

Authority: Planning and Growth Management Committee Item 40.12,
as adopted by City of Toronto Council on August 25, 26 and 27, 2010
Enacted by Council: August 27, 2010

CITY OF TORONTO

BY-LAW No. 1072-2010

To amend City of Toronto Municipal Code Chapter 441, Fees and Charges, and to amend City of Toronto Municipal Code Chapter 693, Signs, Article III, Temporary Signs with respect to regulations concerning the erection and display of advertising devices on construction hoarding.

WHEREAS Council may pass by-laws to regulate signs and other advertising devices under subsection 8(2) of the *City of Toronto Act, 2006*, as amended (the "Act") subject to the additional powers and rules in section 110 of the Act; and

WHEREAS the City provides regulation of signage on construction hoarding to the citizens of Toronto as a necessary and desirable service; and

WHEREAS Council may pass by-laws imposing fees or charges on any class of persons for services or activities provided or done by or on behalf of the City under subsection 259(1)(a) of the Act; and

WHEREAS under section 366 of the Act, by-laws may be passed by a municipality for providing that any person who contravenes any by-law of the municipality passed under the authority of the Act is guilty of an offence; and

WHEREAS it is necessary to amend Chapter 441, Fees and Charges, to include the fees related to the regulation of signage on construction hoarding; and

WHEREAS under section 386 of the Act, if a municipality has authority by by-law or otherwise to direct or require that a matter or thing be done, the municipality may, in the same or another by-law direct that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense, and the municipality may recover the costs of doing it by action, or the costs may be added to the tax roll and collected in the same manner as taxes; and

WHEREAS notice of the intention to enact this by-law has been provided in accordance with the Act and the City of Toronto Municipal Code;

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

1. Chapter 693, Signs, Article III, Temporary Signs of the City of Toronto Municipal Code is amended as follows:
 - A. By adding the following definitions in alphabetical order to § 693-16:

CONSTRUCTION HOARDING — any temporary wall and related structures which form a continuous site enclosure, which is erected for the purpose of site protection, including, but not limited to any temporary structure required as a result of safety

requirements imposed by provincial or federal legislation or regulation, including, but not limited to, covered sidewalks, scaffolding, and fencing.

CONSTRUCTION HOARDING SIGN — Any device, structure or medium that uses any colour, form, graphic, illumination, symbol or writing to convey information of any kind to the public which is erected, attached, installed, or displayed on, in or upon construction hoarding, where the device, structure or medium or construction hoarding to which the device, structure or medium which is erected, attached, installed, or displayed on, in or upon is located on public property in whole or in part;

CONSTRUCTION HOARDING SIGN OWNER — Includes:

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

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

- (a) Installing construction hoarding or construction hoarding signs on behalf of others; or
- (b) Leasing or renting construction hoarding or construction hoarding signs to others.

FIRST PARTY CONTENT — any colour, form, graphic, illustration, symbol or writing to convey information of any kind to the public in the furtherance of the marketing, promoting or advertising of a business, product or service available on the property to which the construction hoarding relates;

- B. By deleting the definition of "Temporary Sign" provided in § 693-16 and substituting the following:

TEMPORARY SIGN — A sign that is not permanently installed or affixed to any structure or building, and:

- (a) Includes:
 - (1) A mobile sign;
 - (2) A portable sign;
 - (3) A real estate sign;
 - (4) An open house directional sign;
 - (5) A new development sign;
 - (6) A garage sale sign;
 - (7) A ground-mounted sign; and
 - (8) A construction hoarding sign.
 - (b) Does not include a poster.
- C. By deleting § 693-17A(2) and substituting the following:
- (2) An applicant for a temporary sign permit, with the exception of an applicant for a permit for a construction hoarding permit shall furnish to the City the following information required by the City to process the permit, including:
- D. By deleting § 693-17D(6) and substituting the following:
- (6) Despite Subsection D(5), the following are permitted on public property:
 - (a) A construction hoarding sign as permitted by this article;
 - (b) An official sign required by a public authority;
 - (c) A work zone sign; and
 - (d) A non-illuminated directional sign for a religious institution.
2. Chapter 693, Signs, Article III, Temporary Signs of the City of Toronto Municipal Code is amended by adding the provisions set out in Schedule "1" to this by-law as § 693-26.1.

3. Schedule 2, Transportation, of Appendix C to Chapter 441, Fees and Charges, of The City of Toronto Municipal Code is amended by adding the following:

(To unnumbered Column - Ref. No.)	(To Column - I Service)	(To Column - II Fee Description)	(To Column - III Fee Basis)	(To Column - IV Fee)	(To Column - V Annual Adjustment)
120	Construction Hoarding Sign	Application and Approval Fee for Construction Hoarding Sign	Per linear metre	\$6.00	No
121	Construction Hoarding Sign	For retrieval of illegal sign (per sign)	Per Construction Hoarding Sign retrieved	\$200.00	No
122	Construction Hoarding Sign	Storage fee of illegal sign (per day)	Per day each Construction Hoarding Sign stored	\$15.00	No
123	Construction Hoarding Sign	Disposal fee of illegal sign (per sign)	Per Construction Hoarding Sign disposed	\$50.00	No
124	Construction Hoarding Sign	Removal fee of illegal sign (Per Construction Hoarding Sign removed	\$100.00	No

4. This by-law comes into force on the 4th day of January, 2011.

ENACTED AND PASSED this 27th day of August, A.D. 2010.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

SCHEDULE "1" TO BY-LAW No. 1072-2010

§ 693-26.1. Construction Hoarding Signs

A. Permit.

- (1) Every person shall obtain a permit from the General Manager of Transportation Services, prior to the displaying or erecting a construction hoarding sign.
- (2) A person applying for a permit for a displaying or erecting a construction hoarding sign shall provide the City with information required by the City to process the permit, including:
 - (a) The name and address of the construction hoarding sign owner and, if applicable, the construction hoarding sign provider of the construction hoarding sign;
 - (b) The name and address of the property owner or business owner or business operator of the property to which the construction hoarding relates;
 - (c) The municipal address of the premises adjacent to the location upon which the construction hoarding sign is to be located;
 - (d) A site plan or survey, identifying the following:
 - [1] Location of the construction hoarding sign;
 - [2] The dimensions of the construction hoarding sign;
 - [3] The distance from the construction hoarding sign to the nearest street line, sidewalk, intersection, crosswalk, pedestrian crossover, corner, traffic light, driveway and street furnishings; and
 - [4] A graphic representation illustrating the proposed content, including the colours thereof, of the construction hoarding sign;
 - (e) The commencement and termination dates for the placement of the construction hoarding sign;
 - (f) A contact name and number for the individual responsible for the construction hoarding sign;
 - (g) Written authorization from Transportation Services, Traffic Operations Section of the City of Toronto;

- (h) A valid permit for "Construction Hoarding/Site Protection" issued pursuant to applicable law by the General Manager of Transportation Services;
- (i) Where the applicant for a permit under this article is not the person to whom the valid Construction Hoarding/Site Protection permit has been issued by the General Manager of Transportation Services, written confirmation from the holder of the Construction Hoarding/Site Protection permit holder stating that there are has no objections to the proposed signage;
- (j) Where a construction hoarding sign exceeds the height of the construction hoarding by 1.2 metres or more, a stamped engineered drawing of the construction hoarding sign; and
- (k) The completed application form.

B. General.

All construction hoarding signs shall comply with the following requirements:

- (1) Each construction hoarding sign shall only display first party content and no other message;
- (2) Each construction hoarding sign shall not exceed a maximum height of 4.8 metres and shall not exceed the limit of the length of the hoarding;
- (3) Each construction hoarding sign shall not exceed the height of the construction hoarding than 2.4 metres or more;
- (4) Each construction hoarding sign may form an integral component of the construction hoarding, or may be affixed to the construction hoarding in a manner satisfactory to the General Manager of Transportation Services; however, a construction hoarding signs may only be attached to, or form an integral component of the following elements of construction hoarding:
 - (a) Vehicular access gates;
 - (b) An overhead protection component
 - (c) The outside surface
 - (d) Bracing underneath handrails
- (5) Each construction hoarding sign shall be maintained, at all times, in a safe condition, in good and proper repair, and satisfactory to the General Manager of Transportation Services;

- (6) A construction hoarding sign shall not be erected or displayed with content which is not in substantial compliance with the graphic representation illustrating the proposed content submitted to the City;
- (7) A construction hoarding sign shall not be erected or displayed in such a manner as to impede a pedestrian's or driver's view of any vehicular access point;
- (8) A construction hoarding sign shall not be erected or displayed in within 3.0 metres of a driveway entrance or exit or a side property line;
- (9) A construction hoarding sign shall not be erected or displayed in within 9.0 metres from the edge of the nearest traffic control device;
- (10) A construction hoarding sign shall not be erected or displayed in such a manner as to impede a pedestrian's or driver's view of any parking or traffic control sign, signal or device;
- (11) A construction hoarding sign shall not be erected or displayed in such a manner as to impede a pedestrian's or driver's view of any intersection;
- (12) A construction hoarding sign shall not be erected or displayed in within 30.5 metres of a traffic control signal, which contains any element or content which is red, yellow and green;
- (13) A construction hoarding sign shall not be animated, contain any video display elements, be illuminated, have flashing lights, emit sound or have an electronic device to create or simulate motion, nor have any attachments adding to its height or width; and
- (14) A construction hoarding sign shall not contain text in excess of 40% of the overall permitted area of the construction hoarding sign.

C. Specific Restrictions.

- (1) No person shall erect, display or maintain, or cause or permit to be erected, displayed or maintained any construction hoarding sign on, or as part of any construction hoarding prior to obtaining a permit issued pursuant to this article.
- (2) No person shall erect, display or maintain, or cause or permit to be erected, displayed or maintained any construction hoarding sign on, or as part of any construction hoarding prior in contravention of the permit issued pursuant to this article.
- (3) No person shall erect, display or maintain, or cause or permit to be erected, displayed or maintained any construction hoarding sign on, or as part of any construction hoarding in contravention of the restrictions contained within this article.

D. Removal of unauthorized construction hoarding sign.

- (1) If a construction hoarding sign is erected or displayed in contravention of this article, the General Manager of Transportation Services, or a person acting upon his or her instructions, may:
 - (a) Notify any or all of the construction hoarding sign owners to:
 - [1] repair the construction hoarding sign;
 - [2] pull down, remove, or otherwise render the construction hoarding sign non-visible; or
 - [3] correct the contravention so the construction hoarding sign complies with this article within 48 hours of the date of the notice.
- (2) If a construction hoarding sign owner does not comply with the notice provided in Subsection D(1), the General Manager of Transportation Services, or a person acting upon his or her instructions, may without notice to the construction hoarding sign owner, enter upon land as may be required and pull down, remove, or otherwise render the construction hoarding sign non-visible at the expense of the construction hoarding sign owner.

E. Storage of unauthorized construction hoarding sign.

- (1) Construction hoarding signs that have been removed under Subsection D(2) shall be stored by the City for a minimum of 30 days, during which time the construction hoarding 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 construction hoarding 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 construction hoarding 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 construction hoarding sign owner.
- (3) Despite Subsection E(1), the City shall not be obliged to store a construction hoarding sign made primarily of paper or other lightweight material and may destroy the sign immediately upon removal.

F. Fees for storage and removal of unauthorized construction hoarding sign.

- (1) If a construction hoarding 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 construction hoarding 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 construction hoarding sign;
 - (b) If a sign has been stored, the fee for storing an illegal construction hoarding sign; and
 - (c) If a sign has been destroyed or otherwise disposed of by the City, the fee for disposal of a construction hoarding sign.
- (2) If a sign is not retrieved, the fee for removing an illegal construction hoarding sign and the fees for storing and disposing of an illegal construction hoarding sign as set out in Chapter 441, Fees and Charges, shall be added to the fee payable for any subsequent permit obtained for the erection or display of construction hoarding signs or construction hoarding.
- (3) The fee for removing an illegal construction hoarding sign as well as the fees for storing and disposing of an illegal construction hoarding 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.

G. Applicability of other by-law provisions.

- (1) With the exception of those by-law provisions relating to construction hoarding signs as defined by this article, all other by-laws of the City shall continue to apply to the lands described above. Where conflict arises between this article and any other by-law, the provisions of this article shall prevail.