

COMMITTEE OF THE WHOLE - WORKING SESSION APRIL 6, 2009

MOBILE SIGN BY-LAW AMENDMENTS AND ENFORCEMENT

Recommendation

The Commissioner of Legal & Administrative Services and City Solicitor and the Director of Enforcement Services, in consultation with the Manager of Customer and Administrative Services and the Manager of Licensing, Special Events and Risk Management recommend:

1. That the Clerk be directed to provide appropriate Public Notice of the proposed By-law amendments, including subsequent amendments to the Fee By-law as required and;
2. That the Sign By-law 203-92 as amended, by:
 - i) allowing a second mobile sign on a lot where there are two lot frontages, provided that no sign faces a residential property;
 - ii) modifying the permit time from 15 and 30 days to 21 days for all permits, while maintaining the current \$100 permit fee, and adjusting the moratorium to 21 days on and 21 days off;
 - iii) increasing control over not for profit signs;
 - iv) requiring sign companies to obtain written authorization from the advertising business owner;
 - v) holding the business owner equally responsible for illegal signs

Economic Impact

N/A

Communications Plan

Staff have consulted with members of the local mobile sign and a representative of the Vaughan Chamber of Commerce on proposed changes to the Bylaw.

Public Notice will provide other interested parties with the ability to comment on the proposed amendments.

Purpose

This report proposes changes to the City of Vaughan Sign By-law, as it applies to mobile signs, as well as modification to the sign permit process and more proactive enforcement.

Background - Analysis and Options

Council, at its meeting of December 8, 2008, Report 60, Item 3, approved the following recommendation:

"...provide a further report addressing the comments made by the deputant, including opportunities to bring the Sign Bylaw more in line with neighbouring municipalities and consistent and efficient methodology of enforcement."

As a result of the direction from Council, staff convened a meeting with the mobile sign industry on January 23, 2009. Invitations were sent to all licensed and unlicensed mobile sign companies known to be operating in Vaughan. A total of 15 companies attended the meeting to share their opinions of what changes are required to the mobile sign provisions of the City of Vaughan Sign By-law.

Following a review of the City of Vaughan Sign By-law, by-laws from other municipalities, and the comments and suggestions from the industry, staff subsequently circulated a draft of the proposed amendments to those who were in attendance at the January meeting and received their comments.

<i>Sign Industry Comment/Suggestion</i>	<i>Staff's Recommendation</i>
Hold the store owners accountable for illegally placed signs	Agree with proposal
Change the permit times to 14 and 21 days	Agree, all permits to be 21 days in duration
More opportunity for not for profit signs	Do not agree, status quo, or tighter restrictions should apply
Allow multiple colour signs;	Do not agree, status quo should be maintained
Enable application for permits by fax or mail	Do not agree, current resources do not allow this process at this time
Allow permits to be processed well in advance of the effective date of a permit	Agree, permits could be made available up to 7 days before the erection date
Allow more than one sign per lot	Agree, with limitations
Remove moratorium – 30 days on, 30 days off;	Do not agree, however, moratorium to be modified to match 21 day permits.
More consistent enforcement of the By-law	Agree with proposal, new processes have been implemented

The current City of Vaughan Sign By-law restricts the use of Mobile Signs in the city of Vaughan to:

- one sign per lot at any given time;
- maximum 30 days on followed by 30 days off;
- Single coloured letters;
- Must be located entirely on private property ;
- Not in a parking space;
- Not in or within 8 metres of a driveway;

- Must display a valid permit issued by the Building Standards Department, that must be applied for in person at the Civic Centre no sooner than 24 hours prior to the effective date of the permit.

Staff have also reviewed other area by-laws. A synopsis of other by-laws is included as Attachment #1.

As a result of the review of the comments and requests by the industry, in conjunction with the comparator bylaw review, staff are recommending several amendments to the City of Vaughan Sign By-law. They are as follows:

a) More Than One Sign Per Lot

As indicated in Attachment #1 other municipalities provide for more than one sign per lot based on such factors as lot frontage, number of businesses on the lot, and a prescribed distance between signs.

Many municipalities allow one sign per lot frontage.

Staff could support one mobile sign be permitted per lot frontage, providing that no sign is permitted on a lot frontage directly facing a residential property, excluding mixed use properties.

This amendment would bring the Vaughan Bylaw closer to the comparators, without impacting residential areas.

b) Terms of Permits

Staff heard from the industry that the lengths of time that permits are valid should be changed to 21 days from the 15 and 30 day permits currently in place.

The industry also requested no more moratorium on sign placement (30 days on, 30 days off).

Staff could support modifying the time length of permits to 21 days, while maintaining the current fee of \$100. per permit

A change in the moratorium to 21 days on, 21 days off to coincide with the new length of permits would allow for an increase in the number of occasions a business could display signs during a year from 6 to 8 per year per allowable lot frontage.

c) Increased Control Over Not For Profit Signs

The industry recommended that the provisions surrounding not for profit signs be reviewed with the intention of permitting more signs.

Staff are recommending that the definition of charitable/not for profit signs be amended to include only those signs that are directly associated to charitable fundraising organizations. Such organizations must provide proof of its status.

Staff recommend that the not for profit signs be subject to the permit process and be required to obtain a permit, albeit at no cost, to provide control over sign placement and increased effectiveness of enforcement.

Placement of the not for profit sign must be on the property of the agency, or the location of the fundraising event.

City information signs should be placed in a manner as to minimize any duplication or redundancy, and in compliance with the By-law.

d) Business Owner's Responsibility

The industry indicated that they are pressured by business owners to erect illegal signs and therefore business owners should be held equally accountable for illegally placed signs, as the stores are purchasing the services of the sign companies and providing direction on the sign content, and location.

There appears to be some joint level of accountability for the illegal placement of mobile signs. Should a sign be erected without a permit, both the business owner and sign company bear responsibility and will be notified of the infraction.

The By-law could be amended to require the business owner to provide the sign company with signed authorization to erect a sign. Currently the By-law states that permission to post a sign must be obtained from the property owner. This authorization must be presented to the City at the time the sign permit is applied for. The application could be made downloadable from the City's website for ease of use.

Enforcement

The sign industry has demanded more consistent and proactive enforcement of the Sign By-law.

Although the industry complains of inconsistent enforcement, the industry itself has not taken any steps to curtail illegal activities. In fact, since the meeting in January, there has been a proliferation of illegal signs that have been erected by the sign companies, including those that have made depositions before Council. The majority of these illegal signs are from licensed companies, contrary to the assertions of the deponents.

A more proactive approach to enforcement is being undertaken, including:

- a) Those companies or individuals found to be operating without a license will be charged under the Licensing By-law, in addition to the Sign By-law;
- b) Companies charged for violating the Sign Bylaw in excess of five times in any 12 month period will be recommended for a license revocation to the Licensing Committee. This includes both the business establishments and the sign companies that violate the By-law provisions.
- c) Staff are also recommending an amendment to the definition of a sign to include not only the structure, but also the letters that make up the content of the message. This will allow staff to remove the lettering from the sign faces to eliminate the advantage of having illegal advertising in scenarios where the entire sign cannot be readily impounded.
- d) Staff will patrol proactively for illegal signs in addition to responding to complaints;
- e) The businesses, whose services are being advertised by the illegal sign will be notified by enforcement staff that the sign is illegal and must be removed immediately.

- f) The sign companies will be contacted about their illegal signs and given 24 hours notice to remove the signs before confiscation.
- g) Staff will be scheduled as required to increase sign enforcement effectiveness.

Sign Permit Administration Process

Staff could modify the application and permitting process to include the following steps:

- a) 7 day advance application/permitting could be implemented. The permit must be paid for at the time the application is submitted and the fee would be non-refundable.
- b) The sign application form must be signed by both the sign company and the business contracting the sign.

The above constitutes the only changes requested by the industry which staff are able to support at this time.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is in keeping with the Vaughan Vision in respect to the pursuit of service excellence and providing a safe environment.

Regional Implications

This By-law would be enforced on Region Road allowanced by City staff. As such the Region will be supplied with a copy of the amended By-law and advised of the enforcement action by City staff.

Conclusion

The Sign industry has requested amendments to the Sign By-law, and increased enforcement. Staff are recommending amendments to the By-law, which brings Vaughan's sign regulation more in line with comparable and neighbouring municipalities.

Attachments

Attachment #1 – Sign Bylaw Comparison

Attachment #2 – Sign Permit Application

Report prepared by:

Tony Thompson, Director, Enforcement Services
John Studdy, Manager of Customer and Administrative Services

Respectfully submitted,

Janice Atwood-Petkovski
Commissioner of Legal & Administrative Services
and City Solicitor

Tony Thompson
Director, Enforcement Services

MOBILE SIGN BYLAW - Municipal Comparison

Municipality	# of Signs Permitted per lot	Maximum Display Period)	Maximum Size of Sign including the sign structure		Color of Sign
			Height	Area	
Vaughan (existing)	One Sign per lot. To be located entirely on private property and not located within 5.0 metres from any other sign	30 days Moritorium in effect	2.5 m	maximum sign area of 4.4 sqm. (48 sq.ft.) with ^a total sign area not to exceed 8.8 sqm. (96 sq.ft.)	Black on White, or White on Black
Vaughan (proposed)	One Sign per lot frontage (as allowed) To be located entirely on private property and not located within 5.0 metres from any other sign	21 days Moritorium in effect	2.5m	To be located entirely on private property and not located within 5.0 metres from any other sign	Black on White, or White on Black
Brampton	One sign per 46 m (150 ft) of road frontage Shall not be placed closer than 46 m (150 ft) to another mobile sign located on the same property	30 Days A subsequent permit shall not be issued for a single business location or for the same unit in a plaza until at least one month has elapsed from the date of expiry of the previous permit No more than five permits shall be issued for a single business location or unit in a plaza in a calendar year	2.13 m (7 ft)	5 sqm (53.8 sqft)	Black on White, or White on Black

Municipality	# of Signs Permitted per lot	Maximum Display Period)	Maximum Size of Sign including the sign structure		Color of Sign
			Height	Area	
Mississauga	Only one sign will be permitted at any given time on any allocated site. no mobile sign may be located nearer than 90 metres (300 ft) from another mobile sign on the same side of the street.	21 Days	2.5 metres (8.2 ft.)	5 m ² (53.8 sq. ft.)	Black on White, or White on Black
Markham	The sign is not located within: 20 metres lateral distance from any other mobile sign on the same lot	No Restriction	2.5 m	6.0 m	Black on White, or White on Black
Richmond Hill	No more than one mobile sign shall be permitted for each lot at any one time.	No Restriction	2 m. (6.56ft)	3.71 sq.m. (40 sq.ft.) in sign area, per sign face. No one Surface dimension of a mobile sign shall exceed 2.4 m. (7.87 ft.).	No Restriction
Oshawa	On every LOT, not more than one MOBILE SIGN shall be permitted for each set of eight retail PREMISES, or part of a set of eight retail PREMISES.	The total number of days in any one year that any MOBILE SIGN may be displayed on each STREET LINE of a LOT is 120 days.	2.3m	6.0sqm	No Restriction

Municipality	# of Signs Permitted per lot	Maximum Display Period)	Maximum Size of Sign including the sign structure		Color of Sign
			Height	Area	
	<p>Not more than two MOBILE SIGNS per STREET LINE shall be permitted on any LOT at any one time.</p> <p>No MOBILE SIGN shall be located closer than 15m from any other MOBILE SIGN on the same lot.</p>				
Newmarket	<p>Lineal Feet of Street Frontage per business premises</p> <p>1-200 ft = 6 signs</p> <p>201-500 ft = 9 signs</p> <p>501-1000 ft = 12 signs</p> <p>1000ft or more = 15 signs</p>	No Restriction	<p>1.22 m (4 ft) Height</p> <p>or</p> <p>.91 m (3 ft) In width</p>	No Restriction	No Restriction



The City Above Toronto

MOBILE SIGN & "A" FRAME SIGN PERMIT APPLICATION

As required by City of Vaughan Sign By-Law 203-92 as amended

BUILDING STANDARDS DEPARTMENT

2141 Major Mackenzie Drive

Vaughan, ON. L6A 1T1

(905) 832-8510

Application: _____ Permit Application Number: _____ Issued: _____

PROPERTY LOCATION	STREET NO.	STREET NAME		UNIT NO.
	LOT/BLK	PLAN/CON	OTHER	
MOBILE SIGN OR "A" FRAME SIGN DETAILS	MOBILE SIGN (Permit Valid for 21 Days) <input type="checkbox"/>		From: _____ (Start Date)	
	A-FRAME SIGN (Permit Valid for 6 months) <input type="checkbox"/>		To: _____ (End Date)	
BUSINESS OWNER (Tenant)	NAME		Sign Faces _____ (Street Name)	
	STREET NO.	STREET NAME	UNIT NO.	PHONE NO.
	CITY	PROVINCE	POSTAL CODE	FAX
	NAME		EMAIL ADDRESS	
MOBILE SIGN CONTRACTOR / SUPPLIER	STREET NO.	STREET NAME	UNIT NO.	PHONE NO.
	CITY	PROVINCE	POSTAL CODE	FAX NO.

BUSINESS OWNER DECLARATION

I, of	LAST NAME		FIRST NAME		PHONE NO.
	STREET NO.	STREET NAME	UNIT NO.	FAX NO.	
	CITY	PROVINCE	POSTAL CODE	MOBILE/PAGER NO.	

Do hereby declare the following:

1. THAT I am ☐ the business owner as stated above
☐ an officer/employee of the business owner and authorized by the business owner to make this application.
☐ an officer/employee of _____ which is an authorized agent of the business owner
2. THAT the statements made and the information provided herein are true and correct and are made and provided with full knowledge of the circumstances relating to this application

Signature _____

Date _____

SIGN COMPANY DECLARATION

I, of	COMPANY NAME			PHONE NO.
	STREET NO.	STREET NAME	UNIT NO.	FAX NO.
	CITY	PROVINCE	POSTAL CODE	MOBILE/PAGER NO.

Do hereby declare the following:

1. THAT I am the business owners authorized agent
2. THAT the statements made and the information provided herein are true and correct and are made and provided with full knowledge of the circumstances relating to this application

Name _____

Signature _____

Date _____

OFFICE USE ONLY

PERMIT TYPE	AREA CODE	BUILDING TYPE	WORK PROPOSED	CALCULATED CONST. VALUE
SM / SA		501 / 502	NEW	\$500

PERMIT PAYMENTS

DATE: _____ PAYMENT TYPE: 002 RECEIPT No. _____ FEE PAID \$ _____

DATE: _____ PAYMENT TYPE: 002 RECEIPT No. _____ FEE PAID \$ _____

The personal information on this form is collected under authority of Section 99 of the Municipal Act SO 2001, c.25 and City of Vaughan By-law 203-92, as amended. The information will be used only to process the application for the placement of a mobile sign. Questions about the collection of personal information should be directed to the City of Vaughan Freedom of Information and Privacy Coordinator, telephone 905-832-2281.