

COMMITTEE OF THE WHOLE APRIL 19, 2004

ENFORCEMENT OF THE CITY'S SIGN BY-LAW 203-92

SIGN VARIANCE APPLICATION NO.: SV.03-18

WINDLEIGH ISLINGTON INC.

8301 ISLINGTON AVENUE

(Referred from the Council meeting of March 29, 2004)

Council, at its meeting of March 29, 2004, adopted the following:

That this matter be referred to the Committee of the Whole meeting of April 19, 2004, in accordance with the memorandum from the Commissioner of Planning, dated March 29, 2004.

Committee of the Whole on March 22, 2004 recommended:

That this matter be referred to the Council meeting of March 29, 2004 for a staff report with respect to the Sign Variance Application fees.

Report of the Chair of the Sign Variance Committee dated March 22, 2004:

Recommendation

The Chairman of the Sign Variance Committee in consultation with the Commissioner of Legal Services recommends that the following report be received for information.

That the present City policy to complete any pending sign variance applications prior to the commencement of legal action be maintained.

Purpose

To respond to the direction from the Committee of the Whole for a report with respect to the placement of illegal signs prior to the approval of the sign variance application.

Background - Analysis and Options

Committee of the Whole at its December 8, 2003 meeting directed:

That Staff be directed to review the Sign By-Law with respect to the placement of illegal signs prior to the approval of the sign variance application(s) and include a clause similar to that used by the City of Brampton and the City of Mississauga, and bring back a report on or before the Committee of the Whole Meeting of March 22, 2004.

The following is a brief report comparing the enforcement policies respecting illegal signs and pending sign variance applications for the three identified municipalities.

City of Vaughan Sign By-Law 203-02 (as amended to 179-2003 enacted June 23, 2003)

The City of Vaughan Sign By-Law 203-02, as amended, provides in part that, where an illegal sign has been identified, the owner shall be served with a Notice requiring the sign be removed within the time specified in the Notice. There is no specific language within the actual text of the by-law that outlines when or what additional actions the municipality can/will take if the sign is not removed. The by-law is silent respecting illegal signs and pending sign variance applications.

It is City policy not to undertake or pursue legal action against owners where there is a pending sign variance application. Under normal circumstances, Notices of contraventions are issued to the individual owners, but the initiation of legal action by the City is held pending the results of the variance applications.

City of Mississauga Sign By-Law 0054-2002. (enacted January 30, 2002)

The Mississauga Sign By-Law has very similar provisions to that of the City of Vaughan by-law. That is, where enforcement staff identifies illegal signs, Notices are issued to the owners requiring the illegal signs to be removed. The by-law is silent respecting what additional enforcement measures will be taken where an illegal sign has been identified, and there is pending sign variance application. The by-law does make it very clear that nothing shall limit the City from enforcing the provisions of the by-law by any available action permitted in law.

It is our understanding from the City of Mississauga enforcement staff, that it is their City policy not to pursue additional legal action against the owners of illegal signs where there is an active sign variance application.

City of Brampton Sign By-Law 399-2002 (enacted December 18, 2002)

The City of Brampton Sign By-law has a slightly different text within its enforcement sections. Similar to the City of Vaughan and Mississauga sign by-laws, where an illegal sign has been identified, Notices are issued to the owners requiring compliance by a date specified in the Notice. The exception being those signs associated with residential sales trailers. For these signs, it is their policy to issue a Notice and at the same time initiate legal action pursuant to the Provincial Offences Act.

At one time the City of Brampton did require the removal of illegal signs prior to an application being considered by its sign variance committee. However, this has been abandoned and replaced by charging two different fees in their Sign By-law. That is, where there is no sign erected Brampton charges one rate. A different rate or fee is charged where the sign has already been erected without a permit in contravention of their by-law.

(\$450.00 - Sign Variance Application Fee or \$800.00 - Sign Variance Application Fee for an existing sign erected without a permit.)

Additional Comments

The City of Vaughan and City of Mississauga have very similar Sign By-Law enforcement policies respecting illegal signs and sign variance applications. Notices of the contraventions are issued and additional legal action is held pending the results of the associated sign variance applications.

The City of Brampton did at one time require illegal signs to be removed. According to Brampton Staff, this became very problematic and has been abandoned. Even now where they charge different application fees, they have identified problems, and Staff/Council will be considering additional modifications in the very near future.

It has to be noted that all three sign by-laws are written as not to limit or restrict the municipality from undertaking any actions or remedies that they feel appropriate and permitted in law. A good example of this would be unsafe or hazardous signs, where there would be immediate actions undertaken to have the offending signs removed.

Relationship to Vaughan Vision 2007

This report is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved. Any additional enhancements to existing City enforcement policies will require additional consideration and would be the subject of a future report. 3

Conclusion

It is Staffs recommendation that the present enforcement polices surrounding illegal signs and pending sign variance applications be maintained.

Attachments

None.

Report prepared by:

John Studdy, Chairman, Sign Variance Committee Ext# 8232