



MISSISSAUGA

THE CORPORATION OF THE CITY OF MISSISSAUGA

Publication Distribution Box By-law 0018-2007

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

AND WHEREAS section 128 of the *Municipal Act* 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* 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 Mississauga ("Council") finds the littering of publication around newspaper boxes placed on the City's highways to be a public nuisance;

AND WHEREAS Council finds it desirable to regulate the placement of newspaper boxes on the highway and to repeal By-law 175-91, as amended;

NOW THEREFORE the Council of The Corporation of the City of Mississauga ENACTS as follows:

Definitions

1. In this By-law,

"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 Mississauga;

"Commissioner" means the Commissioner of Transportation and Works or his designate;

“Corporation” means The Corporation of the City of Mississauga;

“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; and

“Region” means the Regional Municipality of Peel.

Administration

2. 1) The Commissioner shall be responsible for the administration and enforcement of this By-law.
- 2) Without limiting the generality of subsection (1), as part of his responsibility to administer this By-law, the Commissioner:
 - a) shall designate designated areas on a highway 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 the number of pads and hitching posts to be installed in a designated area;
 - d) may issue permits for the placement of a publication distribution box in a designated area;

- e) shall collect fees for the application of a permit for the use of a designated area and installation fees, as well as any other applicable fees and deposits under the applicable City of Mississauga Fees and Charges 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; and
- 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

- 3. In determining the area to be designated as a designated area under this By-law, the Commissioner shall take into account the following consideration at a minimum:
 - 1) not more than one (1) corner may be designated as a designated area at each intersection, except on major collector or arterial roads, where not more than two (2) corners may be designated as designated areas; and
 - 2) a minimum of 300 metres (984 feet) shall be provided between designated areas except within the same intersection as provided in subsection (1); and
 - 3) the placement of a publication distribution box may be placed at bus stops provided that it does not obstruct the visibility of any advertising panel on a transit shelter in the Commissioner's opinion; and
 - 4) a minimum of 6 metres (20 feet) shall be provided between a designated area and a vehicular, pedestrian, or utility access; and
 - 5) the placement of a publication distribution box in the designated area should 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 in the Commissioner's opinion; and
 - 6) no area shall be designated as a designated area where a publication distribution box may be placed on City property along the frontage or unprotected side yard of residential homes or apartments or condominiums 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 a box; and
 - 7) no publication distribution box may be placed within 300 metres (984 feet) of a school frontage; and

- 8) locations existing as of the effective date of this By-law where pads and hitching posts have been installed by the City shall be designated as designated areas for the placement of publication distribution boxes, notwithstanding subsections (1) to (5). However, any such locations where no consent was provided in accordance with subsection (6) or that do not comply with subsection (7) shall be removed and shall not be designated as a designated area.
4. Not more than four (4) publication distribution boxes may be permitted to be placed on each designated area.

Permits

5. 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 applicable City of Mississauga Fees and Charges By-law; and
 - 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.
6.
 - 1) 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 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 City amounts that the applicant is required to pay under this By-law. If there are any outstanding amounts to be paid by the applicant, no renewal permit may be issued to the applicant until such outstanding amounts have been paid in full.
7.
 - 1) An applicant for a permit for a designated area where no pad is in place shall be responsible for the installation fee for the installation of a pad and hitching post as provided in the applicable City of Mississauga Fees and Charges 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). No person shall install a pad on a highway without the express authorization of the Commissioner.
8. 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; and
 - 2) the designated area as requested by the applicant is available for the placement of a publication distribution box; and
 - 3) there is not already another publication distribution box placed on the designated area distributing the same publication; and
 - 4) the placement of the publication box does not otherwise violate any applicable law.
- 9.
- 1) A permit holder shall indemnify and hold harmless the City 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.
- 10.
- 1) A permit holder shall comply and ensure the compliance of 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 against the permit holder as permitted by law.
 - 3) Upon revocation of the permit issued under this By-law, the permit holder shall immediately remove the publication distribution box. Failure to remove the publication distribution box immediately upon revocation may result in the Commissioner causing 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.
11. 1) A permit is the property of the Corporation and is not transferable.
- 2) Once a permit is issued, no refunds shall be made 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 the same and as provided in the applicable City of Mississauga Fees and Changes by-law regardless of when the permit is applied for.

Placement of Newspaper Boxes

12. 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) The owner of the publication being distributed from the publication distribution box that is not placed on a highway in accordance with subsection (1) shall be deemed responsible for the violation of this By-law.
- 3) The Commissioner may cause the removal of any publication distribution box that is not placed on a highway in accordance with subsection (1) at the expense of the owner of the publication.
13. 1) Every permit holder shall ensure that a publication distribution box placed on a highway 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 section 13(2); 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 to be located on a designated area, each 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 as established in subsections (1) and (2).
14. A permit holder shall ensure that the publication distribution box is removed from the designated area forthwith upon the expiration of a permit, unless a renewal permit has been obtained and is effective on the day after the expiration of the previous permit.
 15. 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, or the Region, the permit holder shall be responsible for the cost of the removal of the publication distribution box.
 16. In the event that the Corporation receives a complaint with respect to a publication distribution box that is placed on the highway adjacent to a residential home or an apartment or condominium from the owner of the said residential home or the

property manager of the said apartment or condominium, the Corporation will advise the owner of the publication distribution box of such complaint and the said owner shall resolve the complaint to the Commissioner's satisfaction within five (5) working days upon notification. Failure to resolve the complaint to the Commissioner's satisfaction may result in the revocation of the permit issued and the removal of the publication distribution box by the Commissioner.

Litter

17. 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 distribution. The permit holder shall promptly remove or cause the removal of any discarded publications on the highway or other property around the location of the permit holder's publication distribution box. Failure to do so may result in the Commissioner revoking the permit holder's permit for the placement of the publication distribution box, and/or causing the clean-up of the litter found at the permit holder's expense.

Enforcement

18. Compliance with the provisions of this By-law does not relieve any person from the necessity of complying with any applicable laws, by-laws, regulations, and requirements of other governmental authority, including the requirement to obtain any required consent to enter private property to comply with the requirements of section 16 of this By-law.
19. Failure to comply with any provision of this By-law, including the failure to remove the publication distribution box after the expiry or revocation of a permit, may result in:
 - 1) the Corporation conducting any work needed to be done to bring about compliance on behalf of the person at the person's expense; and/or
 - 2) enforcement proceedings initiated for committing an offence under this By-law.
20.
 - 1) If the Commissioner seizes and removes from the highway a publication distribution box under this By-law, the Commissioner shall store the box for thirty (30) days unless its owner redeems the box by paying the removal and storage fees as set out in the applicable City of Mississauga Fees and Charges 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 owner has not claimed the box under subsection (1).

- 3) Regardless of whether the owner of the publication distribution box redeems the box under subsection (1), the owner shall be responsible for the removal and applicable storage fees for the box seized, as set out in the applicable City of Mississauga Fees and Charges By-law.
21. 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

22. 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.
23.
 - 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.
24. By-law 175-91, as amended, is hereby repealed.
25. This By-law may be referred to as the “Publication Distribution Box By-law”.

ENACTED and PASSED this 14th day of February, 2007.

Signed by Hazel McCallion, Mayor and Barbara McEwan, Deputy Clerk