

CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
CORPORATE ASSETS AND STRATEGIC PLANNING DIVISION
POLICY

POLICY NO:

SUBJECT: Publications Box Annual Permit Policy

ELIGIBILITY:

1. Introduction

This policy sets out the process for permitting Publication Boxes on City Property. It sets out how the Annual Permit will be administered as well as the requirements for installing and maintaining Publication Boxes on City Property.

2. Definitions

“Annual Permit” means, collectively, a permit issued by the General Manager for the installation and maintenance of one or more Publication Boxes on City Property and a weather-resistant sticker which shall be affixed to each such Publication Box;

“City ” means the municipality of the City of Hamilton or the geographic area of the City of Hamilton, as the context requires;

“City Property” means a road allowance, park, cemetery, open space or any property owned or managed by the City;

“General Manager” means the General Manager of Public Works or his or her designate;

“Highway” includes a common and public highway, road, road allowance, boulevard, street, avenue, parkway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral lot lines thereof, sidewalks and parking areas, or any part of which that is intended for general public passage and is located within the City;

“Location” means the approved location for a Publication Box;

“Permit Holder” means the Person that applies for and receives an Annual Permit to place a Publication Box in a Location;

“Publication Box” means a vending box or other receptacle used for the purpose of displaying or distributing a newspaper, or any other printed, written, photographic or other published material.

3. Background

The City may regulate or prohibit the installation and maintenance of Publication Boxes on City Property as the owner of the property. Further, the City is authorized to regulate or prohibit the installation and to regulate the maintenance of Publication Boxes under Sections 8, 9 10 of the *Municipal Act, 2001*. The *Municipal Act, 2001* also authorizes the

City, amongst other things, to delegate its authority, and to impose fees or charges on persons for services or activities provided or done by or on behalf of it. The Public Works Department is responsible for, amongst other things, managing City Property.

All fees in this Policy are as set in the City’s User Fees and Charges By-law or as approved by City Council from time to time.

4. Prohibition

Publication Boxes shall not be installed or maintained on City Property unless an Annual Permit has been obtained. The General Manager issues Annual Permits where, in his or her sole discretion, he or she is satisfied that this Policy will be complied with, the health and safety of the public will not be in jeopardy, and the installation and maintenance of the Publication Box will be in the public’s best interest.

4.1 Annual Permit Applications

An applicant applying for an Annual Permit or the renewal of an Annual Permit shall complete and submit an application, together with:

- 4.1.1 the application fee;
- 4.1.2 a photograph and/or sketch showing each Publication Box and its dimensions;
- 4.1.3 a list of all proposed locations for the installation of each Publication Box;
- 4.1.4 a description of how each Publication Box will be secured so as not to be easily moved;
- 4.1.5 the name and contact information of the proposed Permit Holder and the publication owner;
- 4.1.6 a description of the publication to be distributed through each Publication Box;
- 4.1.7 evidence of Commercial General Liability insurance satisfactory to the General Manager;
- 4.1.8 a signed release and indemnity form; and
- 4.1.9 any other supporting documentation which the General Manager deems necessary for the application.

4.2 Publication Boxes Location Criteria

Following receipt of a complete application (including the applicable fees and supporting documentation), each proposed location will be reviewed and may be approved if it adheres to the criteria set out in this subsection:

- 4.2.1. there shall be no more than three Publication Boxes at any one location;
- 4.2.2. one location may be established at one corner only at an intersection of roads other than major arterial or collector roads;
- 4.2.3. two locations may be established at two corners at an intersection of major arterial or collector roads;

- 4.2.4. no location shall be established within that part a Highway which is City Property, is not used by motor vehicles and is immediately adjacent to a property that:
 - 4.2.4.1. contains at least one dwelling unit; and
 - 4.2.4.2. is not used for a commercial, institutional or industrial purpose, except if such purpose is a home business as defined in the City’s zoning by-laws;
- 4.2.5. locations shall be established with a minimum separation distance of:
 - 4.2.5.1. 6m from a fire hydrant; and
 - 4.2.5.2. 6m from a bus loading area.
- 4.2.6. locations shall not obstruct:
 - 4.2.6.1. the use of a Highway by pedestrians or vehicles;
 - 4.2.6.2. any sight lines necessary to ensure the safety of pedestrian and vehicle access;
 - 4.2.6.3. any traffic sign;
 - 4.2.6.4. any street furniture, including but not limited to public transit shelters, public benches or waste receptacles;
 - 4.2.6.5. regular Highway maintenance, including but not limited to sidewalk cleaning and snow removal; or
 - 4.2.6.6. access to or maintenance of any hydro transformer, hydro switchgear, telephone or cable television terminal box, postal box or any other utility, aboveground or underground.

4.3 Issuing and Renewing an Annual Permit

- 4.3.1. Where a completed application has been received, and each proposed location has been approved, the following will be issued by the General Manager:
 - 4.3.1.1. an Annual Permit for the installation and maintenance of each Publication Box; and
 - 4.3.1.2. a weather-resistant sticker which shall be valid for the term of the Annual Permit and which shall be affixed to each Publication Box.

4.3.2. General Manager Authority

Notwithstanding that a proposed location meets the criteria set out in this Policy, the General Manager reserves the right not to approve a location where it determines that the proposed location is likely to jeopardize the health and safety of pedestrian or vehicular traffic or is otherwise not in the public’s best interest.

4.3.3. Annual Permit Renewals

4.3.3.1. An application for the renewal of an Annual Permit Location will be considered for issuance before a new proposed location application, unless the Permit Holder owes any fees to the City under this Policy, or has failed to comply with any other condition under this Policy.

4.3.3.2. All applications for renewals of Annual Permit Locations shall be submitted between October 1 and October 31 in the preceding calendar year. New applications shall not be submitted earlier than October 1 in the preceding calendar year.

4.3.4. Term of Annual Permit

An Annual Permit issued on or after January 1 of any year shall expire on December 31 of that year and the Annual Permit fee shall not be pro-rated regardless of the date of issuance.

4.3.5. Property of the City

An Annual Permit is the property of the City and shall not be transferred without the written permission of the General Manager.

4.3.6. Compliance with Conditions

4.3.6.1. A Permit Holder shall comply with all of the conditions of the Annual Permit and this Policy;

4.3.6.2. Failure to comply with any condition of an Annual Permit or this Policy may result in the revocation of the Annual Permit by the General Manager, or the refusal by the General Manager to approve an application to renew an Annual Permit;

4.3.6.3. Upon revocation or refusal of an application to renew an Annual Permit, the Permit Holder shall remove the Publication Box. Failure to remove the Publication Box upon revocation or refusal may result in the Publication Box being removed by the City, with or without notice, at the Permit Holder's expense.

4.4 Installation and Maintenance of Publication Boxes

4.4.1. Installation

Every Permit Holder shall ensure that each Publication Box is installed only:

4.4.1.1. where the Publication Box has the weather-resistant sticker affixed;

4.4.1.2. at the Location set out in the Annual Permit;

4.4.1.3. where the Publication Box does not exceed 147 cm in height x 51 cm in width and x 46 cm in depth;

4.4.1.4. where the Publication Box is not secured by attaching it to a fixed object on a Highway, including but not limited to a bus stop, light standard, hydro pole, or fire hydrant; and

- 4.4.1.5 in a manner that complies with the conditions of the Annual Permit and all applicable law.

4.4.2. Maintenance

Every Permit Holder shall ensure that each Publication Box installed is:

- 4.4.2.1. free of graffiti;
- 4.4.2.2. maintained in a neat, clean and rust free condition at all times with the material it contains completely enclosed;
- 4.4.2.3. equipped with a self-closing door;
- 4.4.2.4. free of printed or advertising matter on the Publication Box, other than:
 - 4.4.2.4.1 the name of the publication being offered;
 - 4.4.2.4.2. the publication owner’s name;
 - 4.4.2.4.3. instructions for the use of the Publication Box;
 - 4.4.2.4.4. information promoting the contents of the publication; and
 - 4.4.2.4.5. encouragement for participation in recycling;
- 4.4.2.5. free of litter in, on, or around the Publication Box;
- 4.4.2.6. otherwise in good and proper repair and condition satisfactory to the General Manager;
- 4.4.2.7. removed upon the expiration of an Annual Permit, unless the Annual Permit has been renewed; and
- 4.4.2.8. is maintained in a manner that complies with this Policy and all applicable law.

4.4.3. Removal of Publication Boxes

- 4.4.3.1. Any Publication Box may be removed with or without notice at the expense of the publication owner if there is no Annual Permit for the installation of the Publication Box;
- 4.4.3.2. In the event that a Publication Box is removed by the City or a public utility or other utility for the purpose of conducting work on or under the Highway, the Permit Holder shall be responsible for the cost of the removal and reinstallation of the Publication Box as invoiced by the City.

4.4.4. Holding of Removed Publication Boxes

- 4.4.4.1. If the General Manager removes a Publication Box under this Policy, the General Manager shall, as a courtesy, hold the Publication Box for a period of 60 days following its removal;

- 4.4.4.2. The Permit Holder or publication owner may claim the Publication Box during the 60 day holding period by paying the applicable fees;
- 4.4.4.3. Any Publication Box removed under this Policy shall be disposed of at the expiry of the 60 day holding period, if it has not been claimed by the Permit Holder or publication owner;
- 4.4.4.4. Regardless of whether or not the Publication Box is claimed, the Permit Holder or the publication owner shall be responsible for the applicable fees.

COUNCIL APPROVAL: _____

APPROVED DATE: _____

REVISED DATE: _____