



STAFF REPORT ACTION REQUIRED

Amendments to Toronto Municipal Code Chapter 693, Article III, Temporary Signs, and Chapter 441, Fees and Charges

Date:	September 25, 2008
To:	Licensing and Standards Committee
From:	Executive Director, Municipal Licensing and Standards
Wards:	All
Reference Number:	

SUMMARY

To support the implementation of a more aggressive enforcement strategy, technical amendments to the City of Toronto Municipal Code Chapter 693, Signs, Article III, (Chapter 693) and the introduction of certain fees into the City of Toronto Municipal Code Chapter 441, Fees and Charges, (Chapter 441) have been proposed.

These include: the introduction into Chapter 693 of definitions for Business Owner, Business Operator, Sign Owner, and Temporary Sign Provider; clarification of the City's authority to pull down and remove a temporary sign at the expense of the sign owner; detailing the City's authority to enter property to permit the seizure of an improperly installed temporary sign; shortening the process for the storage, removal, and release of temporary signs; and introducing the ability to recover fees for the storage, removal, and release of any signs seized.

Additionally, Chapter 441 will be amended to introduce fees for the disposal of temporary signs, as well as clarifying, where necessary, the fees applicable for the removal, storage, removal and retrieval of various signs types.

This report was prepared in consultation with the City Solicitor.

RECOMMENDATIONS

The Executive Director of Municipal Licensing and Standards recommends that:

1. The amendments to City of Toronto Municipal Code Chapter 441, Fees and Charges, and to City of Toronto Municipal Code Chapter 693, Signs be adopted substantially in the form set out in Appendix “A”, subject to such minor stylistic and substantive changes as may be deemed necessary or appropriate by the Executive Director of Municipal Licensing and Standards or the City Solicitor; and
2. Staff be directed to take any necessary actions to implement and otherwise put into effect the above recommendations.

FINANCIAL IMPACT

There are no financial implications as a result of the adoption of the recommendations of this report.

ISSUE BACKGROUND

An enforcement strategy to deal with temporary signs in the City of Toronto requires consideration of the various sign types that are seen in the public realm and those associated with various businesses. This variety includes size, shape and weight but also in some cases may include different methods of stabilizing or anchoring signs to control movement.

These considerations result in a variety of approaches and tools to ensure the most effective results. The enforcement of temporary signs will involve a multi-prong approach that will be carried out by a sign enforcement team that has the over arching responsibility for all temporary signs.

In support of this, the Division will utilize a contractor to remove the illegal, larger temporary signs and provide storage facilities for all seized signs.

Further, the Division will implement a strategy that will see all illegal plastic and wire signs (other than election signs) removed by staff.

Finally, it is recognized that some locations such as, hydro transmission corridors, vacant properties, etc are exploited by individuals for posting illegal signs. ML&S will work with the contractor or other Divisions to respond to these locations with targeted efforts.

It is anticipated that revenues from enforcement of temporary signs and applications for permits will be realized. The estimated revenue is difficult to predict at this time.

COMMENTS

To support the implementation of the more aggressive enforcement strategy technical amendments to the City of Toronto Municipal Code Chapter 693, Signs, Article III, (Chapter 693) and the introduction of certain fees into the City of Toronto Municipal Code Chapter 441, Fees and Charges, (Chapter 441) are required.

By-law Amendments

Firstly, Chapter 693 will be amended by introducing new definitions. These include definitions for Business Owner, Business Operator, Sign Owner, and Temporary Sign Provider. These new definitions will have the effect of making the by-law enforceable against a more broadly defined group that may have an interest in the temporary sign, and clarify the responsibilities for the control of the placement of the temporary sign.

BUSINESS OWNER — A person who alone or with others has the right to possess or occupy 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 or actually does possess or occupy 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 and includes a lessee of 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 or of premises upon which 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 are located.

BUSINESS OPERATOR — A person who alone or with others 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 — means any person described on the sign, or whose name and address or telephone number appears on the sign, or who installed the sign, or who is in lawful control of the sign, or who benefits from the message on the sign, or the temporary sign provider who lawfully owns the sign, and for the purposes of this article there may be more than one sign owner.

TEMPORARY SIGN PROVIDER — Every person engaged in the business of installing on behalf of others, or leasing or renting to others, temporary signs as defined in this Article.

Secondly, the amendments will remove any confusion related to the City's authority to pull down and remove a temporary sign at the expense of the sign owner. The amendment will provided a clear right of entry to permit the seizure of an improperly installed temporary sign.

Third, the amendments will introduce a clearer process for the storage, removal, and release of temporary signs, including the ability to recover fees for the storage, removal, and release of any signs seized.

Finally, Chapter 441 will be amended to introduce fees for the disposal of temporary signs, as well as clarifying, where necessary, the fees applicable for the removal, storage, removal and retrieval of various signs including portable signs, mobile signs, groundmounted signs, garage sale signs, real estate signs including open house directional signs, and all other temporary signs.

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SIGNATURE

Jim Hart
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ATTACHMENTS

Appendix "A"- Proposed Amendments to City of Toronto Municipal Code Chapter 441, Fees and Charges, and to amend City of Toronto Municipal Code Chapter 693, Signs.

Appendix A

BY-LAW No. XXX-XXXX

To amend City of Toronto Municipal Code Chapter 441, Fees and Charges, and to amend City of Toronto Municipal Code Chapter 693, 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, as follows:

	Category	Activity	Fee Basis	Fee	Annual Adjustment
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.

A. By amending § 693-16 as follows:

(1) By deleting the following definition:

OWNER.

(2) By adding the following definitions in alphabetical order:

BUSINESS OWNER — A person who alone or with others has the right to possess or occupy 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 or actually does possess or occupy 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 and includes a lessee of 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 or of premises upon which 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 are located.

BUSINESS OPERATOR — A person who alone or with others 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 — means any person described on the sign, or whose name and address or telephone number appears on the sign, or who installed the sign, or who is in lawful control of the sign, or who benefits from the message on the sign, or the temporary sign provider who lawfully owns the sign, and for the purposes of this article there may be more than one sign owner.

TEMPORARY SIGN PROVIDER — Every person engaged in the business of installing on behalf of others, or leasing or renting to others, temporary signs as defined in this Article.

B. By amending §§ 693-17 F, 693-18 B, and 693-24 C (3) by deleting “business owner or operator” and substituting “business owner or business operator”, in each case.

C. By amending §§ 693-18 A (3), and 693-18 B (8) by deleting “owner” and substituting “sign owner”, in each case.

D. By amending §§ 693-18 B (6), and 693-19 B (4) by deleting “owner” and substituting “business owner or business operator”, in each case

E. By amending § 693-17 B (2)(a) by deleting “owner” and substituting “sign owner and, if applicable, the temporary sign provider”.

F. By amending § 693-17 B (2)(b) by deleting “owner or business” and substituting “property owner or business owner or business operator”.

H. By amending § 693-26 as follows:

(1) By deleting § 693-26A and substituting it with 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 persons acting upon his or her instructions, may, without notice to any or all of sign owner(s), enter the land and pull down or remove the temporary sign at the expense of the sign owner(s).

(2) By deleting § 693-26 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 persons acting upon his or her instructions, may:

(1) Notify any or all of the sign owner(s) 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 § 693-26 C and substituting it with 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(s) 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) Any 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(s), including, if applicable, the temporary sign provider of the sign.

(3) Despite Subsection C(1), the City shall not be obliged to store any temporary sign made primarily of paper or other lightweight material and may destroy these signs immediately upon removal.

(4) By deleting § 693-26 D and substituting it with the following:

D. Fees for Storage and Removal of Temporary Signs.

(1) If a temporary sign is removed in accordance with Subsection A, the sign owner(s), shall, in addition to any fine or other penalty which may be imposed for an offence under this article, be required to pay to the City:

[1] The fee for removing an illegal temporary sign as set out in Chapter 441, Fees and Charges; and

[2] If a sign has been stored, the fee for storing an illegal temporary sign as set out in Chapter 441, Fees and Charges.

[3] If a sign has been destroyed or otherwise disposed of by the City, the fee for disposal of an illegal temporary sign as set out in Chapter 441, Fees and Charges.

(2) If the sign is not retrieved, 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 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 § 693-26 E.

3. In force date.

A. This by-law comes into force on XXXX X, 2008.