



STAFF REPORT ACTION REQUIRED

Regulation of Mobile Billboards on Moving Vehicles

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| Date: | April 16, 2010 |
| To: | Licensing and Standards Committee |
| From: | Executive Director, Municipal Licensing and Standards |
| Wards: | All |
| Reference Number: | P:\2010\Cluster B\MLS\LS10016 |

SUMMARY

The purpose of this report to address Council's direction on a mechanism to regulate, control and/or eliminate third party signs or billboards on moving vehicles.

The growing public interest in the administration and enforcement of sign regulations in the City has suggested the need for up-to-date and consistent regulations for signage. Recent amendments to the City's sign regulations have focused on permanent signs. In 2005, the City harmonized the regulations in relation to mobile or temporary signage in the City. However, over the last several years, the mobile sign industry has evolved from signs that are part of, or attached to, a readily re-locatable wheeled trailer or frame without wheels, to include vehicles that have been adapted to have an advertising sign, billboard or other display attached or painted on, that moves from one location to another.

The City of Toronto currently regulates the mobile sign industry through Chapter 693, Signs, and Chapter 545, Licensing. Amendments to these bylaws are required to reflect the evolving nature of the industry and enable the City of Toronto the ability to effectively regulate the mobile sign industry in a manner that serves to protect our neighbourhoods and the environment.

Both the Legal Services Division, and the Finance Division's Insurance and Risk Management Unit have been consulted in the preparation of this report.

RECOMMENDATIONS

The Executive Director, Municipal Licensing and Standards, recommends that:

1. Chapter 693, Signs be amended to include provisions for the regulation of mobile billboards on moving vehicles;
2. Chapter 441, Fees and Charges, Appendix C, Schedule 12, be amended to include provisions for fees with respect to the regulation of mobile billboards on moving vehicles;
3. Chapter 545, Licensing, be amended to include provisions for the licensing of mobile billboards on moving vehicles; and
4. The City Solicitor be directed to prepare the necessary bill to give effect to the recommendation in this report.

Public notice has been given in a manner prescribed in the Toronto Municipal Code, Chapter 162, Notice, Public.

Financial Impact

The Municipal Licensing and Standards Division currently enforces Chapter 693, Signs, Article III, Temporary Signs, and Chapter 545, Licensing, Article XL, Temporary Sign Providers of the Toronto Municipal Code, regulating the mobile sign industry. As such, the cost of continued licensing and enforcement is included in the 2010 Operating Budget.

Annual revenues of \$1,641.25 for new licence applications, and \$996.85 for renewals is based on an estimate of five additional temporary sign providers that will be required to obtain licences as a result of the bylaw amendments to the Licensing Bylaw. In addition, sign permit revenues are estimated to increase approximately \$7,875.00 annually based on an estimate of 12 permit applications per year, being made from each of the five temporary sign providers.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

On September 11, 2000, the Planning and Transportation Committee considered a communication from Councillor Bussins requesting a report on a bylaw that would enable the City to license or to permit advertising vehicles (see link below).

<http://www.toronto.ca/legdocs/2000/minutes/committees/pl/pl000911.pdf>

An information report, entitled “Licensing and Regulating of Mobile Signs/Trucks Towing Signage” was submitted to the January 14, 2002 Planning and Transportation Committee meeting recommending that this issue be addressed as part of the overall development of a new sign bylaw (see link below).

<http://www.toronto.ca/legdocs/2002/agendas/council/cc020213/plt2rpt/cl007.pdf>

In 2005, Article III Temporary Signs was introduced as a provision in Chapter 693, Signs of the Toronto Municipal Code thereby enabling the City to permit among other temporary sign types, mobile signs.

A member motion was adopted at the September 25, 26, 27 and 28, 2006 City Council meeting, requesting that the City Solicitor develop a bylaw banning the operation of vehicles used for the sole purpose of advertising, modelled after similar bylaws in Vancouver and Montreal (see link below).

<http://www.toronto.ca/legdocs/2006/agendas/council/cc060925/cofa.pdf>

The abovementioned motion was then addressed at the February 16, 2007 Licensing and Standards Committee meeting whereby the Committee directed the Executive Director, Municipal Licensing and Standards, to address Council’s direction with a supporting staff report and to additionally report on the feasibility of prohibiting advertising trucks and tractor trailers used by commercial properties for the purpose of circumventing the sign bylaw (see link below).

<http://www.toronto.ca/legdocs/mmis/2007/ls/decisions/2007-02-16-ls02-dd.pdf>

City Council on November 30, December 1, 2, 4, and 7, 2009 amended the recommendations set forth in the report entitled, “New Sign Regulation and Revenue Strategy for the City of Toronto” to include direction requesting the Executive Director, Municipal Licensing and Standards, to report to the April 29, 2010 meeting of Licensing and Standards Committee, on a mechanism to regulate control and/or eliminate third party signs/billboards on moving vehicles (see link below).

<http://www.toronto.ca/legdocs/mmis/2009/cc/decisions/2009-11-30-cc42-dd.htm>

ISSUE BACKGROUND

Chapter 693, Signs of the Toronto Municipal Code was adopted in 1998 in an effort to harmonize various aspects of the sign bylaws of the former municipalities of Toronto.

In 2000, there was growing public concern within the City of Toronto regarding the potential impact of mobile billboards on moving vehicles. These concerns have centred on the negative contributions to the environment, increased traffic congestion, visual blight and in some instances, noise pollution.

In response to these concerns, Article III of Chapter 693, Signs respecting temporary signs, including provisions for the regulation of mobile signs was introduced in 2005.

Since 2005, the mobile sign industry has evolved from the definition in the bylaw, of signs that are part of, or attached to, a readily re-locatable wheeled trailer or frame without wheels. The term “mobile sign” now can be taken to have a more literal meaning; to include signs as structures permanently attached to vehicles that travel on city streets for no purpose other than to advertise. Some of these vehicles have been designed to be dedicated “mobile billboards”.

COMMENTS

Mobile Billboard Vehicles

The typical image of mobile billboard vehicles are trucks and trailers that are in service delivering goods. This is referred to as truck-side advertising or truck advertising. Third party ads are affixed to panels on the sides, front or rear of local delivery trucks and long haul big rig trucks.

These days, that image has evolved. Mobile billboard vehicles are no longer limited to trucks. They can be boats, cars, buses, trains, or bicycles. They have the power to access areas where stationary billboards are not allowed, or unavailable. As one website that advertises mobile billboard services states, “They can’t turn us off or throw us away. We travel at peak times and crowds are our friends.”

Dedicated mobile billboard vehicles, unlike taxicabs, and buses who may offer incidental advertising in the form of “vehicle wraps” or third party advertising, mobile billboard vehicles do not have the primary purpose of carrying cargo/freight or transporting passengers from one point to another. Rather, there is no pre-determined destination and traverse the City streets only for the purpose of third party advertising.

With respect to third party advertising in various forms on licensed taxicabs and TTC buses and street cars, Chapter 693, Signs of the Toronto Municipal Code, Section 16, currently exempts advertising on these vehicles since their principal use is for the transportation of people, goods, or other materials from the definition of a "mobile sign".

Mobile billboard vehicles are simply an advertising display that is mounted or painted on a truck, van or other vehicle that moves from one location to another. They are also referred to as rolling billboards or travelling displays. These vehicles drive around in a designated area for one advertiser or several advertisers. Most mobile billboard vehicles are dedicated, customized trucks with large, but narrow, bodies for posting advertisements.

Some vehicles even offer features such as external sound systems, illumination, tri-vision (sign copy that rotates in three successive stages), rotating sign panels, electronic “LED” signs, hot/cold boxes for product sampling, video projection, full motion video (commercial spots, movie trailers, video game previews et cetera), while box-type trucks with glass panels enclosing the cargo space can be turned into interactive three-dimensional displays, and even others carry performers and props.

Regulation vs. Prohibition

Mobile billboard vehicles are a concern in many jurisdictions nationally and internationally as they are believed to contribute unnecessarily to visual blight, air pollution and traffic congestion. Some jurisdictions in Canada, including Vancouver and the amalgamated municipalities of Montreal have attempted to enact a total ban on mobile billboard vehicles from their streets.

The bans on mobile advertising vehicles imposed by the Montréal by-laws have led to high profile legal challenges, citing violations of constitutionally protected freedoms and have resulted in uncertainty around the ability to legally enact or enforce these prohibitive bylaws.

These legal challenges have impeded the municipality’s ability to effectively enforce any such prohibition.

Mobile Billboards on Moving Vehicles in the City of Toronto

The Toronto Municipal Code, Chapter 693, Signs, and Chapter 545, Licensing, Article XL, Temporary Sign Providers currently regulates the mobile sign industry. However, in response to direction from Council and the Licensing and Standards Committee, MLS has been monitoring the growing concern regarding dedicated mobile billboard vehicles.

The draft amendments to the City of Toronto Municipal Code relating to mobile billboard vehicles address issues including the size of the copy contained in the signs, the nature of the signs relative to illumination, motion, and the streets on which these vehicles may be operated for the express purpose of advertising.

In drafting this report, Staff made attempts to consult with companies identified as providers of these forms of advertising within the Greater Toronto Area whose websites offer dedicated mobile sign vehicle advertising. The identified companies were not forthcoming with respect to providing information regarding their business activities.

It is recommended that Chapter 693, Signs of the Toronto Municipal Code and Chapter 545, Licensing be amended to reflect the current shifting landscape of the mobile sign industry as a result of progress and technological advancements. Additionally regulating the size of sign copy, the type of sign, areas where the vehicles may be driven et cetera, will enable the City to continue to balance the needs of business while addressing concerns of its residents.

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SIGNATURE

Jim Hart, Executive Director
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ATTACHMENTS

Appendix A: Draft Amendment to Chapter 693, Signs
Appendix B: Draft Amendments to Chapter 545, Licensing
Appendix C: Draft Amendments to Chapter 441, Fees