

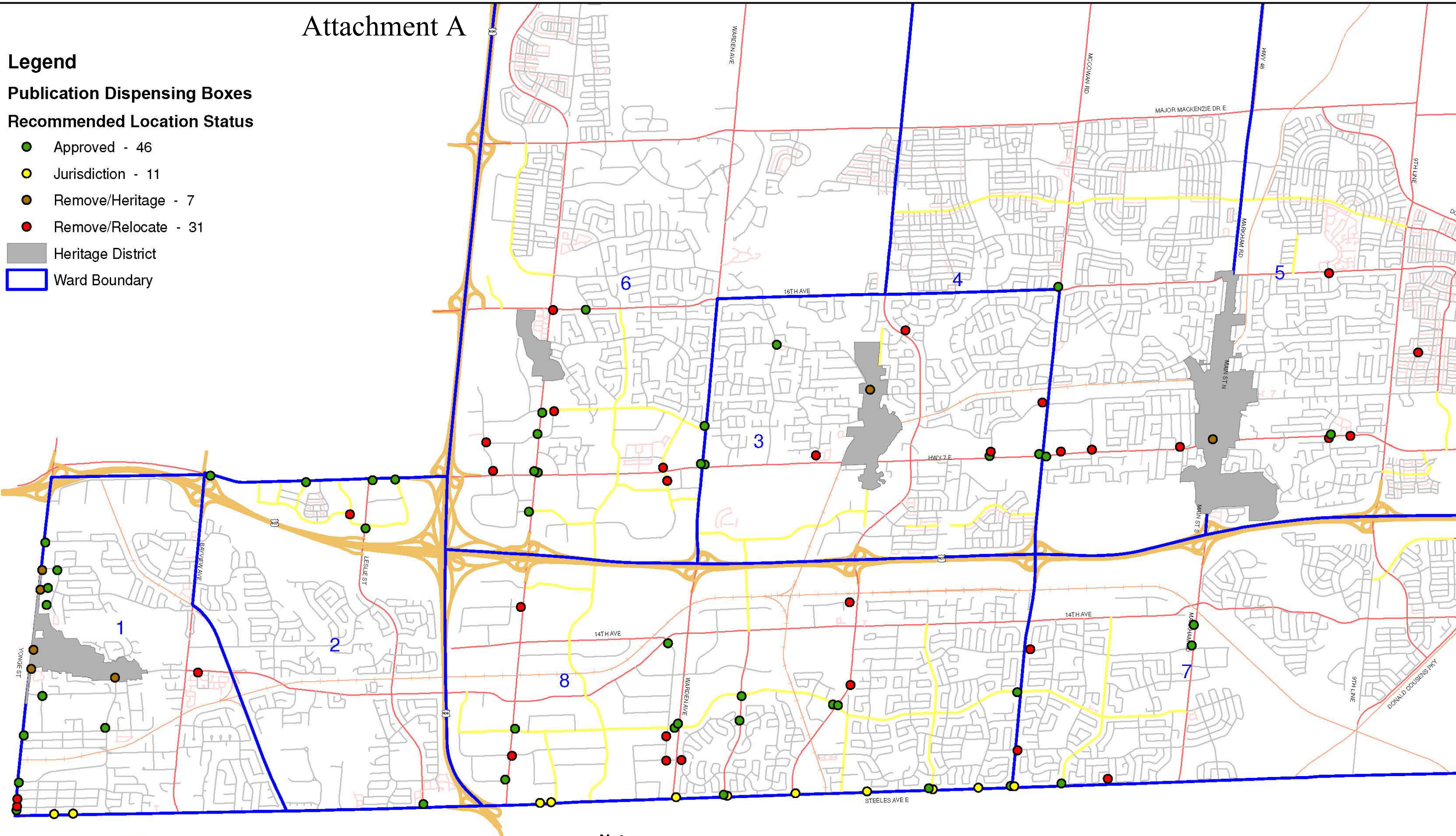
# Attachment A

## Legend

### Publication Dispensing Boxes

### Recommended Location Status

- Approved - 46
- Jurisdiction - 11
- Remove/Heritage - 7
- Remove/Relocate - 31
- Heritage District
- Ward Boundary




### Notes

1. Survey updated: July 2013
2. Private box locations not shown
3. Printed Nov 12, 2013



## Publication Dispensing Boxes *Recommended Location Status*

	<i>Publication Dispensing Box Policy</i>	
	policy <b>Category:</b>	
	policy <b>No.:</b> 2013-136-02	<b>Implementing Procedure No.:</b>
<b>Approving Authority:</b> <i>Executive Leadership Team</i>	<b>Effective Date:</b> 2014-3-01	
<b>Approved or Last Reviewed Date:</b> 1998-05-01	<b>Next Review Year:</b> 2019	
<b>Area(s) this policy applies to:</b> <i>Operations Department, By-Law Department</i>	<b>Owner Department:</b> <i>Operations Department</i>	
<b>Related policy:</b>		
<ul style="list-style-type: none"> <li>• <i>Road Occupancy By-law 2013-136</i></li> </ul>		

Note: Questions about this policy should be directed to the Owner Department.

### 1. Purpose Statement

To regulate the placement, installation and maintenance of publication dispensing boxes or units on road allowances within the boundaries of the City of Markham. The regulation of the placement of publication dispensing boxes or units is intended to enhance the safe and efficient use of City highways and improve the public realm.

### 2. Applicability and Scope Statement

Applicants wishing to place publication dispensing boxes or units on any road allowance within the boundaries of the City of Markham shall be required to obtain a Road Occupancy Permit, issued by the Director of Operations under the authority of Road Occupancy By-law 2013-136. This policy is intended to set out the requirements established by the Director of Operations for the issuance of the permit and an applicant's obligations during the term of the permit. Failure by the applicant to meet and maintain all permit requirements will result in the seizure and or disposal of non compliant boxes or units.

### 3. Background

A comprehensive policy is required to ensure publication distribution boxes or units are placed strategically, at an acceptable density and in a manner that does not impede public use, safety or the City's maintenance efforts. Also, as boxes or units age or are vandalized, an understanding setting out the rights and responsibilities of all parties is required.

### 4. Definitions

The terms defined herein shall have, for all purposes of this policy, the following meanings:

**BOULEVARD** – means the portion of the highway between a highway line and the edge of the curb, or where there is no curb, that portion of the highway which is travelled or designed to be travelled by vehicles.

**BY-LAW** - Road Occupancy By-law 2013-136.

DIRECTOR OF OPERATIONS – The Director of Operations or their designate.

HIGHWAY - includes a common and public highway, highway, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, including the area between the lateral property lines thereof and includes unopened and unassumed road allowances.

INSTALLATION – A Publication Dispensing Box or Publication Dispensing Unit.

SIDEWALK – That part of a highway located within the boulevard that is improved for the exclusive use of pedestrians.

APPLICANT – A person applying for a permit under the By-law for the placement of an installation on a highway or a person holding such permit.

LOCATION – The portion of the highway on which one (1) or more installations are placed, and shall include each corner of a highway intersection on which one or more of these structures are placed.

PERMIT – A Road Occupancy Permit issued under the By-Law.

POLICY – Means this Publication Dispensing Box policy.

PUBLICATION – A newspaper or other similar printed document which is published.

PUBLICATION DISPENSING BOX – a container placed, installed, used or maintained for the dispensing of a single publication to the public either for financial consideration or free of charge.

PUBLICATION DISPENSING UNIT – means a single container placed, installed, used or maintained for the dispensing of two or more publications of the same or different publishers to the public, either for financial consideration or free of charge.

## 5. Policy

### A. Effective Date

All installations placed, installed or maintained within a highway within City of Markham shall be brought into compliance with this Section by March 1, 2014, unless otherwise specified in this Section.

### B. Application for a Permit

1. Any owner of a publication or the authorized agent of an owner of a publication who wishes to place, install or maintain installations on, along or in a highway shall submit an application to the Director of Operations on the prescribed form at least eight (8) weeks prior to the proposed date for the placement of the installation, including the following:
  - a) name, address and telephone number of the applicant and any other person who may control the installation;
  - b) proposed location where each installation is to be placed, which shall be in compliance with the requirements set out in subsection D;

- c) the name of the publication(s) to be offered for distribution;
  - d) two (2) coloured drawings or photographs of the proposed installation, clearly showing height, width and depth dimensions;
  - e) description of the material from which the installation is constructed and the door closure mechanism.
2. The application and the permit shall require the applicant to indemnify and save the City, its elected officials, officers, employees and agents, harmless with respect to any actions, third party claims, costs, losses, injuries or damages (including legal costs) whatsoever arising directly or indirectly from the applicant's (or the applicant's employees, contractors, subcontractors, agents, directors or officers) placement of an installation on or within a highway within the City of Markham or breach by the applicant of this policy, the By-law or the permit.
  3. Every applicant shall provide and maintain Commercial General Liability and Automotive Insurance equivalent to or in excess of the minimum insurance requirements as outlined in the City's "General Terms and Conditions", as approved by the City's Purchasing department.
  4. Any application which does not include all of the information, insurance and the applicable fees as required under this policy at the time that the application is made shall be deemed to be incomplete and shall not be processed until such time as all required information is provided and the fees are paid.
  5. Any information submitted as part of an application for a permit which the applicant identifies as proprietary and confidential, shall be treated as confidential and, except where required by law, shall not be revealed to any third party without the consent in writing of the applicant, until such time that a permit is issued pursuant to subsection C.

**C. Issuance of Permit**

1. Where an application meets the requirements of the By-law and this policy and all applicable fees set out in the By-law have been paid, the Director of Operations shall issue the required permit.
2. Subject to Subsection E, a permit issued under the By-law shall be for a term of one (1) year, and shall renew automatically on March 1 of each year provided that the applicant has paid the fees as required under the permit, this policy and is not in violation of the terms and conditions in the permit and this policy.
3. A permit issued for an installation shall not be transferred or assigned by the applicant in any manner whatsoever without the consent of the Director of Operations, which consent may be withheld at the sole discretion of the Director of Operations. For the purposes of this Subsection, "assignment" or "transfer" shall not include a transfer to an affiliate, subsidiary or holding corporation of a corporate applicant or a change in control of ownership in a corporate applicant. No assignment shall be permitted under this subsection unless the applicant is in compliance with the By-law, this policy and the permit and the proposed assignee has executed the permit to evidence that it has assumed the obligations of the assignor contained in the permit.

**D. Requirements**

**LOCATION:**

1. No installation shall be placed, installed or maintained:
  - a. within an area comprised of the corner radius of any intersection and an additional two (2) metres measured from the radius along each curb or roadway edge;
  - b. in any curb cut designed to facilitate access by disabled persons or within one (1) metre of the curb cut;

- c. within any driveway or closer than six hundred millimetres (600 mm) of any driveway;
- d. within two metres (2.0 m) of a fire hydrant or other fire service connection;
- e. within one metre (1.0 m) of a traffic signal or other utility pole to which pedestrian activation buttons are attached, decorative street light pole, tree or bicycle rack;
- f. within any, crosswalk or pedestrian cross-over, or in a manner as to interfere with boarding, disembarking, or queuing by transit passengers, or pedestrian movement;
- g. on, over or within any part of the travelled surface of the portion of the highway, including any curb;
- h. unless a minimum of two thousand, one hundred millimetres (2,100 mm) of sidewalk width immediately adjacent to the installation is maintained clear of all obstructions and available for uninhibited pedestrian passage;
- i. despite Subsection 1.h, where the sidewalk is fifteen hundred millimetres (1500 mm) or less in width, unless the installation is located on a paved portion of the boulevard and set back a minimum of six hundred millimetres (600 mm) from the edge of sidewalk so as to create at least 2,100 millimetres (2,100 mm) of space clear of all obstructions for uninhabited passage;
- j. in a manner that obstructs driver, or pedestrian sight lines, or otherwise compromises public safety;
- k. within the area of a semicircle on the entrance side of a transit shelter, having a diameter of no less than the length of the transit shelter, so that an unobstructed access to or from the transit shelter is maintained;
- l. on top of, or in a manner that interferes with access to, use of, or causes damage to any utility maintenance hole, vault, pole or other equipment or permitted encroachment;
- m. where placed adjacent to a curb or edge of roadway, any closer than five hundred millimetres (500 mm) from the curb face, or any closer than three metres (3.0 m) from the edge of roadway on highways without curbs, measured from the side of the box or unit closest to the curb or edge of the roadway;
- n. on any unpaved surface, lawn, shrub, tree or other landscaping within a boulevard or in a manner so that the placement or use of the installation may damage or impede maintenance of the boulevard;
- o. in a manner such that it is bolted to a sidewalk or other hard-surfaced portion of the boulevard, or chained to a decorative streetlight or utility pole, transit stop poles, or other City street furniture, unless expressly designated for such purpose, or attached with the consent of the owner of the pole or other structure;
- p. in a manner that obstructs the sightlines of an advertising, information panel or public art display on a transit shelter or other City street furniture element within a minimum distance of twenty-five metres (25 m);
- q. on any local highway. This does not preclude the placement of the installation at the intersection of a local highway and collector, minor arterial or arterial highway as set out in the City's road classification system;
- r. anywhere within a designated school zone; or
- s. anywhere within a designated heritage area.

2. An installation shall remain situated at the location as approved by the Director of Operations and no person shall relocate an installation unless the relocation has been authorized in advance by the Director of Operations.

3. No more than one installation per publication shall be placed at any one location, and no location shall be positioned less than five hundred metres (500 m) from any other location, except that this shall not apply to prevent locations at two corners of the same intersection.
4. In addition to the parameters for the location of publication dispensing box or publication dispensing units set out above, the Director of Operations shall approve the final location and placement of the publication dispensing box or unit, having regard to such matters as the position of any existing installation at the location, the volume of pedestrian traffic at the location, snow removal, sidewalk cleaning and maintenance, vehicular traffic and safety, sight distances, adjacent land use and any other public uses of the highway in the vicinity of the location.

#### PLACEMENT

5. Where multiple publication dispensing boxes or units are placed at a location, they must be arranged in a single linear pattern, satisfactory to the Director of Operations and, where a “hitching post” or similar railing device is provided for the express purpose of securing publication dispensing boxes or units, no box or unit will be permitted at the location unless it is so attached.
6. Boxes must be installed vertically plumb.
7. Any concrete pad, “hitching post” or similar railing device required to be installed for the placement of an installation will be at the sole expense of the applicant, meeting City Specifications and be to the satisfaction of the Director of Operations.

#### PHYSICAL REQUIREMENTS OF BOX OR UNIT

8. Each licensed installation must have affixed to it and readily visible and legible at all times effective March 1, 2014, the contact name, address, e-mail address (if applicable) and telephone number of the applicant, circulation department of the publication owner or person in control of the installation.
9. All installations shall be constructed of durable material satisfactory to the Director of Operations.
10. The maximum dimensions of any publication dispensing box or unit inclusive of any ballast shall be as follows:
  - a. a height of one thousand four hundred and fifty millimetres (1,450 mm) from grade;
  - b. a width of six hundred millimetres (600 mm); and
  - c. a depth of six hundred millimetres (600 mm).
11. The dimensions set out in Subsection D (10) shall apply to all applications received under this policy, and shall come into effect on March 1, 2014, with respect to any box or unit for which a permit has been issued as of the date that this policy comes into force.
12. Subsection 10 shall not apply to any publication dispensing unit or publication dispensing box that may be developed and deployed by or on behalf of the City under a consolidated street furniture program. In the event that a publication dispensing unit or publication dispensing box is deployed by or on behalf of the City under a consolidated street furniture program, no individual installation shall be permitted at the same location(s).
13. No electrical connection shall be permitted to any installation, except where the unit is a component of a City consolidated highway furniture program.
14. No advertising, notices or signs shall be permitted on an installation other than the name of the publication, price or features contained within or sponsored by the publications, or advertising promotions sponsored by the publication which shall be displayed only on one (1) side of the installation, provided that the restriction of advertising the name of the publication, price or features contained within the publication to one side of the installation shall take effect on March 1, 2014 with respect to any installation

for which a permit has been issued as of the date that this policy comes into force. Despite anything else in this paragraph, third party advertising is expressly prohibited, except where a unit is a component of a City consolidated street furniture program.

#### MAINTENANCE

15. Every person who owns or controls an installation shall:

- a. place or install each installation in a manner that will ensure it cannot be tipped over;
- b. provide each installation with a secure self-closing door in good working order at all times to prevent the entry of snow, wind and rain, and to deter litter generation and use of the installation as a garbage receptacle;
- c. maintain each installation in a neat, clean and rust-free condition at all times, including the removal of all graffiti, posters and third party advertising however affixed to the installation, within twenty-four (24) hours of becoming aware of the condition;
- d. remove any garbage or litter accumulation in and around the installation within twenty-four (24) hours of becoming aware of the condition;
- e. regularly monitor the condition and arrange for the pick-up and removal of surplus or stale-dated publications and any associated packaging. No person shall cause or permit these materials to be left in or near the installation, at the curb side or deposited into City litter or recycling receptacles;

16. In the event that any installation is left unstocked for a period greater than twenty-one (21) consecutive days, the Director of Operations may require that the applicant remove the installation at no cost to the City. In the event that an installation remains unstocked for a period exceeding sixty (60) days, the installation will be deemed to be abandoned.

17. Any installation that has been damaged or vandalised shall be repaired, replaced or removed by the applicant within forty eight (48) hours of the applicant becoming aware of the condition or receipt of notice from the City of such damage or vandalism, provided that where the damage or vandalism causes a danger to the public or property, the owner or person in control shall, upon notice from the Director of Operations, take immediate action to remedy the unsafe condition.

18. In the event that an applicant abandons an installation as defined in item D (16), the applicant is responsible for the removal of any supporting infrastructure and the restoration of the site back to its original condition to the satisfaction of the Director of Operations.

19. The City or any public utility may enter the area occupied by an installation for the purpose of doing any work within the highway, including the installation or maintenance of utility equipment.

#### INVENTORY

20. On or before December 1 of each year, every person who has a permit with the City for the placement, installation and maintenance of one or more installations shall provide, on the prescribed form, to the Director of Operations a detailed, accurate, up-to-date inventory of all such structures located on, along and within the highways.

#### E. Seizure and Disposal

1. In the event that a publication dispensing box or publication dispensing unit has been placed, installed or maintained on a highway in a manner that is not compliant with this policy, the permit or the By-law, the City shall provide notice of such non-compliance to the applicant and the applicant shall remove the publication dispensing box or publication dispensing unit and restore the site within forty-eight (48) hours

of receiving the said notice from the City.

2. The City may, at the sole expense of the applicant, require the temporary relocation of an installation or order the temporary suspension or revocation of a permit if the Director of Operations determines, in his/her sole and absolute discretion, that the relocation of an installation or a suspension or revocation of a permit is necessary for:
  - a. the interests of pedestrian, vehicular or public safety;
  - b. to accommodate a special event; or
  - c. to accommodate the construction, maintenance or repair of a highway, transit facilities or a public utility or service.

In the event that an installation needs to be removed pursuant to this section, the City shall provide notice to the applicant that the installation needs to be removed and the applicant shall remove the installation and restore the site at its cost within forty-eight (48) hours of receiving the said notice from the City.

3. Notwithstanding any other provision of this policy or permit, no prior notice to the applicant shall be required in the event that an installation, in the opinion of the Director of Operations, needs to be removed to prevent an immediate risk to public safety. In such an event, the Director of Operations shall require the applicant to remove the installation immediately.
4. In the event that an applicant fails to remove an installation as required pursuant to section E, the Director of Operations or any person authorized by the Director of Operations may seize and remove from the highway the installation and restore the site. The Director of Operations shall store any installation so seized, and shall return any installation to the applicant upon the applicant paying to the City the costs of removal and storage of the installation and restoration of the site, plus administration costs as set out in the By-law.
5. The Director of Operations may dispose of any installation so seized at the expiry of sixty (60) days from the later of the date of seizure of the installation and the date notice of the seizure is given to the owner of the installation.
6. Neither the City nor a public utility shall be liable to an applicant or responsible for any claims, losses, expenses or damages incurred by an applicant in relation to a relocation of an installation or a suspension or revocation of a permit under Section E.

**F. Fees**

1. Effective March 1, 2014, the fees to be paid for the placement and on-going maintenance of an installation on a highway within the City shall be as per the By-law.

**6.0 Roles and Responsibilities**

**Director of Operations**

- Policy Sponsor

**Manager, Business & Technical Services**

- Coordination of interdepartmental activities involved in this policy creation and implementation

**Technical Coordinator, Operations**

- Process and manage applications for Publication Dispensing Boxes and Units including the collection of fees.
- Educate permit applicants regarding policy changes
- Development and maintain database to contain application information





## *Publication Dispensing Box policy*

policy No.: 2013-136-02

Implementing Procedure No.:

- Develop and maintain GIS mapping tool to facilitate management of Dispensing Box or Unit locations
- Disseminate information to all interested departments.

### **Operations Roads Supervisors**

- Removal of any non compliant boxes or units after suitable notice given or under hazardous conditions

### **Provincial By-law officers**

- Issue infraction notices as required
- Investigate and identify any installations that are non compliant



## BY-LAW 2014-XX

A By-law to amend Road Occupancy By-law 2013-136

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THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM HEREBY ENACTS AS FOLLOWS:

1. That Section 1 of Road Occupancy By-law 2013-136 be amended by adding the following definitions:

“Publication” means a newspaper or other similar printed document which is published.

“Publication Dispensing Box” means a container placed, installed, used or maintained for the dispensing of a single publication to the public either for financial consideration or free of charge.

“Publication Dispensing Unit” means a single container placed, installed, used or maintained for the dispensing of two or more publications of the same or different publishers to the public, either for financial consideration or free of charge.

2. That Section 7.1 of Road Occupancy By-law 2013-136 be amended by deleting the existing Section 7.1 and replacing with the following:

7.1 No person shall in relation to *Publication Dispensing Boxes or Publication Dispensing Units*:

7.1.1 place, install, use or maintain a *publication dispensing box* or a *publication dispensing unit* on a highway without having obtained a *Road Occupancy Permit* pursuant to this by-law;

7.1.2 place, install, use or maintain on a highway within the City a *publication dispensing box* or *publication dispensing unit* at a location that is not approved or prohibited by the Director of Operations or installed in a manner that is not approved or prohibited by the Director of Operations;

- 7.1.3 place, install, use or maintain on a highway within the City a *publication dispensing box* or *publication dispensing unit* that is not in conformity with the standard size, dimension and other technical or physical requirements established by the Director of Operations;
- 7.1.4 fail to maintain a *publication dispensing box* or a *publication dispensing unit* on a *highway* in accordance with the terms and conditions set by the Director of Operations and the *Road Occupancy Permit*;
- 7.1.5 fail to provide on or before February 1<sup>st</sup> of each year to the Director of Operations an inventory, in the prescribed form, of all *publication dispensing boxes* or *publication dispensing units* on *highways* within the *City* under control of the person.
- 7.1.6 permit third party advertising, signs or notices on a *publication dispensing box* or *publication dispensing unit* and the advertising of the permit holder shall be limited to one side of the *box* or *unit* only.
- 7.1.7 a *publication dispensing box* or *publication dispensing unit* may be removed from a *highway* by the *City* in accordance with by-law provisions where:
- 7.1.7.1 the *box* or *unit* is left unstocked with current publications for a period greater than twenty one (21) consecutive days;
  - 7.1.7.2 the *box* or *unit* having been vandalized or damaged is not repaired within forty-eight (48) hours of *Notice* from the *City*; or
  - 7.1.7.3 the placement, installation and maintenance of a *publication dispensing box* or *publication dispensing unit* does not comply with all requirements, terms and conditions contained in a *Road Occupancy Permit*, this by-law or any policy established by the Director of Operations regulating *publication dispensing boxes* or *publication dispensing units* and a *Road Occupancy Permit*..
- 7.1.8 The Director of Operations may, at the sole expense of the applicant, and in accordance with a policy established by the Director of Operations regulating *publication dispensing boxes* and *publication dispensing units*, require the temporary relocation of a *publication dispensing box* or *publication dispensing unit* or suspension or revocation of a permit if such temporary relocation of a *publication dispensing box* or *publication dispensing unit* or suspension or revocation of a *Road Occupation Permit* is necessary for:

- 7.1.8.1 the interests of pedestrian, vehicular or public safety;
- 7.1.8.2 to accommodate a special event; or
- 7.1.8.3 to accommodate the construction, maintenance or repair of a *highway*, transit facilities or a public utility or service.

3. That #23 and #24 of Schedule 'A' to By-law 2013-136 be amended by inserting the following new charges and renumbering the Schedule accordingly:

23	Publication Dispensing Box & Publication Dispensing Unit Permit	\$50/\$100	\$50 for first fifty (50) boxes or units and \$100 per box or unit thereafter
24	Publication Dispensing Box & Publication Dispensing Unit Permit	\$25	Cost per location to assess new locations as proposed by the applicant

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS OF, 2014.

\_\_\_\_\_  
K. KITTINGHAM, CITY CLERK

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FRANK SCARPITTI, MAYOR