

Licence

Chapter 593 Newspaper - Magazine Stand

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Article 1 - Short Title

593.1.1 Citation

This Chapter may be cited and known as the “Newspaper and Magazine Stand By-law.”

Article 2 - Interpretation

593.2.1 Singular - plural - masculine - feminine

Whenever the singular is used in this Chapter, it shall also be construed to mean the plural, and whenever the masculine is used, it shall also mean the feminine.

Article 3 - General Provisions

593.3.1 Permit fee - insurance - list - location - required

No person shall erect, install, place or maintain a print media vending or distribution box on any street, boulevard or highway within the City limits without first complying with the following:

- a. obtaining a permit for each and every vending or distribution box placed on the public road allowance;
- b. producing a certificate of insurance confirming that a general liability policy in the amount of \$2,000,000 is in force.

- c. providing at the time of each annual payment and from time to time as may be required by the Engineer, an alphabetical street name inventory listing exactly where the vending or distribution boxes are placed. By-law 9230-18 – August 9, 2018

593.3.2 Box - clean – sanitary

Each permit holder shall, at all times, keep the vending or distribution box in a clean and sanitary condition so that the said box does not constitute a public or private nuisance

593.3.3 Advertising matter - prohibited – exception

No permit holder shall place or maintain any printing or advertising matter on the distribution boxes other than the name of the print media being sold, the name of the publisher and instructions for use of the said box.

593.3.4 Maintenance - restoration - vicinity – surrounding

The permit holder shall maintain the area in the vicinity of the vending or distribution box in a condition satisfactory to the Engineer. In the event that the area in the vicinity of the vending or distribution box becomes eroded due to the utilization by customers, the permit holder will be fully responsible for the complete restoration of the area to the satisfaction of the Engineer. In the event that the problem reoccurs, the Engineer may request the permit holder to install, at the permit holder's expense, a suitable pad in the area of the vending or distribution box, the cost of restoration and/or pad to be equally proportioned among all permit holders.

593.3.5 Operation - without permit – prohibited

No person shall place, operate or maintain a vending or distribution box on any public road allowance without first obtaining a permit to do so.

593.3.6 Application – requirements

All applications for permits shall be made to the Clerk or designate in writing on the prescribed form and shall be accompanied by a plan showing the proposed location, size and design of the box.

593.3.7 Location - other than specified – prohibited

No person shall place, operate or maintain a vending or distribution box in any location other than the location specified on the approved application.

593.3.8 Licence fee - with application

No permit shall be issued until the Engineer has approved the proposed location, size and design of the distribution box and the permit fees have been paid.

593.3.9 Duration - one year - renewal fee

The fee for an initial permit shall be \$55 for each vending and distribution box. Permits must be renewed annually and the renewal fee shall be \$30 for each. By-law 8486-08, October 2, 2008. By-law 8895-14 January 16, 2014

593.3.10 Permit - expiry - February 15

Each permit granted under this Chapter shall be for one year from February 15 in the current year and expire on the 15th of February one year after issuance or sooner if the licence so indicates.

593.3.11 Fee - non-refundable

The fee payable for the permit or renewal shall not be refundable in whole or in part.

593.3.12 Non-transferable

A permit for a box is non-transferable.

593.3.13 Obstruction - hazard - location - permit revoked

If in the opinion of the Engineer, a print media vending or distribution box is located such that it constitutes a visibility obstruction, safety hazard or physical obstruction for a vehicle driver, vehicle, pedestrian or highway maintenance operation, the Engineer may revoke the permit for the box and the permit shall expire seven days after notice of revocation has been given to the permit holder in the City of Woodstock.

593.3.14 Not removed - removal by Engineer - owner's expense

If the permit holder for a vending or distribution box fails to remove the said box following expiration of the permit, the Engineer may remove the box without notice and the permit holder shall pay the cost of removal forthwith upon demand.

593.3.15 Removal - unauthorized box - by Engineer

The Engineer may remove, without notice, any vending or distribution box which is located on a public highway, street or boulevard and is not authorized by a permit.

593.3.16 Sidewalks - width - two metres – less

No person shall place or maintain a vending or distribution box on sidewalks having a width of two metres (6.56 feet) or less.

593.3.17 Within 30 metres - intersection – exception

No vending or distribution box shall be placed within 30 metres (98.43 feet) of an intersection, except at the back of the sidewalk.

593.3.18 Bus loading areas

No vending or distribution box shall be placed at a bus loading area.

593.3.19 Within six metres - fire hydrant

No vending or distribution box shall be placed within six metres (16.4 feet) of any fire hydrant.

593.3.20 Egress - ingress – obstruction

No vending or distribution box shall be placed at or adjacent to a pedestrian and/or vehicular egress or ingress location including ramps and crosswalks so as to obstruct or interfere with egress or ingress.

593.3.21 Obstruction - interference - street maintenance

No vending or distribution box shall be chained, fastened or affixed to:

- a) traffic poles, lamp poles, street name sign poles, utility poles or parking devices; nor
- b) a building, structure or fixture not designed to accommodate vending or distribution boxes, unless prior written permission from the owner of such building, structure or fixture is first obtained. By-law 8534-09, May 7, 2009.

Article 4- Refusal - Revocation - Suspension of Licence

593.4.1 Notice - issued - conditions set out

The Clerk shall provide a notice of refusal to issue a licence to an applicant if the conditions for issuance have not been met, the Clerk determines that, the information on the licensee's application for a licence is inaccurate, or the applicant has contravened a Section of this Chapter. If the Applicant, or any of its directors, officers or managers have been convicted of an offence under the Criminal Code of Canada, the Clerk may, with the consultation of the Police Department, refuse to issue a licence to an Applicant. . The Clerk shall provide the applicant with the written notice of refusal to issue a licence setting out the reasons for refusal, when the right to review will expire, and how to apply for a review.

593.4.2 Notice - how served

The notice shall be served personally or by registered mail to the applicant at the address shown on the application.

593.4.3 Application - not filed - expired without notice

If an application for review has not been filed within fourteen days of the Clerk having effected service of the notice, the applicant's right to a review will expire without further notice.

593.4.4 Licence fee returned - not granted - review expired

The Clerk shall return the licence fee paid at the time of the application if the licence is not granted and the applicant's right to a review has expired.

593.4.5 Revocation or suspension of a licence

The Clerk shall provide a notice to revoke or suspend a licence if the licensee no longer complies with the conditions for issuance after the licence is issued, the Clerk determines that, the information on the licensee's application for the licence is inaccurate, the licensee has contravened a Section of this Chapter or if the licensee or any of its directors, officers or managers have been convicted of an offence under the Criminal Code of Canada. The Clerk shall give the licensee notice of the revocation or suspension in writing setting out the reasons for revocation or suspension, when the right to a review will expire and how to apply for a review. The notice shall be served personally or by registered mail to the licensee's address last on file with the Clerk.

593.4.6 Application for review - expiry

If an application for review has not been filed within fourteen days of the Clerk

having effected service of the notice, the applicant's right to review will expire without further notice.

593.4.7 Licence - fee - refund - pro-rated

The Clerk shall return a pro-rated portion of the licence fee (based on the length of time the licence was in effect) of a revoked or suspended licence.

593.4.8 Application for review - procedure - deadline

An applicant or licensee in receipt of a notice to refuse, revoke or suspend a licence, may, within fourteen days after service of notice apply in writing for a review of notice to refuse, revoke or suspend a licence by filing the application for review with the Clerk and the provisions of Sections 593.4.10 to 593.4.21, inclusive shall apply.

593.4.9 Report for a review of status of licensee

The Clerk may report to the Review Tribunal any reasons for the issuance of notice of refusal, revocation or suspension including any breaches by the licensee of this Chapter or other relevant considerations.

593.4.10 Review hearing - date of

Upon receipt of the application to review, the Clerk shall determine a date for the review hearing with the Review Tribunal chairperson which shall be at least fourteen days after the receipt of the application for review.

593.4.11 Review hearing - notice of

Upon determination of the review hearing date, the Clerk shall give notice in writing to the applicant or licensee, said notice to:

- a) include a statement,
 - i. as to the time, date, place and purpose of the review hearing, and
 - ii. that, if the applicant or licensee does not attend the review hearing, the Review Tribunal shall proceed in the absence of the applicant or licensee and the applicant or licensee will not be entitled to any further notice;
- b) be served personally or by registered mail to the applicant or licensee at the address last on file with the Clerk; and
- c) where the good character, propriety of conduct or competence of an applicant or licensee is an issue, contain reasonable information of any allegation with respect thereto.

593.4.12 Review hearing - by Review Tribunal - procedure

The Review Tribunal shall hold the review hearing at the time, place and date set out in the notice. The applicant or licensee may be represented at the review hearing by counsel, and the applicant or licensee or their counsel shall have the right to adduce evidence, submit argument on their behalf and cross-examine witnesses adverse in interest.

593.4.13 Review hearing - City - represented

The City shall be represented at the review hearing by either the Clerk or the City Solicitor, who is entitled to adduce evidence and submit arguments in reply to

evidence and arguments on behalf of the applicant or licensee.

593.4.14 Review hearing - onus upon applicant

At the review hearing, the onus shall be upon the applicant or licensee to show cause why:

- a) the licence should be granted;
- b) the licence should not be suspended or revoked; or
- c) conditions should not be imposed on the licence.

593.4.15 Review hearing - open to public - exception

All review hearings shall be public hearings unless the applicant or licensee requests that the hearing be held in closed session and the Review Tribunal may approve the request by a simple majority.

593.4.16 Review hearing - applicant absent - decision rendered

Where notice of the review hearing has been served on the applicant or licensee and the applicant or licensee does not attend the hearing, the Review Tribunal may proceed with the review hearing and render a decision in the absence of the applicant or licensee.

593.4.17 Review hearing - completion - decision rendered

Upon completion of the review hearing, the Review Tribunal shall render a decision which shall:

- a) confirm the Clerk's decision to refuse, revoke or suspend the licence;
- b) reject the Clerk's decision and order the Clerk to issue a licence; or
- c) reject the Clerk's decision to revoke or suspend the licence.

593.4.18 Licence - conditions - imposed

Where the Review Tribunal rejects the Clerk's decision, the Review Tribunal may impose conditions, including special conditions, on the applicant or licensee as a requirement to hold a licence on such terms as are deemed just.

593.4.19 Review Tribunal - decision final - binding

The Review Tribunal's decision shall be final and binding.

593.4.20 Review Tribunal - decision in writing

The Review Tribunal shall give its decision in writing to the Clerk within seven days of the date of the completion of the review hearing.

593.4.21 Waiver of hearing

Despite any of the provisions of this Chapter, a proceeding may be disposed of by a decision of the Review Tribunal given:

- a) without a hearing; or
- b) without compliance with any other requirements of the *Statutory Powers Procedure Act*, as amended, or of this Chapter, where the applicant or licensee has waived such hearing or compliance.

593.4.22 Review Tribunal - decision - notification procedure

The Clerk shall notify the applicant or licensee of the decision by serving a copy personally or by registered mail to:

- a) the applicant or licensee at the address shown on the application, or last on file with the Clerk; or

b) the counsel or agent of the applicant or licensee, if any, at the address as stated to the Review Tribunal.

593.4.23 Licence - continued until expired

If the decision rendered is to reject the Clerk's decision, the licence shall be issued or in the case of a notice to suspend or revoke the licence shall continue until its expiry date.

593.4.24 Licence - suspended or revoked - authority

If the decision is to confirm the Clerk's decision to suspend or revoke the licence, the licensee shall within twenty-four hours of service of notice by registered mail, or immediately if the notice is personally served, return the licence to the Clerk and the Clerk shall have access to any premises or other property of the licensee for the purpose of receiving or taking the same.

593.4.25 Conditions - imposed - acceptance confirmed

If the decision is to confirm the Clerk's decision to impose conditions on the licence, the licensee shall within twenty-four hours of service of notice by registered mail or immediately if the notice is personally served, advise the Clerk as to his or her acceptance of the conditions.

593.4.26 Service of notice - by registered mail

Service of a notice by registered mail is effective on the fifth day after the document is mailed. By-law 8775-12, June 7, 2012.

Article 5 - Enforcement

593.5.1 Fine - for contravention

Every person who contravenes any of the provisions of this Chapter is guilty of an offence and upon conviction is liable to a fine or penalty as provided in the *Provincial Offences Act*.

593.5.2 Separate offence - daily

Each day a violation of this Chapter is contravened, shall cause to be a separate and distinct offence under this Chapter.

Article 6 - Enactment

593.6.1 Effective date

This Chapter shall become effective as of the third and final reading of the enabling by-law. By-law 8534-09, May 7, 2009.