



THE CORPORATION OF THE CITY OF BRAMPTON

# BY-LAW

Number 281-2012

**A By-law to establish a permit system for  
the placement of Publication Distribution Boxes**

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WHEREAS *sections 9 to 11, 27 to 28 of the Municipal Act, 2001, S.O. 2001, c.25*, as amended, authorize a municipality to regulate and prohibit with respect to highways under its jurisdiction, which may include the issuance of permits and approvals under specified conditions;

AND WHEREAS *section 128 of the Municipal Act, 2001* authorizes a local municipality to prohibit and regulate with respect to public nuisances, including matters that could become or cause public nuisances;

AND WHEREAS *section 446 of the Municipal Act, 2001* authorizes a municipality to recover the costs of doing a matter or thing that a person is required by by-law to do but is in default of doing, by action or by adding the costs to the tax roll and collecting them in the same manner as taxes;

AND WHEREAS the Council of The Corporation of the City of Brampton finds the littering of publications around publication distribution boxes placed on highways in the City to be a public nuisance;

AND WHEREAS The Corporation of the City of Brampton finds it desirable to regulate the placement of publication distribution boxes on highways.

The Council of The Corporation of the City of Brampton ENACTS as follows:

## **Definitions**

In this By-law,

1. "By-law" means this By-law and all the Schedules as attached;

"City" means the land located within the territorial boundaries of the City of Brampton;

"Commissioner" means the Commissioner of Works and Transportation for the Corporation, or such person as the Commissioner may designate to carry out the duties of the Commissioner under this By-law;

"Corporation" means The Corporation of the City of Brampton;

“Designated Area” means the area of a highway designated by the Commissioner for the placement of a publication distribution box;

“highway” includes a road allowance, bridge, road, square, place, boulevard, or street, including the sidewalks and parking areas, or any part of which that is intended for general public passage and is located within the City;

“hitching post” means a metal bar embedded in or fastened to concrete to which publication distribution boxes may be chained;

“pad” means a concrete pad placed on a Designated Area on which a publication distribution box may be affixed;

“permit” means a written authorization issued by the Commissioner under this By-law to permit the placement of a publication distribution box in a Designated Area;

“person” includes a person, association, sole proprietorship, partnership, limited partnership, joint venture, or corporation;

“publication distribution box” means an unattended box for the distribution of printed, written, photographic or other published material;

“Region” means The Regional Municipality of Peel.

2. Where words and phrases used in this By-law are defined in the *Highway Traffic Act*, but not defined in this By-law, the definitions in the *Highway Traffic Act* shall apply to such words and phrases.

#### **Short Title**

3. This By-law may be referred to as the “Publication Distribution Box By-law”.

#### **Administration**

4. The Commissioner shall be responsible for the administration and enforcement of this By-law.
  - (1) Without limiting the generality of this Section 4, as part of the Commissioner’s responsibility to administer this By-law, the Commissioner:
    - (a) shall designate areas on a highway as Designated Areas on the basis of the criteria set out in this By-law;
    - (b) may impose conditions on how a Designated Area may be used, in addition to the provisions of this By-law, to ensure the orderliness and cleanliness of the highway;
    - (c) may determine how, when and how many publication distribution boxes may be installed in a Designated Area, and the number of pads and hitching posts required;
    - (d) may issue permits for the placement of a publication distribution box in a Designated Area;
    - (e) shall collect any fees and deposits in respect of publication

distribution boxes as may be payable under the User Fee By-law and this By-law;

- (f) may impose conditions as a requirement of obtaining, continuing to hold or renewing a permit in addition to the requirements under this By-law;
- (g) may revoke a permit as a result of a breach of a condition of the permit or a provision of this By-law.

### Designated Areas

5. In determining a Designated Area under this By-law, the Commissioner shall take into account the following:
  - (1) not more than one (1) corner at an intersection may be a Designated Area, except on major collector or arterial roads, where not more than two (2) corners may be Designated Areas;
  - (2) a minimum of 300 metres (984 feet) shall be provided between Designated Areas except within the same intersection as provided in subsection (1);
  - (3) a publication distribution box may be placed at a bus stop provided that it does not obstruct the visibility of any advertising panel on a transit shelter as determined by the Commissioner;
  - (4) a minimum of 6 metres (20 feet) shall be provided between a Designated Area and a vehicular, pedestrian, or utility access;
  - (5) the placement of a publication distribution box in a Designated Area shall not obstruct or otherwise interfere with the use of the highway by a vehicle or pedestrian, or with snow removal, sidewalk cleaning and maintenance, traffic safety, or other public uses of the highway as determined by the Commissioner;
  - (6) no Designated Area shall be located where a publication distribution box may be placed along the frontage or side yard of a residential home, apartment or condominium unit without obtaining the written consent of the owner of the residential home or the property manager of the apartment or condominium, for the placement of such publication distribution box;
  - (7) no publication distribution box may be placed within 300 metres (984 feet) of a school frontage;
  - (8) Designated Areas existing as of the effective date of this By-law, where pads and hitching posts have been installed by the Corporation, shall be available for the placement of publication distribution boxes, notwithstanding subsections (1) to (5). However, Designated Areas for which consent is required in accordance with subsection (6) and has not been provided, or that do not comply with subsection (7), shall be removed and shall not be available for installation of publication distribution boxes.
6. Not more than four (4) publication distribution boxes shall be permitted to be placed on each Designated Area.

**Permits**

7. An applicant for a permit, or renewal permit, under this By-law shall:
  - (1) complete an application for a permit or renewal permit on the forms as provided by the Commissioner;
  - (2) submit a completed application to the Commissioner together with the fee as set out in the User Fee By-law;
  - (3) provide any documentation, including but not limited to the written consent of the property owner or property manager, and insurance certificates as required by the Commissioner as prerequisites and requirements for the issuance of the permit.
  
8. An applicant for a permit may apply for the placement of a publication distribution box at a specific Designated Area in the City by submitting:
  - (1) A completed application with all relevant documentation and fees. The Commissioner shall determine whether the location as applied is available on a first-come-first-serve basis;
  - (2) Notwithstanding subsection (1), an applicant for a renewal permit shall be given priority for the use of the same location(s) as permitted in the previous permit, unless the applicant owes the Corporation any amount payable under this By-law. If there are any outstanding amounts payable by the applicant, no renewal permit will be issued to the applicant until such outstanding amounts have been paid in full.
  
9.
  - (1) An applicant for a permit for a Designated Area where no pad is in place shall pay the fee for the installation of a pad and hitching post as provided in the User Fee By-law;
  - (2) No installation fee shall be refunded once a permit has been issued for the placement of a publication distribution box on the Designated Area;
  - (3) All pads shall be installed on a highway by the Corporation or its authorized contractor upon payment of the installation fee as provided in subsection (1);
  - (4) No person shall install a pad on a highway without the express authorization of the Commissioner.
  
10. The Commissioner may issue a permit, or a renewal permit, if:
  - 1) The application is complete with all required documentation submitted and full payment of the applicable fees and deposits paid;
  - 2) The Designated Area as requested by the applicant is available for the placement of a publication distribution box;
  - 3) There is not already another publication distribution box placed on the Designated Area distributing the same publication;
  - 4) The placement of the publication box does not otherwise violate any applicable law.

11. (1) A permit holder shall indemnify and hold harmless the Corporation and the Region, and their respective elected officials, employees, officers and agents, from and against all actions, suits, claims and demands which may be brought against the Corporation and the Region, their respective elected officials, employees, officers and agents, arising out of the location, placement, or disposition of a publication distribution box;
- (2) A permit holder shall provide an insurance certificate adding the City and/or the Region, as applicable, as an additional insured in an amount and form as determined by the Commissioner.
12. (1) A permit holder shall comply and ensure compliance with all the provisions and conditions of the permit and this By-law;
- (2) Failure to comply with any provision or condition of a permit or this By-law may result in the revocation of the permit by the Commissioner, or the refusal by the Commissioner to issue renewal permits to the permit holder, in addition to any other enforcement proceedings as permitted by law;  
  
In the event of failure to comply with any provision or condition of a permit or with any provision of this By-law the Commissioner may revoke the permit, or refuse to issue renewal permits to the permit holder, in addition to any other enforcement proceedings permitted by law;
- (3) Upon revocation of a permit issued under this By-law, the permit holder shall immediately remove the publication distribution box. In the event the permit holder fails to remove the publication distribution box immediately upon revocation the Commissioner may cause the publication distribution box to be removed at the permit holder's expense;
- (4) No permit or installation fees shall be refunded as a result of a revocation of a permit.
13. (1) A permit is the property of the Corporation and is not transferable;
- (2) Once a permit is issued, no refunds shall be made of fees paid for the permit, even if the permit holder does not exercise the rights under the permit and does not place a publication distribution box at the Designated Area as authorized;
- (3) A permit shall be for the calendar year for which it was applied. The permit fee shall be payable for the full calendar year and as provided in the User Fee By-law regardless of when application for the permit is made.

**Placement of Public Distribution Boxes**

14. (1) No person shall place or cause the placement of a publication distribution box on a highway:
  - (a) without a valid permit; or
  - (b) in a location other than the location stated on a permit; or
  - (c) by attaching it to any fixed object on a highway such as a bus stop, light standard, hydro pole,

fire hydrant, or any other object other than a pad and hitching post in a Designated Area; or

- (d) in a way that violates any condition stated on a permit or the provisions of this By-law.
  - (2) Where there is no permit holder, the owner of the publication being distributed from the publication distribution box that is placed on a highway otherwise than in accordance with subsection (1) shall be deemed responsible for the violation of this By-law;
  - (3) Where there is no permit holder, the Commissioner may cause the removal of any publication distribution box that is placed on a highway otherwise than in accordance with subsection (1) at the expense of the owner of the publication.
15. (1) Every permit holder shall ensure that a publication distribution box placed on a Designated Area is:
- (a) placed on a pad; and
  - (b) securely fastened to a hitching post both vertically and horizontally or securely bolted to the pad as provided in this By-law; and
  - (c) adjacent to other publication distribution boxes in a straight line parallel to the line of the curb and/or sidewalk; and
  - (d) free of graffiti; and
  - (e) equipped with a self-closing door; and
  - (f) free of printed or advertising matter on the publication distribution box other than:
    - (i) the name of the publication being offered;
    - (ii) the publisher's name;
    - (iii) instructions for the use of the publication distribution box;
    - (iv) information promoting the contents of the publication;
    - (v) reminders of recycling; and
  - (g) not more than 147 centimetres (58 inches) in height x 51 centimetres (20 inches) in width x 46 centimetres (18 inches) depth, in size; and
  - (h) otherwise in good and proper repair and condition satisfactory to the Commissioner.
- (2) Where there is only one (1) publication distribution box located on a Designated Area, the publication distribution box shall be securely bolted to the pad. Where there is more than one (1) box located on a Designated Area, each publication distribution box shall be securely fastened to the hitching post on the designated area;
- (3) The Commissioner may cause the removal of a publication distribution box at the permit holder's expense if the publication distribution box is found to be placed on a highway contrary to the standards established in subsections (1) and (2).

16. A permit holder shall ensure that the permitted publication distribution box is removed from its Designated Area forthwith upon the expiration of the permit, unless a renewal permit has been obtained and is effective on the day after the expiration of the previous permit.
17. In the event that a publication distribution box must be removed for the purpose of conducting work on or under the highway by the Corporation, a public utility company, the Region, or by or under the authority of any government or government agency, the permit holder shall be responsible for the cost of the removal of the publication distribution box.
18. In the event that the Corporation receives a complaint with respect to a publication distribution box that is placed on a highway adjacent to a residential home or an apartment or condominium from the owner of the residential home or the property manager of the apartment or condominium, the Corporation will advise the permit holder of the public distribution box of such complaint and the permit holder shall resolve the complaint to the Commissioner's satisfaction within five (5) working days upon notification. In the event the complaint is not resolved to the Commissioner's satisfaction, the Commissioner may revoke the permit issued and cause the publication distribution box to be removed.

#### **Litter**

19. Every permit holder shall ensure that the area around the permit holder's publication distribution box placed on a highway is free of publication litter, including any discarded publication material. The permit holder shall promptly remove or cause the removal of any discarded publications and publication material on the highway or other property around the location of the permit holder's publication distribution box. In the event the permit holder fails to comply with this section, the Commissioner may cause litter to be collected and removed at the permit holder's expense, and/or may revoke the permit holder's permit.

#### **Enforcement**

20. This By-law does not relieve any person from compliance with any applicable laws, by-laws, regulations, and requirements of any governmental authority, or from obtaining any required consent to enter private property to comply with the requirements of section 19 of this By-law.
21. In the event of failure to comply with any provision of this By-law, including failing to remove the publication distribution box upon the expiry or revocation of a permit, the Corporation may:
  - (1) conduct any work needed to be done to bring about compliance on behalf of the person at the person's expense; and/or
  - (2) initiate enforcement proceedings under this Bylaw.
22.
  - (1) If the Commissioner seizes and removes from the highway a publication distribution box under this By-law, the Commissioner shall store the publication distribution box for thirty (30) days unless the permit holder or owner redeems the box by paying the removal and storage fees as set out in the User Fee By-law;
  - (2) The Commissioner may dispose of any publication distribution box seized and removed from the highway under this By-law at the expiry of the thirty (30) days if the permit holder or owner has not claimed the publication distribution box under subsection (1);

- (3) Regardless of whether the permit holder or owner of the publication distribution box redeems the publication distribution box under subsection (1), the permit holder and the owner shall be responsible for the removal and applicable storage fees for the publication distribution box seized, as set out in the User Fee By-law.

23. Every person who contravenes any provision of this By-law is guilty of an offence and is liable to a fine and any other penalties imposed pursuant to the *Provincial Offences Act, R.S.O. 1990, c. P.33, as amended*, and the *Municipal Act, 2001, S.O. 2001, c. 25, as amended*.

**General**

24. If a court of competent jurisdiction declares any section or part of a section of the By-law invalid, it is the intention of Council that the remainder of the By-law shall continue to be in force.

- 25. (1) Words importing the singular number or the masculine gender only include more persons, parties or things of the same kind than one, and females as well as males and the converse;
- (2) A word interpreted in the singular number has a corresponding meaning when used in the plural.

**Repeals and Effective Date**

26. Licensing By-law 1-2002, as amended, is further amended:

(a) by deleting from the Index the following:

Schedule S-21 Newspaper Boxes.....72

(b) by deleting Section 2, clause 24;

(c) by deleting Schedule S-21; and,

(d) by deleting from Appendix A – Fee Schedule, the table of Stationary License Fees, the following:

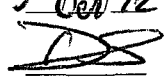
Newspaper Boxes (Per Company)	\$117.00	Jan 31
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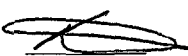
27. User Fee By-law 380-2003, as amended, is further amended by adding to the table at the end of Schedule H the following:

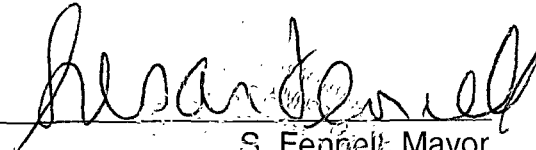
<b>Publication Distribution Boxes</b>	<b>Base Rate</b>
Permit Fee - per Publication Distribution Box per annum	\$50.00
Removal and Storage - per Publication Distribution Box per annum	\$50.00

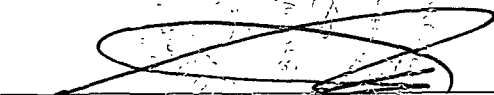


READ a FIRST, SECOND and THIRD TIME and PASSED in OPEN COUNCIL,  
this 10<sup>TH</sup> day of October, 2012.

Approved as to  
form.  
5 Oct '12  


Approved as to  
content.  
04/10/2012  


  
S. Fennell, Mayor

  
Peter Fay, City Clerk