



OFFICE CONSOLIDATION

NEWSBOX BY-LAW

BY-LAW NUMBER 4639/95

Passed by Council on February 5, 1996

Amendments:

None

THE CORPORATION OF THE TOWN OF PICKERING

BY-LAW NUMBER 4639/95

Being a By-law to provide for the regulation of Canada Post Boxes and Newspaper Boxes on Highways under the jurisdiction of the Town of Pickering.

WHEREAS Section 232.5 of the Municipal Act, R.S.O. 1990, c.M.45, authorizes a Municipality to license, regulate and govern persons selling newspapers and magazines upon a highway;

AND WHEREAS Section 308.3 of the Municipal Act, R.S.O. 1990, c.M.45, authorizes a Municipality to regulate the placement and use of objects on any highway, as well as charge a fee for such use;

NOW THEREFORE, THE COUNCIL OF THE TOWN OF PICKERING HEREBY ENACTS AS FOLLOWS:

1. For the purpose of this by-law, the term,

- (a) "Town" means the Corporation of the Town of Pickering;
- (b) "Director" means the Director of Public Works for the Corporation of the Town of Pickering, or his/her designate;
- (c) "Canada Post Box" means any receptacle, excluding existing and proposed Supermailboxes, which is owned by Canada Post Corporation and is used for the purposes of collecting mail or relaying of same to postal carriers;
- (d) "Newspaper Box" means any type of vending box or other receptacle used for the purpose of displaying or distributing any newspapers, magazines or other publications;

- (f) "Highway" means the entire right-of-way of a common and public highway, street, avenue, parkway, driveway, square, place, viaduct or trestle, designated and intended for, or used by, the general public for the passage of vehicles;
 - (g) "Permit" means a document as issued and authorized by the Director, for the placement of one or more Canada Post Boxes or Newspaper Boxes upon a Highway under the jurisdiction of the Town.
 - (h) "Permittee" means an applicant who has received permission from the Director to place a Canada Post Box or Newspaper Box on Town Highways in accordance with the provisions of this By-law.
2. An applicant seeking a permit to place a Canada Post Box or Newspaper Box shall apply to the Director by completing a standard application form provided for that purpose by the Town.
 3. At the time of application, the applicant must pay in full, a one-time inspection and processing fee for each Canada Post Box or Newspaper Box location requested. Upon approval of the submitted application, the Permittee must pay in full the cost of standard installation plus an annual administration and maintenance fee for each approved Canada Post Box or Newspaper Box location. The annual administration and maintenance fee, which covers the period from January 1st, to December 31st, may be set by the Council of the Town of Pickering from time to time for each permit year thereafter, and must be paid in full by January 31st, of each permit year. New permits issued after January 31st, will be subject to a monthly pro-ration of the annual administration and maintenance fees.
 4. (a) The Permittee shall, at all times during the permit term, maintain public liability insurance to the satisfaction of the Town in the amount of \$2,000,000.00 naming the Town as an additional insured, and shall file with the Town a certificate of insurance setting out the essential terms and conditions thereof;
 - (b) The maintenance of such a policy shall not be construed as relieving the Permittee from liability or responsibility for other or larger claims, if any, for which the Permittee may be held liable or responsible.
 5. The Permittee must also agree in writing to indemnify and save harmless the Town from any actions, claims, damages or loss whatsoever arising from the issuance of the permit or anything done or neglected to be done in connection with the permitted use.
 6. The permit issued by the Director shall be subject to the following terms and conditions:
 - (a) The specific location of each Canada Post Box or Newspaper Box shall be subject to the approval of the Director, which may approve or disapprove of any location or the continuance of any location as in its absolute discretion it deems advisable, and, without limiting the generality of the foregoing, it may take into consideration such factors as public safety, traffic patterns, utility locations and pedestrian convenience;
 - (b) The Permittee will be required to place each Canada Post Box or Newspaper Box on a concrete pad or other approved surface which will be installed by the Town at the expense of the Permittee. The Permittee will also be responsible for the costs associated with providing an acceptable mounting system. If multiple applicants, to a maximum of four (4), request the same location at the time of installation, the costs will be shared equally;

- (c) Each Canada Post Box or Newspaper Box must be securely fastened by the Permittee to the mounting system, concrete base, or other approved surface, in a manner which is acceptable to the Town. Under no circumstances shall it be affixed to any traffic control device, street name signpost, bus shelter, telephone booth, tree, or any other post, pole or equipment maintained by the Town, the Regional Municipality of Durham, Pickering Hydro, Bell Canada, Consumers Gas, Shaw Cable or any other agency authorized by the Town to maintain equipment on, over, or under the Highway;
 - (d) Canada Post Boxes and Newspaper Boxes must be maintained by the Permittee in a neat, clean and rust free condition at all times;
 - (e) No advertising will be permitted on any Canada Post Box or Newspaper Box, except in one small area of the Newspaper Box where the name of the newspaper, the price and the instructions for the use of the Newspaper Box will be allowed to appear;
 - (f) If a Canada Post Box or Newspaper Box installation is vacated and its approved location is unwanted by the Permittee or others, within thirty (30) days, its concrete pad, if applicable, may be removed by the Town at the expense of the Permittee. All other necessary boulevard restorations will also be completed to the Town's satisfaction by the Town at the sole expense of the Permittee.
7. The Town, The Regional Municipality of Durham, Pickering Hydro, Bell Canada, Consumers Gas, Shaw Cable or any other agency authorized by the Town shall be allowed to enter the area occupied by the Permittee for the purpose of maintenance or installation of services. If it is necessary for the Town or any other authorized agency to move any Canada Post Box or Newspaper Box for such entry, they will not be held responsible for any damage to the Canada Post Box, Newspaper Box, or their contents.
8. Any permit issued pursuant to this By-law may be revoked by the Director if any of the provisions of the By-law are not complied with by the Permittee, or should, in the absolute discretion of the Director, the location of any Canada Post Box or Newspaper Box no longer be deemed appropriate. In such an event, the Permittee shall remove at his/her own cost all boxes within thirty (30) days after receiving written notice of such cancellation. If the Permittee neglects, refuses or fails to do so, then the Town may remove all such boxes and restore the area occupied by such installations to a safe and proper condition and may charge the cost thereof to the Permittee, of which cost the certificate of the Town shall be final and the Town may recover such costs from the Permittee in any court of competent jurisdiction as a debt owing to the Town.
9. All Canada Post Boxes and Newspaper Boxes must be brought into conformity effective December 31, 1996.
10. Any person who contravenes any provisions of this By-law is guilty of an offence and upon conviction thereof is liable to a fine of not more than Five Thousand (\$5,000.00) Dollars, for each offence committed.

By-law read a first and second time this 26th day of June, 1995.

By-law read a third time and finally passed this 5th day of February, 1996.

(signed) Wayne Arthurs
Wayne Arthurs, Mayor

(signed) Bruce Taylor
Bruce Taylor, Clerk