



City of Columbus Legislation Report

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Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
columbuscitycouncil.org

File Number: 1409-2009

30-Day

File Number: 1409-2009

File Type: Ordinance

Status: Draft

Version: 1

Controlling Body: Council Drafter

File Name: Code change to address unauthorized removal of free print publications from distribution locations in Columbus

Introduced: 10/15/2009

Requester: Council Drafter

Cost: \$0.00

Final Action:

Auditor Cert #:

Auditor: When assigned an Auditor Certificate Number I , the City Auditor, hereby certify that there is in the treasury, or anticipate to come into the treasury, and not appropriated for any other purpose, the amount of money specified hereon, to pay the within Ordinance.

Contact Name/No.: K. A. Hykes 5-8537

Floor Action (Clerk's Office Only)

Mayor's Action

Council Action

Mayor

Date

Date Passed/ Adopted

President of Council

Veto

Date

City Clerk

Title:

To amend Chapter 2313 of Columbus City Codes,1959, by enacting new Section 2313.021, which addresses the unauthorized removal of free print publications from distribution locations.

Sponsors:

Indexes:

Attachments:

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Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Council Drafter	10/15/09	Sent for Approval	Auditor Inbox			
1	Council Drafter	10/15/09	Sent for Approval	Atty Inbox			
1	Council Drafter	10/15/09	Sent for Approval	Safety Inbox			
1	Auditor Reviewer	10/16/09	Reviewed and Approved	Auditor Reviewer			
1	CITY AUDITOR	10/16/09	Reviewed and Approved	Council Drafter			
	Action Note:	HJD/vva					
1	CITY ATTORNEY	10/16/09	Reviewed and Approved	Council Drafter			
	Action Note:	JTC					

EBOCO: Following review and approval, when required, the Equal Business Opportunity Commission Office certifies compliance with Title 39 as of date listed.

City Attorney: Following review and approval, when required, this ordinance has been reviewed by the City Attorney's Office as to its form and legality only.

Explanation

Free publications are not only agents of information exchange and alternative points of view, they are also a major economic engine to the local economy.

At least two dozen publishing companies in the Columbus metro area are involved in production of free publications, ranging from those with less than five (5) employees to those that employ dozens, generating hundreds of jobs for journalists, sales people, graphic designers, photographers, writers, interns, delivery drivers, and others.

Free publication refers to the fact that readers do not pay for copies of the product, but there is a cost associated with the large numbers that are produced and distributed each month in the City of Columbus. This money comes from advertisers, who spend considerable amounts of dollars annually to promote products, services, and events.

When free publications are stolen for variety of reasons, it causes an economic impact to our community, as well as diluting the voice provided by free print publications.

This legislation acts to clarify the Columbus City Code to specifically address the theft of free print publications. By making theft of free print publications illegal, police and prosecutors will have the necessary laws in place when they are called regarding these thefts. Existing provisions within the Columbus City Code already address cases involving the theft of paid publications.

Title

To amend Chapter 2313 of Columbus City Codes, 1959, by enacting new Section 2313.021, which addresses the unauthorized removal of free print publications from distribution locations.

Body

WHEREAS, free publications are not only agents of information exchange and alternative points of view, they are also a

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major economic engine to the local economy ; and,

WHEREAS, free publications have significant economic and cultural value not reflected in the price consumers pay; and,

WHEREAS, it is necessary to prohibit the theft of free print publications to discourage such thefts and provide for penalties under the law ; now therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That new Section 2313.021 of the Columbus City Codes, 1959, be and is hereby enacted to read as follows:

2313.021 Unauthorized Removal of Free Print Publications

A. Definitions.

As used in this section:

- (1) "**Print publication**" shall mean any publication made available to the public on a periodic basis (whether daily, weekly, monthly or quarterly), regardless of whether a fee is charged for the publication.
- (2) "**News-rack**" shall mean any self-service or coin-operated box, container, storage unit, or other designated space, used, or maintained for the display and sale or distribution of print publications.
- (3) "**Storefront**" shall mean any property attached or adjacent to a business, including but not limited to grocery or convenience stores, where a person would reasonably expect print publications to be placed for the use of the business.
- (4) "**Bundle**" shall mean a quantity of print publications gathered or bound together by a publisher or distributor for the purpose of distribution to its intended audience.
- (5) "**Bundle drop location**" shall mean a place where bundles are placed for distribution by authorized delivery persons, merchants, or retailers.

B. Prohibitions.

- (1) Provided there is a notice on the print publication or the news-rack that removal or taking of more than five (5) copies is illegal, it shall be unlawful for any person to remove or take more than five (5) copies of a print publication from any news-rack or bundle drop location for any purpose, including but not limited to: (i) depriving others of the opportunity to read or enjoy such printed publication, or (ii) selling, trading, or bartering such print publication to anyone for any payment, without prior authorization from the publisher.
- (2) Provided there is a notice on the print publication or the news-rack that removal or taking of more than five (5) copies is illegal, it shall be unlawful for any person, other than the storefront's business owner or the storefront owner's authorized agent, to remove or take more than five (5) copies of a print publication from any storefront for any purpose, including but not limited to: (i) depriving others of the opportunity to read or enjoy such printed publication, or (ii) selling, trading, or bartering such print publication to anyone for any payment, without prior authorization from the publisher.

C. Penalty

Whoever violates this section is guilty of unauthorized removal of free printed publications. If the value of the property removed or taken is less than five hundred dollars (\$500.00), a violation of this section is petty theft, a misdemeanor of the fourth degree

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SECTION 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

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