CITY OF PORT MOODY

BYLAW NO. 2821

A Bylaw to regulate newspaper boxes in the City of Port Moody.

WHEREAS the *Community Charter* authorizes Council to regulate, prohibit, and impose requirements in relation to public places;

WHEREAS Council considers it desirable to regulate the placement and use of objects on any highway, as well as charge a fee for such use, in the City of Port Moody;

NOW THEREFORE the Council of the City of Port Moody in open meeting assembled enacts as follows:

1. TITLE

This Bylaw may be cited as the "City of Port Moody Newspaper Box Bylaw, 2009, No. 2821."

2. DEFINITIONS

In this Bylaw:

City means the City of Port Moody.

Director of Engineering and Operations means the official appointed by Council as head of the Engineering and Operations Department or his/her designate.

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. This definition includes all distribution boxes whether there is any cost for the newspaper, magazine or publication or not.

Permit means a document as issued and authorized by the Director of Engineering and Operations for the placement of one or more newspaper boxes on public land in the City of Port Moody.

Permit Holder means an applicant who has received permission from the Director of Engineering and Operations to place a newspaper box in accordance with the provisions of this Bylaw.

3. GENERAL PROHIBITIONS

3.1 No person shall place or maintain any newspaper box on any portion of any public place unless the person has obtained a permit to do so from the City.

4. NEWSPAPER BOX PERMIT APPLICATIONS

4.1 An applicant seeking a permit to place a Newspaper Box on City land shall apply to the Director of Engineering and Operations by completing a standard application form provided for that purpose (see Schedule A).

4.2 When applying for a permit, every applicant shall provide the following:

a) a signed application (see Schedule A);

b) an annual statement and/or sketch map showing the number and location of each newspaper box controlled by the applicant;

c) an annual street inventory of newspaper boxes controlled by the applicant;

d) annual payment as outlined in the Fees Bylaw 2340-C;

e) a damage deposit for each newspaper box as outlined in the Fees Bylaw 2340-C; and

f) an undertaking, in a form acceptable to the Director of Engineering and Operations, agreeing to provide $2,000,000 public liability insurance in the joint name of the applicant and the City.

4.3 Permits are valid from January 1 to December 31 in the year in which they are issued.

4.4 The City may not refund any portion of the fee if any newspaper box is removed at any time by the permit holder or the City.

5. GENERAL PERMIT CONDITIONS

5.2 No newspaper box shall be placed:

a) in such a manner as to obstruct or interfere with pedestrian traffic;

b) on a sidewalk having a width of two meters or less;

c) at a bus stop in such a manner as to obstruct or interfere with passenger movements;

d) in such a manner to interfere with vehicular traffic;

e) within 7 metres of any fire hydrant;

f) in front of any single-family dwelling;

g) within 5 metres of any street intersection;

h) within 3 metres of a driveway crossing;

i) within any curb radius;

j) partially or wholly in front of a wheelchair ramp;

k) in such a manner as to make entrance/exit from adjacently parked vehicles difficult;

l) on top of a manhole cover or valve cover

5.3 Newspaper boxes shall not be chained or fastened to any utility apparatus, including signal, street light, hydro or telephone poles or signposts, fire hydrants, parking meters, bus shelters, telephone booths, post boxes, city benches or trees.

5.4 Newspaper boxes may be chained or fastened to objects other than those described in section 5.3 provided the permit holder first receives written approval from the Director of Engineering and Operations.

5.5 Newspaper boxes shall not display any third party advertising.

5.6 Newspaper boxes shall not exceed the following dimensions: Width -61 cm Depth -52 cm Height -108 cm

5.7 The permit holder shall maintain all newspaper boxes in a good state of repair, free of graffiti and in good working order.

5.8 The permit holder is solely responsible for the loss or theft of any newspaper box.

5.9 Every permit holder must remove all litter within 2 meters of that box on a daily basis, or on the request of the Director of Engineering and Operations.

5.10 In addition to the provisions of this bylaw, every permit holder must comply with any other City bylaw applicable to its business.

6. PERMIT REVOCATIONS

6.1 If any of the provisions of this bylaw are not complied with, any permit held by the permit holder may be revoked by the Director of Engineering and Operations without notice.

6.2 Any permit issued pursuant to this bylaw may be revoked by the Director of Engineering and Operations for any reason, without cause, provided the Director of Engineering and Operations gives 30 day's notice to the permit holder.

6.3 For the purposes of subsection 6.2, notice shall be deemed to have been given 4 days following mailing if sent by ordinary prepaid mail to the permit holder's address as set out in the application for permit.

7. NEWSPAPER BOX REMOVAL OR RELOCATION

7.1 The Director of Engineering and Operations may order a permit holder to immediately remove or relocate any newspaper box:

a) that he or she considers creates a safety hazard;

b) due to special events in the City;

c) due to road work, work on bus shelters or other construction;

d) that does not comply with any other provision of this Bylaw.

7.2 Despite subsection 7.1 of this Bylaw, the Director of Engineering and Operations may remove, at any time and without notice, any newspaper box that:

a) he or she considers creates a safety hazard;

b) is not authorized by a permit; or

c) does not comply with any other provision of this Bylaw.

7.3 If the permit holder refuses to immediately remove or relocate a newspaper box, or is otherwise unable to immediately remove or relocate a newspaper boxes as directed by the Director of Engineering and Operations pursuant to subsection 7.1 of this Bylaw, the Director of Engineering and Operations is authorized to remove the newspaper boxes.

7.4 Newspaper boxes removed by the City shall be stored by the City for 30 days, and may be picked up by the permit holder during that time upon payment of the applicable fees.

7.5 After 30 days, any newspaper box left unclaimed by the permit holder may be disposed of by the City, and the permit holder shall not be entitled to any compensation for loss of its newspaper box.

7.6 The permit holder shall restore the public place where a newspaper box was located to its former condition upon removal or relocation of any of its newspaper boxes, if requested to do so by the Director of Engineering and Operations.

7.7 Permit holders shall indemnify and save harmless the City against any and all claims, actions or expenses brought against the City by the reason of the City granting the applicant a Newspaper Box Permit.

8. BILLING AND PAYMENT OF CHARGES

8.1 The charges relating to services provided under this Bylaw shall be as set out in the Fees Bylaw and shall be billed annually, in advance, and shall be due and payable on the last day of January of each year unless this date falls on a weekend which would make the due date the following Monday of each year. A 10% penalty will be applied if owed amounts are not paid before the last day of the due date (as referred above) of each year.

9. SEVERABILITY

9.1 If any section, subsection or clause of this Bylaw is declared or held to be invalid by a Court of competent jurisdiction, then that invalid portion shall be severed and the remainder of

this Bylaw shall be deemed to have been enacted and adopted without the invalid and severed section, subsection or clause.

10. OFFENCE

10.1 Every person who contravenes a provision of this Bylaw, suffers or permits any act or thing to be done in contravention of any provision of this Bylaw, or neglects to do or refrains from doing anything required to be done by any provision of this Bylaw, is guilty of an offense against this Bylaw.

10.2 Every violation shall be deemed to be a continuing, new and separate offence for each day during which the offense continues.

a. Any person guilty of an offence under this Bylaw shall be liable, upon summary conviction, to a fine not exceeding $5,000 and costs.

b. Offences for which tickets can be issued and fines imposed are prescribed in the Municipal Ticketing Information Utilization Bylaw.

11. SCHEDULES

11.1 Schedules A and B are attached to and form part of this Bylaw.

READ A FIRST TIME the 13th DAY OF October, 2009.

READ A SECOND TIME the 13th DAY OF October, 2009.

READ A THIRD TIME the 13th DAY OF October, 2009.

ADOPTED the 27th DAY OF October, 2009.

MAYOR

CLERK

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CITY OF
PORT MOODY

100 Newport Drive,
P.O. Box 36,
Port Moody, B.C.,
V3H 3E1, Canada

Tel. (604) 469-4500
Fax (604) 469-4550
www.cityofportmoody.com

Schedule A - APPLICATION FOR A NEWSPAPER BOX PERMIT

Name of Applicant/Publisher: _____

Company Name: _____

Address of Applicant: _____

_____ Postal Code

Contact: Work _____ Fax _____
Home _____ E-mail _____
Cell _____

REQUESTED LOCATION PLEASE MARK PREFERRED LOCATION OF NEWSPAPER BOX PAD	APPROVED LOCATION
N	N
ALL REQUESTED LOCATIONS ARE SUBJECT TO APPROVAL	

I HEREBY AGREE to the terms stipulated herein and further agree to indemnify and save harmless the City against any and all claims, actions or expenses whatsoever or by whomsoever brought against the City by the reason of the City granting this Newspaper Box Permit. I further agree to accept responsibility to ensure proper maintenance of all newspaper boxes under this permit.

Permitted Use: Permission is hereby granted under City of Port Moody Bylaw No. 2821 Newspaper Box Bylaw, 2009, to allow placement of newspaper boxes in approved locations.

Signature of Applicant **Issued By (on behalf of the Director of Engineering and Operations)** **Date**

OFFICE USE ONLY	
Payment of Damage Deposit ($50)	Yes / No
Payment of Annual Administration and Maintenance Fee ($50)	Yes / No
Proof of $2,000,000 Public Liability Insurance naming City of Port Moody	Yes / No
Business License	Yes / No

CITY OF
PORT MOODY

100 Newport Drive,
P.O. Box 36,
Port Moody, B.C.,
V3H 3E1, Canada

Tel. (604) 469-4500
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www.cityofportmoody.com

Schedule B - RENEWAL OF NEWSPAPER BOX PERMITS

Name of Applicant/Publisher: _____

Company Name: _____

Address of Applicant: _____

_____ Postal Code

Contact: Work _____ Fax _____
Home _____ E-mail _____
Cell _____

Please attach a list of all newspaper boxes for which you seek a renewed annual permit. This list must include the specific location of each newspaper box and the publication it holds.

I HEREBY AGREE to the terms stipulated herein and further agree to indemnify and save harmless the City against any and all claims, actions or expenses whatsoever or by whomsoever brought against the City by the reason of the City granting this Newspaper Box Permit. I further agree to accept responsibility to ensure proper maintenance of all newspaper boxes under this permit.

Permitted Use: Permission is hereby granted under City of Port Moody Bylaw No. 2821 Newspaper Box Bylaw, 2009, to allow placement of newspaper boxes in approved locations.

Signature of Applicant	**Issued By (on behalf of the Director of Engineering and Operations)**	**Date**

OFFICE USE ONLY	
Payment of Annual Administration and Maintenance Fee ($50) for each Newspaper Box	Yes / No
Proof of $2,000,000 Public Liability Insurance naming City of Port Moody	Yes / No
Business License	Yes / No
Attached list of newspaper boxes for permit renewal	Yes / No