



# ***THE CORPORATION OF THE CITY OF PORT COQUITLAM***

## **BYLAW NO. 3534**

*A Bylaw to regulate newspaper boxes on public streets.*

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*Whereas the City wishes to regulate newspaper boxes on public streets.*

*Now therefore the Council of the Corporation of the City of Port Coquitlam, in open meeting assembled, enacts as follows:*

### **1. Citation**

This Bylaw is cited as “Newspaper Box Regulation Bylaw No. 3534.”

#### **1.1 Interpretation**

In this Bylaw, the following words shall have the following meanings:

**City** means the City of Port Coquitlam;

**Engineer** means the person designated by Council in that position or his or her delegate;

**Identification Decal** means the decal issued by the City to be placed on every newspaper box indicating that it has a valid permit for the current year;

**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;

**Newspaper Box Location** means a location designated by Council and listed on Schedule “A”;

**Permit** means a document issued and authorized by the City for the placement of one or more newspaper boxes within the City as authorized by this bylaw;

**Permitee** means an applicant who has received a permit from the City to place a newspaper box in the City as allowed authorized by this bylaw; and

**Public Place** means any road allowance under the jurisdiction of the City or any lands owned by the City or any other public rights of passage within the City.

## **2. General Provisions**

### **2.1 Prohibitions**

- 2.1.1 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.

## **3. Permitting**

### **3.1 Permit Application**

- 3.1.1 Every applicant for a permit shall provide to the Engineer:
- a) a signed application stating the full name or names and addresses of the applicant and, in the case of a Corporation, the application shall contain the corporate seal and state the address of the head office;
  - b) an annual statement and/or sketch map showing the number and location of each newspaper box controlled by the applicant;
  - c) an annual alphabetical street inventory of newspaper boxes controlled by the applicant;
  - d) the annual payment based on the fee provided in subsection 3.1.2 of this Bylaw;
  - e) a deposit of \$50.00 for each newspaper box; and
  - f) an undertaking, in a form acceptable to the Engineer, agreeing to provide \$2,000,000 public liability insurance in the joint name of the applicant and the City.
- 3.1.2 The permittee shall pay the City an annual fee of \$40.00 per newspaper box.
- 3.1.3 Permits are valid from the period January 1 to December 31 in the year in which they are issued.
- 3.1.4 The City must not refund any portion of the fee described in subsection 3.1.2 if any newspaper box is removed at any time by the permittee or the City.
- 3.1.5 Every permit issued pursuant to this Bylaw expires on December 31 of the year in which they are issued.

- 3.1.6 The Engineer may not permit more than 8 newspaper boxes at any one newspaper box location.
- 3.1.7 The Engineer may not permit more than one newspaper box for any single publication at a newspaper box location.
- 3.1.8 The permittee shall hold a valid business licence with the City.
- 3.2 General Permit Conditions
- 3.2.1 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 meters 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.
- 3.2.2 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.
- 3.2.3 Newspaper boxes may be chained or fastened to objects other than those described in subsection 3.2.2 provided the permittee first receives written approval from the Engineer.
- 3.2.4 Newspaper boxes shall not display any third party advertising.

- 3.2.5 Newspaper boxes shall not exceed the following dimensions:  
Width -61 cm  
Depth -38 cm  
Height -108 cm
- 3.2.6 Each newspaper box shall display a valid identification decal issued by the City.
- 3.2.7 The permittee shall maintain all newspaper boxes in a good state of repair, free of graffiti and in good working order.
- 3.2.8 The owner or permittee is solely responsible for the loss or theft of any newspaper box.
- 3.2.9 Every owner or permittee must remove all litter within 2 meters of that box on a daily basis, or on the request of the City Engineer.
- 3.2.10 In addition to the provisions of this bylaw, every permittee must comply with any other City bylaw applicable to its business.

### 3.3 Permit Revocation

- 3.3.1 If any of the provisions of this bylaw are not complied with by the permittee or applicant, any permit held by the permittee or applicant may be revoked by the Engineer without notice.
- 3.3.2 Any permit issued pursuant to this bylaw may be revoked by the Engineer for any reason, without cause, provided the Engineer gives 30 day's notice to the permittee.
- 3.3.3 For the purposes of subsection 3.3.2, notice shall be deemed to have been given 4 days following mailing if sent by ordinary prepaid mail to the permittee's address as set out in the application for permit.

### 3.4 Newspaper Box Removal or Relocation

- 3.4.1 The Engineer may order a permittee 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 is not displaying a valid identification decal; or

- e) that does not comply with any other provision of this Bylaw.
- 3.4.2 Despite subsection 3.4.1 of this Bylaw, the Engineer may remove, at any time and without notice, any newspaper box that:
- a) he or she considers creates a safety hazard;
  - b) is not displaying a valid identification decal;
  - c) is not authorized by a permit; or
  - 3) does not comply with any other provision of this Bylaw.
- 3.4.3 If the owner or permittee 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 Engineer pursuant to subsection 3.4.1 of this Bylaw, the Engineer is authorized to remove the newspaper boxes and the permittee shall pay the City's costs of that removal or relocation by forfeiting the \$50.00 deposit required pursuant to section 3.1.1 (e).
- 3.4.4 In the event that a newspaper box seized pursuant to section 3.4.1 and 3.4.2 is not subject to a permit, then the owner of the newspaper box is liable for a \$50.00 fee and an additional storage fee of \$5.00 per day.
- 3.4.5 Newspaper boxes removed by the City shall be stored by the City for 3 months, and may be picked up by the permittee or owner during that time upon payment of the applicable fees.
- 3.4.6 After 3 months, any newspaper box left unclaimed by the permittee or owner may be disposed of by the City, and the permittee or owner shall not be entitled to any compensation for loss of its newspaper box.
- 3.4.7 The permittee 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 Engineer.
- 3.4.8 The City is authorized to complete any work not carried out by the permittee pursuant to subsection 3.4.7 of this bylaw and any expenses incurred by the City in restoring the public place to its previous condition shall become a debt immediately due and owing by the permittee to the City.

**4. Violations and Penalties**

- 4.1 Every person who contravenes any provision of this Bylaw is considered to have committed an offence against this bylaw and is liable on summary conviction to a fine of not less than \$500.00, and not more than \$10,000.00, and each day that such violation is caused, or allowed to continue, constitutes a separate offence.
- 4.2 This Bylaw is also enforceable by way of a municipal ticket information pursuant to the Ticket Information Utilization Bylaw, 1992, No. 2743 as amended.

**5. Severability**

If any part, section, sub-section, clause, or sub-clause of this bylaw is, for any reason, held to be invalid by the decision of a Court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this bylaw.

*Read a first time by the Municipal Council this 23<sup>rd</sup> day of January, 2006.*

*Read a second time by the Municipal Council this 23<sup>rd</sup> day of January, 2006.*

*Read a third time by the Municipal Council this 23<sup>rd</sup> day of January, 2006.*

*Adopted by the Municipal Council of The Corporation of the City of Port Coquitlam this 30<sup>th</sup> day of January, 2006.*

S.W. YOUNG  
Mayor

S. RAUH  
Corporate Officer

**SCHEDULE “A”**  
**Permitted newspaper box locations**

1. South side of McAllister Avenue between Shaughnessy Street and Mary Hill Road.
2. East side of Shaughnessy Street between Elgin Avenue and Whyte Avenue.
3. West side of Shaughnessy Street between Elgin Avenue and Whyte Avenue.
4. East side of Shaughnessy Street between Lougheed Highway and Lions Way.
5. East side of Ottawa Street between Lougheed Highway and Nicola Street.
6. West side of Ottawa Street between Lougheed Highway and Nicola Street.
7. North side of Lougheed Highway between Ottawa Street and Coast Meridian Road.
8. North side of Lougheed Highway between Coast Meridian Road and Oxford Street.
9. North side of Lougheed Highway between Oxford Street and Shaughnessy Street.
10. North side of Prairie Avenue between Toronto Street and Sefton Street.
11. South side of Prairie Avenue between Toronto Street and Sefton Street.