

## **COMMITTEE OF THE WHOLE - MAY 12, 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 be 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**

Not applicable.

#### **Communications Plan**

Staff have consulted with members of the local mobile sign industry and a representative of the Vaughan Chamber of Commerce on proposed changes to the By-law. Members of the industry and Chamber of Commerce have availed themselves of the opportunity to make their thoughts known to Council.

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. This report also provides additional information as requested by Council.

#### **Background - Analysis and Options**

Council, at its meeting of April 14, 2009, approved the following recommendation:

*"...2. That staff review and take into consideration Members of Council's comments and the comments and additional information provided by the deputants, and bring forward a report to a future Committee of the Whole meeting..."*

Staff presented the information to the Committee of the Whole meeting on April 6, 2009. The table below outlines previous industry comments and the related recommendation from staff.

<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.

At the meeting of April 6, 2009, the sign industry and a representative from the Chamber of Commerce made deputations. Members of Council also made some comments. As a result, staff was directed to report back.

Discussions included:

- Allow a maximum of six portable sign permits per business at any given address, per calendar year.
- In addition to the portable sign permitted on a single property, an additional sign may be erected along each street line of a property, provided that each portable sign is located a minimum of 50m from any other portable sign located on the same street line and on the same property.
- Sign should be one meter behind the sidewalk.
- A by-law where the number of permits reflects the size of the property and the number of tenants.

#### Clarifications

"Second mobile sign...provided no sign to face residential property": Clarification will note that this does not apply where a road intervenes.

"Moratorium": Clarification to note that this applies to the lot.

Staff recommend adoption of the proposed amendments presented to the Committee of the Whole on April 6, 2009, as adequate to address many of the concerns.

#### 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 allowed 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

Staff are recommending amendments to the By-law, which brings Vaughan's sign regulation more in line with comparable and neighbouring municipalities.

#### Attachments

1. Extract from Committee of the Whole (Working Session) April 6, 2009, Item 2, Report No. 21

#### Report prepared by:

Tony Thompson, Director of Enforcement Services

Respectfully submitted,

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

Tony Thompson  
Director of Enforcement Services

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF APRIL 14, 2009

Item 2, Report No. 21, of the Committee of the Whole (Working Session), which was adopted without amendment by the Council of the City of Vaughan on April 14, 2009.



**2                    MOBILE SIGN BY-LAW AMENDMENTS AND ENFORCEMENT**

The Committee of the Whole (Working Session) recommends:

- 1) That the recommendation contained in the following report of the Commissioner of Legal & Administrative Services and City Solicitor and the Director of Enforcement Services, dated April 6, 2009, be approved;
- 2) That staff review and take into consideration Members of Council’s comments and the comments and additional information provided by the deputants, and bring forward a report to a future Committee of the Whole meeting; and
- 3) That the following deputations and written submissions, be received:
  - a) Ms. Santina Mariani, Zero 20 Bambini, 7700 Pine Valley Drive, Woodbridge, L4L 2X4 and written submission dated April 6, 2009;
  - b) Mr. Brian Ridgway, StopLook.ca, 12450 Keele Street, P.O. Box 1034, King City, L7B 1B1 and submission entitled, “Proposal for a fair and equitable mobile sign by-law”; and
  - c) Mr. Ian Duffy, Magnet Signs, 1404 Wallace Road, Oakville, L6L 2Y2.

**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;
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  - 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.

CITY OF VAUGHAN

**EXTRACT FROM COUNCIL MEETING MINUTES OF APRIL 14, 2009**

**Item 2. CW(WS) Report No. 21 – Page 2**

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.

<b><i>Sign Industry Comment/Suggestion</i></b>	<b><i>Staff's Recommendation</i></b>
Hold the store owners accountable for illegally placed signs	Agree with proposal
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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

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EXTRACT FROM COUNCIL MEETING MINUTES OF APRIL 14, 2009

Item 2, CW(WS) Report No. 21 – Page 3

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).

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### EXTRACT FROM COUNCIL MEETING MINUTES OF APRIL 14, 2009

#### Item 2, CW(W/S) Report No. 21 – Page 4

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 deputants.

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### EXTRACT FROM COUNCIL MEETING MINUTES OF APRIL 14, 2009

#### Item 2, CW(WS) Report No. 21 – Page 5

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 allowed 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.



CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF APRIL 14, 2009

Item 2, CW(WS) Report No. 21 – Page 6

**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

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)