

Authority: Licensing and Standards Committee Item 16.4,
as adopted by City of Toronto Council on October 29 and 30, 2008
Enacted by Council: October 30, 2008

CITY OF TORONTO

BY-LAW No. 1162-2008

**To amend City of Toronto Municipal Code Chapter 441, Fees and Charges, and
Chapter 693, Signs, respecting temporary signs.**

WHEREAS subsection 8(1) of the *City of Toronto Act, 2006* provides the City with broad authority to provide any service or thing the City considers necessary or desirable for the public; and

WHEREAS City Council has the authority to pass by-laws respecting matters related to structures, including fences and signs under subsection 8(2) of the *City of Toronto Act, 2006*; and

WHEREAS subsections 110(2) and 110(3) of the *City of Toronto Act, 2006* provides that all costs and charges incurred for disposing of an advertising device erected or displayed in contravention of a City by-law may be recovered by the City as a debt owed by the owner of the device, and that all costs and charges incurred by the City for the removal, care and storage of an advertising device are a charge which can form a lien in favour of the City on the advertising device; and

WHEREAS section 259 of the *City of Toronto Act, 2006* provides that the City may pass by-laws imposing fees and charges on persons for services or activities provided or done by or on behalf of it; and

WHEREAS the City provides regulation of temporary signs to the citizens of Toronto as a necessary and desirable service; and

WHEREAS it is necessary to amend Chapter 441, Fees and Charges, of The Toronto Municipal Code to include the fees related to the regulation of temporary signs; and

WHEREAS it is necessary to make technical amendments to Chapter 693, Signs, of The Toronto Municipal Code to reflect changes to Chapter 441, Fees and Charges, of The Toronto Municipal Code; and

WHEREAS notice of the intention to enact this by-law has been provided in accordance with the *City of Toronto Act, 2006* and its regulations;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Chapter 441, Fees and Charges.

- A. Appendix C, All Other Fees, Schedule 15, Municipal Licensing & Standards, of Municipal Code Chapter 441, Fees and Charges, is amended by inserting the following after Line 69:

* To unnumbered column

*	To Column I	To Column II	To Column III	To Column IV	To Column V
70.	Portable Sign	For retrieval of illegal sign (per sign)	Retrieval	\$200.00	No
71.	Portable Sign	Storage fee of illegal sign (per day)	Storage	\$15.00	No
72.	Portable Sign	Disposal fee of illegal sign (per sign)	Disposal	\$50.00	No
73.	Mobile Sign	Removal fee of illegal sign (per sign)	Removal	\$100.00	No
74.	Mobile Sign	Disposal fee of illegal sign (per sign)	Disposal	\$80.00	No
75.	New Development Sign	For retrieval of illegal sign (per sign)	Retrieval	\$200.00	No
76.	New Development Sign	Storage fee of illegal sign (per day)	Storage	\$15.00	No
77.	New Development Sign	Disposal fee of illegal sign (per sign)	Disposal	\$50.00	No
78.	Groundmounted Sign	Removal fee of illegal sign (per sign)	Removal	\$100.00	No
79.	Groundmounted Sign	For retrieval of illegal sign (per sign)	Retrieval	\$200.00	No
80.	Groundmounted Sign	Storage fee of illegal sign (per day)	Storage	\$15.00	No
81.	Groundmounted Sign	Disposal fee of illegal sign (per sign)	Disposal	\$50.00	No
82.	Garage Sale Sign	For retrieval of illegal sign (per sign)	Retrieval	\$200.00	No
83.	Garage Sale Sign	Storage fee of illegal sign (per day)	Storage	\$15.00	No
84.	Garage Sale Sign	Disposal fee of illegal sign (per sign)	Disposal	\$50.00	No
85.	Open-house Directional Sign	For retrieval of illegal sign (per sign)	Retrieval	\$200.00	No
86.	Open-house Directional Sign	Storage fee of illegal sign (per day)	Storage	\$15.00	No
87.	Open-house Directional Sign	Disposal fee of illegal sign (per sign)	Disposal	\$50.00	No
88.	Real estate sign	Removal fee of illegal sign (per sign)	Removal	\$100.00	No
89.	Real estate sign	For retrieval of illegal sign (per sign)	Retrieval	\$200.00	No
90.	Real estate sign	Storage fee of illegal sign (per day)	Storage	\$15.00	No
91.	Real estate sign	Disposal fee of illegal sign (per sign)	Disposal	\$50.00	No
92.	All Other Temporary signs	Removal fee of illegal sign (per sign)	Removal	\$100.00	No
93.	All Other Temporary signs	For retrieval of illegal sign (per sign)	Retrieval	\$200.00	No
94.	All Other Temporary signs	Storage fee of illegal sign (per day)	Storage	\$15.00	No
95.	All Other Temporary signs	Disposal fee of illegal sign (per sign)	Disposal	\$50.00	No

2. Chapter 693, Article III, Temporary Signs.

Chapter 693, Signs, Article III, Temporary Signs, of The City of Toronto Municipal Code is amended as follows:

A. By amending § 693-16 as follows:

- (1) By deleting the definition of “owner”.
- (2) By adding the following definitions in alphabetical order:

BUSINESS OWNER: — Includes, in the case of premises or part of premises in which services or materials are furnished, performed, provided, solicited, or given in pursuance of a trade or occupation, or other commercial, industrial or professional activities:

- A. A person who has the right to possess or occupy the premises or part thereof; and
- B. A person who possesses or occupies the premises or part thereof.

BUSINESS OPERATOR — A person who operates, manages, supervises, runs or controls any premises or part thereof in which services or materials are furnished, performed, provided, solicited, or given in pursuance of a trade or occupation, or other commercial, industrial or professional activities.

SIGN OWNER — Includes:

- A. A temporary sign provider who lawfully owns the temporary sign.
- B. A person:
 - (1) Described on the temporary sign;
 - (2) Whose name and address or telephone number appears on the temporary sign;
 - (3) Who installed the temporary sign;
 - (4) Who is in lawful control of the temporary sign; or
 - (5) Who benefits from the message on the temporary sign.

TEMPORARY SIGN PROVIDER — A person who carries on or engages in the business of:

- A. Installing temporary signs of behalf of others; or
 - B. Leasing or renting temporary signs to others.
- B. By amending §§ 693-17F, 693-18B, and 693-24C(3) by deleting “business owner or operator” and substituting “business owner or business operator”, in each case.
- C. By amending §§ 693-18A(3), and 693-18B(8) by deleting “owner” and substituting “sign owner”, in each case.
- D. By amending §§ 693-18B(6), and 693-19B(4) by deleting “owner” and substituting “business owner or business operator”, in each case.
- E. By amending § 693-17B(2)(a) by deleting “owner” and substituting “sign owner and, if applicable, the temporary sign provider”.
- F. By amending § 693-17B(2)(b) by deleting “owner or business” and substituting “property owner or business owner or business operator”.
- G. By amending § 693-26 as follows:
- (1) By deleting Subsection A and substituting the following:
 - A. If a temporary sign is erected or displayed in contravention of this article, the Executive Director of Municipal Licensing and Standards, or a person acting upon his or her instructions, may, without notice to the sign owner, enter the land and pull down or remove the temporary sign at the expense of the sign owner.
 - (2) By deleting Subsection B and substituting it with the following:
 - B. Despite Subsection A, if a new development sign, an open house directional sign, a real estate sign or a garage sale sign has been affixed, erected or otherwise displayed in contravention of this article, the Executive Director of Municipal Licensing and Standards, or a person acting upon his or her instructions, may:
 - (1) Notify any or all of the sign owners to:
 - (a) Repair the sign;
 - (b) Pull down or remove the sign; or
 - (c) Correct the contravention so the sign complies with this article.

(3) By deleting Subsection C and substituting the following:

C. Storage of temporary signs.

- (1) Temporary signs that have been removed under Subsection A shall be stored by the City for a minimum of 30 days, during which time the sign owner may retrieve the sign by:
 - (a) Paying any amounts owing to the City under this article, including the fee for retrieving an illegal temporary sign as set out in Chapter 441, Fees and Charges; and
 - (b) Providing the City with a signed acknowledgement and release in a form acceptable to the City.
- (2) A temporary sign that has been removed by the City and stored for more than 30 days may be destroyed or otherwise disposed of by the City without notice and without compensation to the sign owner.
- (3) Despite Subsection C(1), the City shall not be obliged to store a temporary sign made primarily of paper or other lightweight material and may destroy the sign immediately upon removal.

(4) By deleting Subsection D and substituting the following:

D. Fees for storage and removal of temporary signs.

- (1) If a temporary sign is removed under Subsection A, in addition to any fine or other penalty that may be imposed for an offence under this article, the sign owner, shall, pay to the City the following fees as set out in Chapter 441, Fees and Charges:
 - (a) The fee for removing an illegal temporary sign;
 - (b) If a sign has been stored, the fee for storing an illegal temporary sign; and
 - (c) If a sign has been destroyed or otherwise disposed of by the City, the fee for disposal of an illegal temporary sign.
- (2) If a sign is not retrieved, the fee for removing an illegal temporary sign and the fees for storing and disposing of an illegal temporary sign as set out in Chapter 441, Fees and Charges shall be added to the subsequent year's permit fee.

- (3) The fee for removing an illegal temporary sign as well as the fees for storing and disposing of an illegal temporary sign, as set out in Chapter 441, Fees and Charges, may also be recovered by action or adding the charge to the tax roll and collecting the charge in the same manner as taxes.

- (5) By deleting Subsection E.

ENACTED AND PASSED this 30th day of October, A.D. 2008.

GLORIA LINDSAY LUBY,
Deputy Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)