

City of Cambridge

The Ordinance Committee held a public meeting on November 19, 1997, beginning at 5:30 pm in the Sullivan Chamber for the purpose of considering a proposed amendment to the Municipal Ordinances to regulate the placement of newsboxes.

Present at the hearing were Councillor Francis H. Duehay, Chair of the Committee, Vice Mayor Kathleen L. Born, Councillor Henrietta Davis, Councillor Kenneth E. Reeves, Councillor Michael A. Sullivan, Councillor Katherine Triantafillou, and City Clerk D. Margaret Drury. Also present were Attorney Arthur Goldberg, Law Department and Benjamin Barnes, Chair of the License Commission.

Councillor Duehay convened the hearing and explained the purpose. He noted that there has apparently been a new proposal developed by the City administration. He noted that the Boston Globe had contacted him to tell him that the Globe had just learned of the new proposal and of this meeting two days ago and was dismayed at the short notice, so he would like to just have a brief summary of the new proposal and plan another meeting for further discussion. He invited Attorney Goldberg to summarize the new developments.

Attorney Goldberg stated that in August at the Ordinance Committee meeting, the proposal considered was identical to the Boston ordinance regulating newboxes. The proposal required a permit from the City and provided several limits on where newsboxes could be placed. The procedure called for the Department of Public Works to consult with other city departments before approval. It also called for a one-time fee of \$150, not based on the number of newsboxes that would be placed. He said that at the August meeting, the Globe representative spoke against the sticker requirement.

Councillor Duehay added that the Globe also wanted flexibility to move boxes around to different locations.

Attorney Goldberg noted that Mayor Russell asked the Law Department to look into having all boxes the same color. The Globe also objected to this. There was also a small issue regarding abandonment of boxes. He spoke with Councillor Davis, who was unable to attend the meeting. After the meeting she raised concerns about the City maintaining flexibility to retain boxes.

Mr. Goldberg stated that since that meeting City administrative staff have had several meetings. They agreed that authority for approval of newsboxes should remain with Department of Public Works, in accord with guideline. The proposed ordinance now provides for Department of Public Works to have that authority. It also changes the fee structure and maintains the sticker requirement, as the Boston ordinance does. He said that there is another minor amendment which pertains to handicapped ramps and boxes not opening on to a street.

Attorney Goldberg stated that a major issue is whether the City should install permanent bases and require the same color boxes. The City is still investigating costs. If the City chooses this option, it would change the regulatory scheme, because the locations would be inspected and approved by the City for the installation of the permanent bases.

Councillor Triantafillou asked whether the City could just get rid of all of newsboxed. Attorney Goldberg stated that the newest First Circuit case allowed the City of Boston to disallow the boxes in a particular historic district on Beacon Hill. Councillor Triantafillou asked whether any community has been successful in getting rid of them completely. Attorney Goldberg stated that he is not aware of any such instance. The Beacon Hill case would not provide legal authority for a city-wide ban.

Councillor Triantafillou stated that if the boxes are going to be everywhere, she is not sure what difference it makes whether the Department of Public Works or the newspaper distributor does the proliferation.

Councillor Sullivan stated that there must be some ability to remove newsboxes if they are blocking access to buses.

Captain Breen stated that if an object is obstructing the sidewalk, there is power to remove it.

Councillor Sullivan asked whether the City could provide that live persons can sell newspapers everywhere in the city, instead of allowing newsboxes.

Councillor Davis noted that the proposed ordinance does not limit the size of newsboxes. She added that all the numbers in the proposed ordinance are too small by half. The space between blocks of boxes should be eight feet, not four; boxes should be prohibited within ten feet of a crosswalk, not five, so that where they are placed is convenient to the public rather than just on the edge of what is convenient. The ordinance should specify that newsboxes cannot be attached to benches and other street furniture. The phone number should be on the box for the public to call if there is a problem with the box.

Councillor Duehay asked the committee whether it wants the City administration to continue work on the concept of uniform boxes on bases installed by the City.

Councillor Sullivan asked whether the City could recoup its costs. It was agreed that the Ordinance Committee would like the administrative staff to continue to work on this proposal and present it to the Ordinance Committee when it is ready.

Councillor Reeves stated that he received a complaint that the Communist Party's newsboxes were removed. It turned out that they were removed because they were chained to public property. He stated that he brings it up because of issues regarding ability to pay. Perhaps non-profit organizations should pay a different fee.

Councillor Duehay asked what can be distributed through a box. Attorney Goldberg stated that any material except obscene material may be so distributed.

Vice Mayor Born asked why a newsbox that is just dispensing advertising is different from a sandwich board sign.

Attorney Goldberg stated that you can regulate the time, place and manner of speech as long as you don't regulate content.

Vice Mayor Born asked whether the City can regulate the zones, for example, prohibit them in residential zones, and whether the City could keep them from being placed right outside a store that sells papers.

Attorney Goldberg stated that he believes there is a legal problem with prohibiting newsboxes in residential zones, but he would need to review the cases.

Councillor Duehay thanked Attorney Goldberg and the City staff for the work done. He requested that the City Clerk prepare a motion for the last 1997 City Council meeting to put anything that remains in committee over to the new City Council.

The meeting was adjourned at 6:05 p.m.

For the Committee,

Francis H. Duehay

Councillor Francis H. Duehay
Chair

Committee Report #3

S-768

A report from Councillor Francis H. Duehay, Chair of the Ordinance Committee, for a meeting held on November 19, 1997 for the purpose of considering a proposed amendment to the Municipal Ordinances to regulate the placement of newsboxes.

In City Council December 15, 1997

Report Accepted

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