

Authority: Planning and Transportation Committee Report 2, Clause 10d, as adopted by City of Toronto Council on July 25, 26 and 27, 2006; Licensing and Standards Committee Item 31.4, adopted as amended, by City of Toronto Council on July 6, 7 and 8, 2010; Planning and Growth Management Committee Item 40.12, as adopted by City of Toronto Council on August 25, 26 and 27, 2010 and Section 169-26B of City of Toronto Municipal Code Chapter 169, Officials, City Enacted by Council: August 27, 2010

CITY OF TORONTO

BY-LAW No. 1074-2010

To add Article IV, Posters on Public Property, to City of Toronto Municipal Code Chapter 693, Signs, to amend City of Toronto Municipal Code Chapter 441, Fees and Charges, to add a new fee, and to repeal the related provisions in by-laws of the former area municipalities.

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 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 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; and

WHEREAS at its meeting of February 22 and 23, 2010, City Council adopted By-law No. 0196-2010, which by-law enacted Chapter 694, Signs, General, to the City of Toronto's Municipal Code; and

WHEREAS under § 169-26B of Municipal Code Chapter 169, Officials, City, the City Solicitor, in consultation with the City Clerk, may submit bills directly to Council to make technical amendments to the Municipal Code and other by-laws to update the by-laws to refer to the current statute, and Municipal Code provisions;

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

1. Chapter 693, Signs, of The City of Toronto Municipal Code is amended by adding the article set out in Schedule A at the end of to this by-law, as Article IV, Posters on Public Property.
2. Chapter 694, Signs, General, of The City of Toronto Municipal Code is amended by deleting § 694-2A(1) and substituting the following:
 - (1) Signs governed by Article II, Election Signs, Article III, Temporary Signs, and Article IV, Posters on Public Property, of Chapter 693, Signs, of The City of Toronto Municipal Code;
3. Schedule 12, Municipal Licensing and Standards, 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)
156	Poster on Public Property	Removal fee advertising devices displayed in contravention of Article IV, Chapter 693	Per advertising device removed	\$60.00	No

4. The provisions of the following by-laws are repealed:
 - (1) Section 9 of By-law No. 64-87, "For Prohibiting and Regulating the Erection of Signs and Other Advertising Devices", as amended, of the former Borough of East York.
 - (2) Sections 215-27, and 215-28 of Chapter 215, Signs, of the former City of Etobicoke Municipal Code, as amended.
 - (3) Section 2.10 of By-law No. 30788, "A By-law to prohibit or regulate signs and other advertising devices", as amended, of the former City of North York.
 - (4) The following provisions of Chapter 313, Streets and Sidewalks, of the former City of Toronto Municipal Code:
 - (1) Article XB; and

(2) the following from Schedule A, at the end of Chapter 313:

(from column 1)	(from column 2)	(from column 3)
"§ 313-73.4C	Removal of poster	\$60.00* (per poster)"

(5) Paragraph 2.2.3 of Schedule A to By-law No. 22980, "A By-law to prohibit and regulate signs in the City of Scarborough.", as amended, (Scarborough Sign By-law) of the former City of Scarborough.

(6) By-law No. 11928, as amended by By-law No. 3296-79 of the former City of York being "A By-law to prohibit the erection of signs, posters or other advertising devices and the posting of notices on buildings or vacant lots, and to prohibit the pulling down or defacing or any sign board or notice lawfully affixed".

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

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

SCHEDULE A**ARTICLE IV****Posters on Public Property****§ 693-28. Definitions and interpretation.**

- A. As used in this article, the following terms shall have the meanings indicated:

BOULEVARD — The untravelled portion of a highway, but does not include a sidewalk or a median.

COMMUNITY POSTER — A poster identifying missing persons, pets or items, or promoting citizen participation in religious, civic, charitable, or non-profit activities such as advertising festivals, community events, local artistic and cultural events, local community services, and political ideas.

EXECUTIVE DIRECTOR — The Executive Director of Municipal Licensing and Standards.

HIGHWAY — A highway as defined in section 3 of the *City of Toronto Act, 2006* that is under the jurisdiction of the City.

KIOSK — A structure, approved by the General Manager of Transportation Services, placed on a highway within the City for the purpose of posting posters and includes a poster board, a designated wall or other designated locations.

OWNER — Includes a person who created a poster, who installed a poster, who is in lawful control of a poster or otherwise directly benefits from the message of a poster.

POSTER — Any device, structure or medium that uses any colour, form, graphic, illumination, symbol or writing to convey information of any kind to the public, including but not limited to an advertisement, bill, handbill, leaflet, flyer or placard, and includes a community poster.

SCHOOL — A "school" or a "private school" as defined under the *Ontario Education Act*.

STREET-LIGHTING POLE — A pole owned by Toronto Hydro Street Lighting Inc.

UTILITY POLE — Includes a utility pole, light standard, a pole owned or controlled by the Toronto Transit Commission, and a street lighting pole but does not include a privately-owned pole.

- B. For the purposes of this article, there may be more than one owner of a poster.
- C. For greater certainty, this article does not apply to election signs.

§ 693-29. General restrictions.

- A. Except as authorized by by-law, article in this chapter, or by agreement with the City, no person shall erect, attach, place or display, or cause or permit to be erected, attached, placed or displayed, any poster on, over or to any structure or thing, located on land owned by the City or any of its agencies, boards or commissions, including but not limited to:
- (1) Parking meter ticket dispensers (pay and display machines) and parking meters, including the vertical support posts;
 - (2) Parking and traffic signs, including the vertical support posts;
 - (3) Street litter disposal containers;
 - (4) Newspaper boxes;
 - (5) Traffic control devices and signal control boxes;
 - (6) Trees;
 - (7) Street furniture;
 - (8) Bus shelters;
 - (9) Bicycle-racks;
 - (10) Fire hydrants;
 - (11) Post boxes;
 - (12) Phone booths and call stations;
 - (13) Switching cabinets;
 - (14) Fencing of a construction site or demolition site required under Chapter 363, Building Construction and Demolition, Article III, Fencing of Construction and Demolition Sites;
 - (15) Kiosks;
 - (16) Utility poles; and
 - (17) Privately-owned poles.

- B. For greater certainty, subsection A(14) shall not apply to prevent the erection, attachment, placement or display of posters on construction site or demolition site fencing which is located on land owned by the City or any of its agencies, boards or commissions, where such posters are authorized by Article III.

§ 693-30. Posters on kiosks.

- A. Despite § 693-29A, a poster may be placed on a kiosk if:
- (1) The poster is no more than 22 centimetres by 28 centimetres in size;
 - (2) The poster consists only of lightweight cardboard or paper;
 - (3) The poster is securely attached flush to the surface of the kiosk using staples or removable tape and no other method of affixing the poster to the kiosk is used;
 - (4) The poster is placed no higher than two metres above the ground;
 - (5) The poster includes the date of posting on the front of the poster;
 - (6) The poster is displayed for not more than the earlier of:
 - (a) 30 days, or
 - (b) Five days after the end of the advertised event, if any;
 - (7) Not more than one poster conveying essentially identical information is posted on the kiosk;
 - (8) The poster faces towards the property fronting on the highway and away from the portion of the highway ordinarily used by vehicles; and
 - (9) The poster includes valid contact information for at least one owner of the poster.

§ 693-31. Community posters on utility poles.

- A. Despite § 693-29A, persons, charities, religious organizations, community organizations and schools may erect, attach, place or display, or cause or permit to be erected, attached, placed or displayed community posters on utility poles as permitted under Subsection B.
- B. A community poster may be placed on a utility pole located on a boulevard if:
- (1) The community poster is no more than 22 centimetres by 28 centimetres in size;
 - (2) The community poster consists only of lightweight cardboard or paper;

- (3) The community poster is securely attached flush to the surface of the utility pole using staples or removable tape and no other method of affixing the poster to the utility pole is used;
- (4) The community poster is placed no higher than two metres above the ground;
- (5) The community poster includes the date of posting on the front of the poster;
- (6) The community poster is displayed for not more than the earlier of:
 - (a) 30 days, or
 - (b) Five days after the end of the advertised event, if any;
- (7) Not more than one community poster conveying essentially identical information is posted on the kiosk;
- (8) The community poster faces towards the property fronting on the highway and away from the portion of the highway ordinarily used by vehicles; and
- (9) The community poster includes valid contact information for at least one owner of the poster.

§ 693-32. Additional restrictions.

A. In addition to the restrictions §§ 693-30 and 693-31, a poster shall not:

- (1) Be placed on or within any traffic island or median.
- (2) Be a hazard or dangerous to vehicular or pedestrian traffic, as determined by the General Manger of Transportation Services.
- (3) Cause any damage to municipal property.
- (4) Become unsightly.
- (5) Cover or overlap another poster or community poster, in whole or in part.

§ 693-33. Compliance.

Despite any other sign by-law of the City or article in this chapter, a poster that complies with this article may be erected or displayed without a permit.

§ 693-34. Removal of posters.

- A. The Executive Director or the owner of a utility pole may, at any time and without notice, remove any poster from a utility pole or kiosk in the course of periodic cleaning or maintenance operations.
- B. The Executive Director may, at any time and without notice, remove any poster that is displayed in contravention of this article.
- C. A poster removed under this section may be destroyed or otherwise disposed of by the Executive Director or the owner of the utility pole without notice or compensation to any person who has an interest in the sign.
- D. Where a poster has been removed under Subsection B, the owner or any person responsible for erecting, attaching, placing or displaying, or causing or permitting the erecting, attaching, placing or displaying of the poster in contravention of this article shall, in addition to any fine or other penalty that may be imposed for an offence under this article, be required to pay to the City the greater of the removal fee prescribed in Chapter 441, Fees and Charges, and the actual cost of removal and disposal of the sign, and the City may recover this amount by legal action or in like manner as municipal taxes.

§ 693-35. Offence.

Any person who contravenes any provision of this article is guilty of an offence.