

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 372-2004

A By-law to provide for the issuing, revoking, and/or suspending of permits and for regulating and inspecting Newspaper Boxes within the City of Vaughan.

NOW THEREFORE, the Council of the Corporation of the City of Vaughan ENACTS AS FOLLOWS:

1.0 TITLE

This By-law shall be known as the "Newspaper Box By-law".

2.0 DEFINITIONS

"**City**" means the Corporation of the City of Vaughan, in the Regional Municipality of York;

"**City Clerk**" means the Clerk of the City of Vaughan, as appointed under the authority of the *Municipal Act*, 2001, c. 25;

"**City Property**" means all real property, chattels, and other assets, tangible or intangible, owned and/or controlled by the City of Vaughan;

"**Commissioner of Development Services**" means the Commissioner of Development Services for the City of Vaughan or a person designated to act on his or her behalf;

"**Designated Area**" means the location(s) approved under this By-law by the Commissioner of Development Services for a newspaper vending box;

"**Highway**" means a street or highway being a provincial highway as defined in the *Highway Traffic Act*, R.S.O. 1990, c.H.8, as amended;

"**Land(s)**" means ground, soil or earth including structures on, above or below the surface and for the purposes of Section 22.0 shall include the area occupied by the newspaper box and any other area used to access the box from the street;

"**Municipality**" means The Corporation of the City of Vaughan;

"**Newspaper**" includes any publication containing news, current events, feature articles or advertising;

"**Permit Holder**" means a person who has been issued and maintains a valid permit pursuant to the terms of this By-law;

"**Person**" includes a natural individual, and their heirs, executors, administrators or other legal representatives, a corporation, partnership or other form of business association including all Directors, or a receiver or mortgagee in possession.

3.0 PROVISIONS

- (1) No person shall, without a permit, provide, place, maintain or secure any Newspaper Box on any portion of a highway.
- (2) Any person may apply, on an application form approved by the Commissioner of Development Services, for a permit to provide, place, maintain or secure Newspaper Boxes in certain areas on City boulevards or sidewalks.

- (3) The Commissioner of Development Services shall approve an application for the issuance of a Newspaper Box Permit in designated areas subject to compliance with the provisions of this By-law.
- (4) The Permit Holder shall:
- a) Pay in full and in advance an annual permit fee of fifty (\$50.00) dollars for each Newspaper Box;
 - b) Provide the City, in advance, with a certificate of insurance naming the City as an additional insured in a form satisfactory to the Clerk in an amount of at least two million (\$2,000,000) dollars applying to the permit holder's use of the designated area and providing that thirty (30) days prior written notice be provided to the Clerk in the event of any material amendment or cancellation of the policy;
 - c) Agree, in writing, to indemnify and save harmless the City from any action, claims, damages or loss whatsoever arising from the issuance of the permit or anything done or neglected to be done in connection with the privilege conferred.
- (5) Every permit holder shall follow the installation criteria for the placement of a newspaper box as follows:
- a) No newspaper box shall be placed:
 - i) In such a manner as to obstruct or interfere with vehicular or pedestrian traffic;
 - ii) At a transit stop in such a manner as to interfere or obstruct passenger movement;
 - iii) In such a manner as to obstruct or interfere with highway and sidewalk maintenance, including cleaning and snow removal;
 - iv) Inside a transit shelter;
 - v) In such a manner that would interfere with traffic sign or utility maintenance;
 - vi) Within three (3) meters of a fire hydrant;
 - vii) Within ten (10) meters of a pedestrian crossover or any posted crosswalk/school patrol crossing;
 - viii) On the frontage of any property zoned residential;
 - ix) In such a manner that would interfere with access to or maintenance of any hydro transformer, hydro switchgear, telephone or

cable television terminal box or any other utility,
above or underground in the road allowance.

- b) Newspaper Boxes shall only be attached to and placed:
- i) Between the municipal sidewalk and property line in a common area, grouped together and placed on a concrete pad and be secured by means of an industrial bolt into the concrete pad approved by and to the satisfaction of the City. The costs of such site installation shall be borne by the permit holder;
 - ii) On the municipal boulevard between the sidewalk and curb, only if there is a minimum boulevard width of 2.0 meters;
 - iii) No closer than 2.0 meters from a transit passenger shelter or bench;
 - iv) On only two, diagonally opposite, corners of an intersection, to a maximum of two (2) corners, set back a minimum of ten (10) meters from the intersecting curb lines. In no case shall the total number of newspaper vending boxes at any particular intersection exceed four (4);
 - v) At mid-block locations so as not to restrict sight lines from nearby driveways or pathways and, wherever feasible, a minimum of fifty (50) meters between locations, on each side of the highway.
- c) Every permit holder shall be responsible for contacting the utility companies for information as to the exact location of various utilities and to exercise the necessary care in construction and operation and to take other precautions as necessary to safeguard the utilities from damage.
- d) Every permit holder shall be responsible for it's proportionate share of costs in connection with the installation of concrete pads upon which newspaper boxes are to be placed.

(6) Only the identification of the permit holder and advertising on the front panel of the box shall be permitted on any newspaper box.

- (7) All newspaper boxes shall be maintained in a neat, clean and rust free condition at all times. They shall also completely enclose the vending material. In the event that boxes are not so maintained, the City may issue a forty-eight (48) hour notice to the permit holder to rectify same, failure of which may lead to revocation of the permit in accordance with Section 3.0 (10).
- (8) The permit holder shall provide to the Clerk, with a copy to the Commissioner of Development Services, an up to date list of all Newspaper Box locations annually to the City.
- (9) The City or any public utility or other utility company shall be allowed to enter the area occupied by the permit holder for the purpose of installation or maintenance of pipes, cables or any other services. If it is necessary for the municipality or public utility or other utility company to move any Newspaper Boxes for such entry, they will not be held responsible for any damage to the Newspaper Boxes or contents.
- (10) The permit may be subject to revocation by the City and in such event, the permit holder shall remove, at his/her own cost, all of his/her installation within seven (7) days notice in writing and restore the lands to its prior condition. If the permit holder neglects, refuses or fails to do so within the time specified in the notice, then the City may remove all such installations and restore the area occupied by such installation and used for access to the installation to a safe and proper condition and the City may recover such costs from the permit holder, and if the permit holder refuses to pay such costs, the City may recover such costs in any court of competent jurisdiction as a debt owing to the City or the same may be recovered in like manner as taxes.
- (11) Upon notice being given in accordance with Section 3.0 (10), the permit holder shall remove, and/or relocate the Newspaper Box to another location as approved by the Commissioner. Failure to remove and/or relocate the Newspaper Box will result in the City removing same with a charge imposed to the permit holder of three hundred (\$300.00) dollars, plus a storage fee of five (\$5.00) dollars per day, for return of same. The City will assume no responsibility for damage to any box in its' possession. Boxes will be stored for a maximum period of thirty (30) days at which point the City may dispose of them as it deems fit.
- (12) A permit issued under this By-law shall expire on the 31st day of March of each and every year.

4.0 **OFFENCES AND PENALTIES**

- (1) Every person who contravenes any provisions of this By-law and every director or officer of a corporation who concurs in such contravention by a corporation, is guilty of an offence and, upon conviction, is liable to a fine not exceeding twenty-five thousand dollars (\$25,000.00), or to imprisonment for a term not exceeding one (1) year, or to both;
- (2) Where a corporation is convicted of an offence under this By-law, the maximum penalty that may be imposed on the corporation is fifty thousand dollars (\$50,000.00), and not as provided in Section 4.0 (1).

5.0 **TERM**

This By-law shall come into effect on the 1st day of January, 2005 and shall remain in effect until it is amended or repealed.

READ a FIRST, SECOND and THIRD time and finally passed this 6th day of December, 2004.

Michael Di Biase, Mayor

J. D. Leach, City Clerk