER'S OBLIGATIONS**

#### **Limit on contents**

9.1 A permit holder must not stock in a news box, drop box, or compartment anything other than the publication authorized by the permit.

### **Repair and maintenance**

9.2 A permit holder must keep the news box or drop box authorized by the permit clean and in a state of good repair and maintenance.

### **Stocking of new issues**

9.3 A permit holder must stock the news box, drop box, or compartment authorized by the permit with issues of the publication on each date scheduled for circulation of such issue, except that, if circulation frequency is less than weekly, stocking must occur at least weekly.

### **Removal of old issues**

9.4 A permit holder must remove out-of-date issues of publications from the news box, drop box, or compartment authorized by the permit, and must recycle such publications.

### **Temporary removal to accommodate activities**

9.5 If the engineering services committee determines that, as a result of construction, a special event or other temporary street use, the placement, use, repair, maintenance, or operation of a news box, drop box, or multiple publications news box may interfere with any such activity or compromise public safety, security, or accessibility, the engineering services committee may:

- (a) remove the news box, drop box, or multiple publications news box from the street during such period as the engineering services committee considers appropriate; or
- (b) order the permit holder to remove the news box or drop box from the street by the date specified by the engineering services committee, and not to return it to the street until the engineering services committee notifies the permit holder that it may do so.

### **Prompt compliance**

9.6 A permit holder must comply promptly with the permit holder's obligations under this By-law and the permit.

### **Recycling compartments**

9.7 If the permit holder chosen under section 13.3 to empty the recycling compartment in a multiple publications news box on a daily basis fails to do so, the engineering services committee, without limiting its other remedies, may take over emptying the recycling compartment, and charge related costs equally among the permit holders of the compartments in the applicable multiple publications news box.



**SECTION 10  
RELEASE AND INDEMNITY AND INSURANCE**

**Release and indemnity**

10.1 From and after the date a person submits a general application under section 3.1, the applicant must:

- (a) release and discharge the city and all city personnel from all claims, including general, special, exemplary or consequential damages, direct or indirect losses including economic losses whether or not known or suspected, compensation, expenses, costs including costs on a solicitor-client basis, common law or statutory penalties or fines, demands, suits, actions, orders, judgments, or proceedings, at law or at equity, of the applicant; and
- (b) indemnify and save harmless the city and all city personnel from all such claims of a third person;

in connection with, arising out of, incidental to, or which would not have arisen but for, the placement, use, repair, maintenance, operation, removal, or abandonment of any news box or drop box, or the use or operation of any compartment, authorized by a permit issued to such person.

**Survival of release and indemnity**

10.2 A release and indemnity referred to in section 10.1 is to survive the revocation or surrender of any permit referred to in section 10.1 with respect to all claims that arose or could have arisen prior to expiry or revocation of the permit.

**Insurance**

10.3 While a release and indemnity referred to in section 10.1 is in force and effect, a permit holder must:

- (a) obtain and maintain comprehensive/commercial general liability insurance:
  - (i) in an amount of at least \$2,000,000.00 inclusive per occurrence,
  - (ii) that names the city as an additional named insured,
  - (iii) that contains an endorsement to give the engineering services committee at least 30 days' prior notice by registered mail of cancellation, lapse, or material change; and
- (b) deliver a certificate, in form satisfactory to the Director of Risk Management, issued by the insurer evidencing such insurance to the engineering services committee from time to time on demand.

## **Terms and conditions of release and indemnity and insurance**

10.4 The terms and conditions of the release and indemnity referred to in section 10.1 and the insurance referred to in section 10.3 must be satisfactory to the city's Director of Risk Management and Director of Legal Services.

## **SECTION 11 FEES**

### **First location fee**

11.1 Within 30 days after issuance of a permit, the permit holder must pay to the city the applicable location fee referred to in Part 2 of Schedule A, except that if the engineering services committee issues the permit after September 30 in a calendar year then no location fee is payable for the balance of that calendar year.

### **Annual location fee**

11.2 On or before January 31 in each calendar year, a permit holder must pay the annual location fee set out in Part 2 of Schedule A for the placement and use of the news box or drop box, or use of the compartment, authorized by the permit, for the then current calendar year and based on the number of permits in effect on December 31 of the immediately preceding year.

### **No refund of location fee**

11.3 Neither the temporary removal of a news box, drop box, or multiple publications news box from a street under section 9.5 nor the revocation or surrender of a permit entitles the permit holder to a refund of any portion of an annual location fee for any portion of a calendar year.

## **SECTION 12 VARIANCES AND REVOCATION**

### **Variances**

12.1 The engineering services committee may allow minor variances from strict compliance with the terms and conditions of this By-law so long as such variances apply equally to all permit holders and do not obstruct driver or pedestrian sight lines, or otherwise compromise public safety or accessibility.

### **Revocation of permit**

12.2 Without limiting the generality of Section 14, if:

- (a) the general application of a permit holder, submitted under section 3.1, or the submissions which accompanied it, contain false or misleading information, and

the permit holder does not correct the application or submission, to the satisfaction of the engineering services committee, within 10 days after receipt of notice from the engineering services committee;

- (b) the insurance of a permit holder, submitted under section 3.2 or 3.3, is void or cancelled by the insurer, and the permit holder does not provide new insurance, to the satisfaction of the engineering services committee, within 10 days after receipt of notice from the engineering services committee;
- (c) the application of a permit holder, submitted under section 5.1, for a permit contains false or misleading information, and the permit holder does not correct the application, to the satisfaction of the engineering services committee, within 10 days after receipt of notice from the engineering services committee;
- (d) a permit holder fails to place or keep a news box or drop box at a location approved under the permit for 90 consecutive days;
- (e) a permit holder fails to keep a news box or compartment approved under a permit stocked for three consecutive days for daily publications or on three occasions over a period of 21 consecutive days for other than daily publications;
- (f) a permit holder fails to comply with its obligations under this By-law in respect of any particular permit, and does not rectify such non-compliance:
  - (i) within three days after receipt of notice from the engineering services committee, or
  - (ii) with respect to cleaning or maintaining, or repairing damage to, a news box including removing graffiti and posters, within three days after receipt of the third notice from the engineering services committee;
- (g) the placement or location of a news box or drop box authorized under a permit does not comply with section 8.1 or 8.2;
- (h) in the opinion of the engineering services committee, the placement, use, repair, maintenance, or operation in a particular location of a news box or drop box authorized by a permit, or a multiple publications news box, in respect of which one or more compartments are authorized by a permit, may compromise public safety, security, or accessibility or conflict with a municipal purpose; or
- (i) the engineering services committee wishes to place a multiple publications news box in the same location as a news box authorized by a permit;

then the engineering services committee may revoke, in the case of subsection (a) or (b), all permits then issued to the permit holder referred to in either of those subsections, or, in the case of subsection (c), (d), (e), (f), (g), (h) or (i), the permit referred to in the applicable subsection.

## **Notice of revocation**

12.3 The engineering committee is to notify the permit holder of revocation of its permit or permits.

## **Removal from street by permit holder**

12.4 A permit holder who receives a notice of revocation under section 12.3 must remove the news box or drop box authorized by the revoked permit from the street by the date specified in the notice of revocation.

## **SECTION 13 AVAILABILITY OF NEWS BOXES AND COMPARTMENTS**

### **Applications for the same location or compartment**

13.1 If the engineering services committee, during a 10 day period, receives:

- (a) more applications for permits for a news box at a particular location than there are available spaces and in respect of which the engineering services committee has revoked a permit under section 12.2(a), (b), (c), (d), (e), or (f) or a person has surrendered a permit;
- (b) more than one application for a permit for a particular compartment in a particular multiple publications news box; or
- (c) more applications for permits for compartments in a particular multiple publications news box than there are compartments;

in respect of which it is prepared to issue a permit, section 13.2 applies.

### **Lottery draw**

13.2 The engineering services committee is to arrange for a lottery draw to determine issuance of permits for such locations or compartments, and establish such other rules regarding such draws as the engineering services committee considers just and equitable in the circumstances.

### **First choice of compartments**

13.3 A permit holder with respect to a compartment who volunteers, at the time of applying for the permit, to empty the recycling compartment in the multiple publications news box daily is to have the first choice of compartment but, if more than one permit holder so volunteer or if none volunteer, the engineering services committee is to choose one of them by way of a lottery draw, and section 13.2 is to apply so far as applicable.

## **SECTION 14 ENFORCEMENT**

### **Offences under By-law**

14.1 A person who:

- (a) violates any provision of this By-law, or does any act or thing which violates any provision of this By-law, or suffers or allows any other person to do any act or thing which violates any provision of this By-law;
- (b) neglects to do or refrains from doing anything required to be done by any provision of this By-law; or
- (c) fails to comply with an order, direction, or notice given under any provision of this By-law, or suffers or allows any other person to fail to comply with an order, direction, or notice given under any provision of this By-law;

is guilty of an offence against this By-law, and liable to the penalties imposed under this Section 14.

### **Fine for offence**

14.2 Every person who commits an offence against this By-law is punishable on conviction by a fine of not less than \$500.00 and not more than \$2,000.00 for each offence.

### **Fine for continuing offence**

14.3 Every person who commits an offence of a continuing nature against this By-law is liable to a fine not exceeding \$50.00 for each day such offence continues.



## **SCHEDULE A**

### **Part 1 - Application fee**

\$50.00 for a permit for a new location

\$20.00 for participation in a lottery for a new location

### **Part 2 - Location fee**

\$25.00 annually for each of 1 to 100 news boxes held by one person

\$75.00 annually for each of 101 or more news boxes held by one person

\$100.00 annually for each compartment in each multiple publications news box

\$25.00 annually for each drop box

# LATE DISTRIBUTION FOR COUNCIL - JULY 18, 2006

# 10

## EXPLANATION

### **License By-law amending by-law re newspaper vending machines**

The attached by-law will implement Council's resolution of June 29, 2006 to amend the License By-law to repeal the regulations pertaining to newspaper vending machines.

Director of Legal Services  
July 18, 2006



*gpc*

BY-LAW NO. \_\_\_\_\_

**A By-law to amend License By-law No. 4450  
regarding newspaper vending machines**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. Council repeals section 27.1(5) of the License By-law.
2. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this \_\_\_\_\_ day of \_\_\_\_\_, 2006

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk