

Authority: Licensing and Standards Committee Item 4.2, adopted as amended, by City of Toronto Council on June 14 and 15, 2011 and Section 169-26B of City of Toronto Municipal Code Chapter 169, Officials, City
Enacted by Council: July 14, 2011

CITY OF TORONTO

BY-LAW No. 975-2011

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 A-Frame signs.

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 temporary signage 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 at its meeting of October 29 and 30, 2008, City Council adopted By-law No. 1162-2007, which by-law enacted certain user fees; and

WHEREAS at its meeting of August 25, 26 and 27, 2010, City Council adopted By-law No. 1161-2010, which by-law amended City of Toronto Municipal Code Chapter 441, Fees and Charges ("Chapter 441"), by readopting Appendices to that Chapter so as to change various fee amounts to reflect that amounts adopted by City Council as part of its adoption of the City's 2010 Operating Budget; and

WHEREAS some of the fees enacted through By-law No. 1162-2008 were inadvertently left out of the Appendices to Chapter 441, as adopted by By-law No. 1161-2010 and it is necessary to amend Chapter 441 to reinsert these fees; and

WHEREAS it is necessary to amend Article III, Temporary Signs, of Chapter 693, Signs, of City of Toronto Municipal Code with respect to the regulations concerning temporary signage in the City, particularly A-frame and Portable signs; and

WHEREAS it is necessary to amend Chapter 441, with respect to the fees charged in relation to the regulation of A-frame signs; and

WHEREAS § 169-26B of The City of Toronto Municipal Code Chapter 169, Officials, City, provides that 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 correct technical errors;

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;

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:

FRONTAGE — The linear length of a property which abuts a street line.

STREET — A highway as defined in subsection 3(1) of the *City of Toronto Act, 2006*.

STREET LINE — The line dividing a street and a property.

PEDESTRIAN CLEARWAY — An unobstructed, clear, straight and continuous path of sidewalk which provides unobstructed passage, or pedestrian flow, for the entire length of the sidewalk and which is adjacent to the street line of the premises, as well as providing unobstructed access to any City-approved installation located on the sidewalk.

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

A-FRAME SIGN — A rigid self-supporting free-standing moveable sign structure shaped like an "A", which is not fastened by any means to the ground or any structure.

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

PORTABLE SIGN — A rigid free-standing moveable sign not fastened by any means to the ground or any structure, but excludes an A-frame sign.

D. 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) An A-frame sign;
- (4) A real estate sign;
- (5) An open house directional sign;
- (6) A new development sign;
- (7) A garage sale sign;
- (8) A ground-mounted sign; and
- (9) A construction hoarding sign.

B. Does not include a poster.

E. By deleting § 693-17B(1)(d) and substituting the following:

- (d) Portable signs or A-frame signs promoting citizen participation in civic, charitable or nonprofit activities and events if:
 - [1] The signs are located at the site where the activity or event is taking place and where there is no existing signage; and
 - [2] The signs are erected no more than one week prior to the event taking place and removed within 48 hours of the conclusion of the activity or event;

F. By deleting § 693-17B(2) and substituting the following:

- (2) An applicant for a temporary sign permit, with the exceptions of an applicant for a permit for a construction hoarding permit or an applicant for a permit for an A-frame sign shall furnish to the City the following information required by the City to process the permit, including:
 - (a) The name and address of the sign owner and, if applicable, the temporary sign provider of the temporary sign;
 - (b) The name and address of the property owner or business owner or business operator applying for the permit;

- (c) The municipal address of the premises upon which the sign is to be located;
- (d) A site plan or survey, identifying the location of the temporary sign on the premises;
- (e) The commencement and termination dates for the placement of the temporary sign;
- (f) A contact name and number for the individual responsible for the temporary sign and written authorization from the property owner or management company to permit the applicant to have the temporary sign located and placed on the premises;
- (g) The completed application; and
- (h) The permit fee for the temporary sign set out in Chapter 441, Fees and Charges.

G. By deleting § 693-17B(5) and substituting the following:

- (5) Despite Section 693-17B(4) or Section 693-18.1A(3), the refusal of an application for a mobile, portable, or A-frame sign permit may be appealed if an application:
 - (a) is received for a location within a registered Business Improvement Area (BIA) District;
 - (b) the BIA has criteria for mobile, portable or A-frame signs that have been approved by the BIA Board of Management prior to the application being filed with the City;
 - (c) the BIA has filed with the City notice of its intent to comment on such applications; and
 - (d) the application is refused as a result of an objection based on the aforementioned criteria.

H. By deleting § 693-17D(8) and substituting the following:

- (8) The placement of temporary signs shall allow for unobstructed pedestrian clearway of a minimum width of 2.1 metres.

I. By deleting § 693-18A and substituting the following:

A. Portable sign permit.

- (1) Subject to the exceptions listed in § 693-17B(1)(a) to (f) inclusive, every person displaying or erecting a portable sign shall obtain the following:
 - (a) A permit, if the person operates a business that does not require a licence; or
 - (b) An attachment to the applicable business licence if the person operates a business that requires a licence under Chapter 545, Licensing.
- (2) A person applying for an attachment to a business licence or for a permit for a portable sign shall provide the City with the information listed in § 693-17B(2) and the following:
 - (a) A site plan showing the dimensions of the portable sign and the location of the portable sign on the premises; and
 - (b) The distance from the portable sign to the nearest street line, sidewalk, intersection, crosswalk, pedestrian crossover, corner, traffic light, driveway and street furnishings.
- (3) When the City authorizes a portable sign under this article, the sign owner of the sign shall display on the sign a sign permit identifier issued by the City as evidence that the sign has been authorized.
- (4) No permit for a portable sign shall be issued in relation to a premises for which a valid A-frame sign permit has been issued.

J. By deleting § 693-18B and substituting the following:

B. Location.

- (1) When portable signs are displayed or erected on public property as permitted by this article, the placement of the signs shall allow for an unobstructed pedestrian clearway, of a minimum width of 2.1 metres.
- (2) Subject to Subsection B(1), portable signs shall only be displayed or erected on the road allowance abutting the business to which the sign relates, if there is insufficient area on private property in front of the main front wall of a building or side wall if the building is situated on a corner lot.

- (3) Portable signs shall be located against the front wall of the premises directly adjacent to the business which it is advertising or where City-approved installations are located on the sidewalk and the sign is permitted on public property, the portable signs shall be located so as not to obstruct the remaining portion of the sidewalk.
- (4) No Portable sign shall be located in an area that has tall grass or weeds, litter, trash or is generally unkempt, and it shall be the responsibility of the business owner or business operator of the business being advertised in the sign to keep the property free of such conditions.
- (5) A sign that does not comply with Subsection B(4) shall be removed immediately.
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 § 693-18.1.
3. Schedule 12, Transportation, of Appendix C to Chapter 441, Fees and Charges, 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)
160	A-frame Sign	Application and Approval Fee for A-frame Sign	Per Application	\$95.00	Yes
161	A-frame Sign	Annual Renewal for A-frame Sign	Annual Fee	\$75.00	Yes
162	A-frame Sign	Removal fee for A-frame Sign displayed in contravention of Article III, Chapter 693	Per A-frame Sign removed	\$100.00	No
164	A-frame Sign	Retrieval of A-frame Sign	Per Retrieval	\$200.00	No
165	A-frame Sign	Storage fee of A-frame Sign (per day)	Per day each A-frame Sign stored	\$15.00	No
166	A-frame Sign	Disposal fee of A-frame Sign (per sign)	Per A-frame Sign disposed	\$50.00	No
167	Portable Sign	Disposal fee of Portable Sign (per sign)	Per Portable Sign disposed	\$50.00	No

4. This by-law comes into force on the 1st day of September 2011.

ENACTED AND PASSED this 14th day of July, A.D. 2011.

FRANCES NUNZIATA,
Speaker

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

SCHEDULE "1" TO BY-LAW No. 975-2011

§ 693-18.1 A-frame signs:

A. A-frame sign permit.

- (1) Every person shall, prior to displaying or erecting an A-frame sign, obtain the following:
 - (a) A permit, if the person operates a business that does not require a licence;
or
 - (b) An attachment to the applicable business licence if the person operates a business that requires a licence under Chapter 545, Licensing.
- (2) An applicant for an A-frame sign permit, or renewal thereof, shall furnish to the City the following information required by the City to process the permit, including:
 - (a) The completed application;
 - (b) The contact name, number and address of the sign owner of the A-frame sign;
 - (c) The name and address of all of the property owners, business owners and business operators who are applying for the permit to display the A-frame sign;
 - (d) Where the applicants for an A-frame sign permit under this article do not include the property owner of the business location to which the A-frame sign relates, written confirmation from the property owner that there are no objections to the proposed signage;
 - (e) The municipal address of the premises where the sign is to be located;
 - (f) A site plan showing the dimensions of the A-frame sign, the location of the A-frame sign on the premises, and the distance from the A-frame sign to the nearest street line, sidewalk, intersection, crosswalk, pedestrian crossover, corner, traffic light, driveway and street furnishings;
 - (g) The certificate of insurance referred to in Subsection A(6); and
 - (h) The application fee or renewal fee as applicable, for the A-frame sign permit as set out in Chapter 441, Fees and Charges.
- (3) The refusal of an application for an A-frame sign permit based on failure to comply with any provision of this article is not appealable or reviewable.

- (4) Where the City has refused an application for an A-frame sign permit based on failure to comply with any provision of this article, there shall be no refund of any permit fee paid.
- (5) When the City authorizes an A-frame sign under this article, the sign owner of the sign shall display on the sign a sign permit identifier issued by the City as evidence that the sign has been authorized.
- (6) The applicant for an A-frame sign permit shall provide, and purchase at its own cost and expense, Commercial General Liability insurance, written with an insurer licensed in the Province of Ontario with a limit of not less than \$2,000,000, per occurrence, such insurance policies to include a Cross Liability Clause; a Severability of Interest Clause; a clause naming the City of Toronto as an additional Insured; and a clause which states that the policy will not be cancelled without the City of Toronto receiving 30 days prior written notice.
- (7) No permit for an A-frame sign shall be issued in relation to a premises for which a valid portable sign permit has been issued.
- (8) No more than one A-frame sign permit shall be issued to an applicant with respect to any one business location.
- (9) No A-frame sign permit shall permit the erection or display of more than one A-frame sign.

B. Revocation of A-frame permit.

- (1) The City may revoke an A-frame permit issued under this article, with no refund, where:
 - (a) The sign does not comply with this article or any other applicable bylaw or legislation;
 - (b) The permit has been issued in error by the City; or
 - (c) The permit has been issued under false, mistaken, incorrect, or misleading information.
- (2) Appeals relating to A-frame sign permit revocations may be considered by the local community council that shall make the final decision, under delegated authority, or shall make recommendations to Council for final decision.
- (3) A final decision made under § 693- 18.1B(2) is not appealable or reviewable.

C. Specific Requirements, Location

- (1) All A-frame signs shall comply with the following requirements:
 - (a) Each A-frame sign shall only display first party content and no other message;
 - (b) Each A-frame sign shall not contain more than two sign faces;
 - (c) Each A-frame sign shall not exceed a maximum height of 1.0 metre, nor be less than a minimum height of 0.5 metre;
 - (d) Each A-frame sign shall not exceed a maximum width of 0.6 metre;
 - (e) Each A-frame sign shall not exceed a maximum length of 0.75 metre in length;
 - (f) An A-frame 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;
 - (g) An A-frame 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;
 - (h) An A-frame sign shall not be erected or displayed in such a manner as to impede a pedestrian's or driver's view of any intersection;
 - (i) An A-frame sign shall not be animated, contain any video display elements, be illuminated, have flashing lights, emit sound or have electronic device to create or simulate motion, nor have any attachments adding to its height or width.
- (2) An A-frame sign may only be displayed during the hours that the business to which the sign relates is open and operating.
- (3) A-frame signs shall be located against the front wall of the premises, containing the business location of the business which it is advertising.
- (4) Subject to Subsection C(3), A-frame signs shall only be displayed on the road allowance abutting the business location to which the sign relates, if there is insufficient area on private property in front of the main front wall of a building or side wall if the building is situated on a corner lot.
- (5) No business that has a licensed portion of the public right-of-way for a boulevard café or for marketing purposes, which is located in part or in whole, on the frontage in front of the main front wall of the building, may locate an A-frame sign outside the limits of the area so licensed.

- (6) No A-frame sign shall be located in an area that has tall grass or weeds, litter, trash or is generally unkempt, and it shall be the responsibility of the business owner or business operator of the business being advertised on the sign to keep the property free of such conditions.
- (7) A sign that does not comply with Subsection C(6) shall be removed immediately.
- (8) When A-frame signs are displayed or erected on public property as permitted by this article, the placement of the signs shall allow for an unobstructed pedestrian clearway, of a minimum width of 2.1 metres at all points.
- (9) No A-frame signs shall be displayed or erected along the right-of-way areas along Bloor Street East and Bloor Street West between Avenue Road and Sherbourne Street, or along Yonge Street south of Davenport Road.
- (10) No A-frame signs shall be displayed or erected unless the policy of insurance referred to in 693-18.1A(6) is maintained in full force and effect.

D. Number of A-frame signs.

- (1) Where the frontage associated with the main front wall of the premises is 6.1 metres or less, a maximum of one A-frame sign per premises shall be permitted to be erected or displayed.
- (2) Notwithstanding Subsection D(1), where the frontage associated with the main front wall of the premises exceeds 6.1 metres, a maximum of two A-frame signs per premises shall be permitted to be erected or displayed.
- (3) Notwithstanding Subsections D(1) & D(2), if a building is situated on a corner lot and contains more than one frontage, one A-frame in addition to the maximum number set out in Subsections D(1) & D(2), may be permitted to be erected or displayed, on the condition that the additional A-frame sign is displayed adjacent to side wall of the building.