

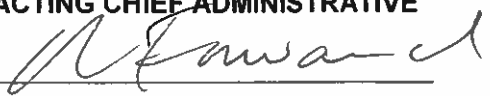

TO: GENERAL COMMITTEE

SUBJECT: SIGN REGULATIONS – ROAD CONSTRUCTION AND TEMPORARY SIGNAGE

PREPARED BY AND KEY CONTACT: B. RUSSELL, MANAGER, MUNICIPAL LAW AND PROSECUTION SERVICES

SUBMITTED BY: I. PETERS, DIRECTOR OF LEGAL SERVICES 

GENERAL MANAGER APPROVAL: E. ARCHER, GENERAL MANAGER OF CORPORATE 

CHIEF ADMINISTRATIVE OFFICER APPROVAL: R. FORWARD, MBA, M.SC., P.ENG., ACTING CHIEF ADMINISTRATIVE OFFICER 

RECOMMENDED MOTION

1. That By-law 2005-093, Section 2.0.0.0.0, Definitions be amended by deleting the current definition of "official sign" and replacing it with the following:

"City Official Sign – means any sign erected by the City including but not limited to information signs, directional signs, traffic control signs, signs erected that control or regulate the movement of vehicles or pedestrians or any signs approved under the Highway Traffic Act."
2. That By-law 2005-093, Section 2.0.0.0.0, Definitions be amended by adding a definition for "Road Construction Area" as follows:

"Road Construction Area – means the components of a roadway within a Temporary Work Zone known as Transition Area, Longitudinal Buffer Area, Work Area, and Termination Area (as described in the Ministry of Transportation Ontario Traffic Manual Temporary Conditions) for which the normal flow of traffic is impacted by lane closures. In the event of a full road closure, the Road Construction Area is the section of the road that is closed, between the beginning and end of the detour route."
3. That By-law 2005-093, Section 12.2.0.0.0, Mobile Signs, be amended to exempt owners of commercial or industrial property from the provisions of the by-law to permit any number of mobile signs to be placed on private property within a road construction area, if the duration of such road construction is expected to exceed 30 consecutive days, and as approved by the Engineering Department, without a mobile sign permit or payment of any associated fee and to permit such signs to remain for the duration of the construction period, subject to compliance with all other provisions of the Sign By-law.
4. That By-law 2005-093, Section 18.0.0.0.0, "Storage and Disposal" be renamed "Recovery of Costs for Removal, Storage and Disposal".

5. That By-law 2005-093, Section 18.0.0.0.0 be amended by adding the following:

"Where the City removes a sign and Notice has been provided as set out in Section 18.1.0.0.0, the owner shall submit payment of all fees associated with the removal, storage and disposal of each sign as set out on the Notice provided within 30 days of receipt. All costs and charges incurred by a municipality for the removal, care and storage of a sign that is erected or displayed in contravention of this by-law shall be considered a lien on the advertising device that may be enforced by the municipality under the Repair and Storage Liens Act."

6. That the Clerk be authorized to make any further changes to By-law 2005-093 necessary to fully implement the above changes.

PURPOSE & BACKGROUND

7. The City's Sign By-law was passed following the engagement of a consultant and presentation of a resulting staff report from Planning and Development in 1999 (Staff Report PD(P)007-99 dated January 4, 1999). The report stated, in part

"In keeping with the City's goal to provide a framework for the development and maintenance of a convenient, safe, efficient and aesthetically pleasing urban environment, it is necessary that the City put in place a by-law to regulate or prohibit signs"

8. While amendments have been made to the by-law over the years, this general philosophy continues to be supported, while being cognizant of the importance of advertising to local businesses.

Temporary Sign Proliferation

9. Motion 11-G-245 (September 12, 2011) requested staff to consider changes to the City's Sign By-law 2005-093 pertaining to lawn, poster, pole, bill and other temporary signage, penalties for signs found in contravention of the by-law, and to consider mechanisms which would assist in reducing the overall proliferation of temporary signage throughout the City.

"Motion 11-G-245 - Temporary Signage

That staff in the Legal Services Department investigate the feasibility of implementing changes to By-law 2005-093, a by-law to regulate advertising devices, including signs that would incorporate the following:

- a) a permit system for the placement of lawn, pole, poster, bill and other temporary signage
 - b) an administrative penalty for signage found in contravention of By-law 2005-093; and
 - c) other provisions that would reduce the proliferation of lawn, pole, poster, bill and other temporary signage."
10. Temporary signs include notices, bulletins, placards, leaflets, which are temporarily posted, attached, erected or displayed publicly for the purpose of advertising, announcing, directing or promoting any event, show performance, entertainment, meeting, gathering, business, product or idea. They do not include mobile signs, A-frame signs, poster panel signs or ground signs.

Mobile signage during Road Construction Projects

11. Motion 11-A-324 (November 28, 2011) requested staff to also review the current Mobile Sign provisions of By-law 2005-093 particularly as they relate to the commercial and industrial properties impacted by road construction projects

"Motion 11-A-324 - Mobile Signs and Road Construction (in part)

"...2. that staff in the Engineering and Legal Services Departments review the merits of suspending the provisions pertaining to mobile signs on commercial and industrial properties affected by road construction projects carried out by the City and report back to General Committee."

ANALYSIS

Temporary Sign Proliferation

12. The current regulatory framework in the City's Sign By-law attempted to balance the need and desire for businesses to advertise their products and services while ensuring that the overall landscape esthetics and safety concerns are addressed.
13. The current by-law provides a variety of permitted advertising opportunities to businesses including unlimited ground signs and A-frame signs on the private property of the business, advertising by way of mobile signs on private property and poster panel signs.
14. Regarding temporary signs, posters, bills and similar advertising devices, the placement of such signs on City property and in particular on a City boulevard is currently prohibited under the sign by-law, except within the BIA under certain conditions. Temporary signage placed on light standards, traffic signs, hydro poles and on the city boulevard pose potential safety hazards including visual distractions and/or obstruction to motorists and pedestrians. Currently, staff are unable to keep up with the proliferation of these illegally placed signs. A large number of the temporary signs are placed by or on behalf of businesses, with little or no contact information included on the sign, which limits staff's ability to address these violations.
15. Staff have reviewed the matter of establishing a permit system for temporary signs. In addition to the safety concerns expressed, the permitting of such signs would contradict the general intent of the by-law as described above. Based on current experience, staff do not believe that a permitting system would reduce the proliferation of illegally placed signs. It would require additional resources to administer and enforce and staff believe it has the potential to result in an overall increase in the number of signs.
16. The current by-law provides for the removal, storage and disposal of signs found placed contrary to the provisions of the by-law, but requires the owner of the sign to pay a fee as established within the City's fee's by-law only if the sign is reclaimed. As many of the temporary signs cost less to produce than the retrieval fee, they are not reclaimed. Consequently, costs are incurred by the City for removal, storage and disposal of signs which are never recovered.
17. Staff are recommending that By-law 2005-093 be amended to require owners of signs which are removed by the City as a result of such sign being posted contrary to the provisions of the by-law, to pay all costs associated with the removal, storage and/or disposal of such sign, regardless of whether such sign is reclaimed by the owner or not.
18. Staff believe this amendment will better serve as a deterrent for those who have chosen to erect signs contrary to the provisions of the by-law.

Mobile signage during Road Construction Projects

19. Regarding the placement of mobile signs on private property, Municipal Law Enforcement staff in consultation with the Engineering Department concur that some accommodation may be appropriate when road construction projects undertaken or authorized by the City impacts the surrounding businesses.
20. Staff recommend that informal practices related to signage for road construction projects be formalized in instances of a road construction project, where the duration of such road construction is expected to exceed 30 consecutive days. In these cases, the City will ensure that directional signs are placed at the entry point to a road construction area to help ensure motorists entering the area are aware that access is still available to the commercial locations within the construction area. Such signs will be produced and erected by the City. To clearly identify that these are City Official Signs, it is recommended that the definition of City Official Signs be revised.
21. In order to provide some advertising relief to businesses within the road construction area or immediate vicinity during a road construction project, it is recommended that the Sign By-law 2005-093 be amended to exempt property owners within a Road Construction Area impacted by a road construction project and as recommended by the Engineering Department, from certain provisions of the by-law specifically with respect to the maximum number of mobile signs permitted on private property, the time limit for which a mobile sign can remain posted on private property and by waiving permit fees associated with mobile signs permitted under this exemption.
22. All other provisions of the Sign By-law pertaining to mobile and other signs would continue to apply including but not limited to set backs from property lines, setbacks from site triangles as well as the overall prohibition against placing such signs on public property including boulevards.
23. As mobile signs during a road construction project exceeding 30 days will not be required to obtain a permit, staff will not have an opportunity to review matters such as location of the sign, prior to its placement. Businesses may inadvertently contravene provisions of the by-law as a result, which will require action by enforcement staff.
24. The proposed amendments to the Sign By-law are anticipated to be reviewed after a full year to determine if any additional measures are recommended to either address the proliferation of signage or signage during road construction projects.

ENVIRONMENTAL MATTERS

25. There are no environmental matters related to the recommendation.

ALTERNATIVES

26. Alternatives are available for consideration by General Committee:

Alternative #1: Regarding Temporary Signs, General Committee could consider a permit system to regulate and control the placement of Temporary Signs such as lawn signs, poster signs, etc. on municipal property.

This alternative is not recommended as permitting signs to be erected on municipal lands by way of a permit or otherwise result in a greater number of signs on public property and present potential distractions and/or obstructions to motorists and pedestrians in addition to potentially impeding the City's ability to effectively maintain boulevards and other property without obstructions. Additional resources would be required to administer a permit system and it is unlikely that it would address the proliferation of signage.

Alternative #2: Regarding mobile signs, General Committee could consider not permitting any exemptions to commercial and industrial property owners from the provisions of the Sign By-law where road construction projects interfere with ingress/egress to their property. Such property owners/business operators would be required to comply with the provisions of the current By-law including the requirement to obtain a permit and pay a fee, limit the number of signs which can be placed at any time and the duration of such placement of mobile signs.

Staff believe that the proposed provisions will respond to the concerns of commercial and industrial property owners regarding the continued access to their business during road construction projects which interfere with their customer's ability to access the property.

FINANCIAL

Temporary Sign Proliferation

27. The requirement for the owner of a sign confiscated by the City to pay costs associated with the removal, storage and disposal of such sign, regardless of whether the sign is reclaimed or not, will better ensure that enforcement and administrative costs are actually recovered. However, the monetary impact will be dependent on the number of signs actually removed, stored or disposed of, the ability to identify the owner of a sign, mailing address, etc.

Mobile signage during Road Construction Projects

28. No additional costs are anticipated with respect to permitting Mobile Signs within a Road Construction Area as recommended within this report.

29. However there will be a resulting loss of revenue as a result of waiving the requirement for mobile sign permits and not limiting the number of permitted mobile signs or the duration of placement of such signs. The current by-law requires that the placement of any mobile sign be under privilege of a permit at the following fee:

- a) \$50.00 per each 30 day occasion (\$25.00 for non-profit organizations)
- b) \$100.00 per each 90 day occasion

30. It cannot be predicted how many permits and fees may be waived as a result of the considered exemption. This loss in revenue has the potential to be offset by the reduction in staff time associated administering the mobile sign permits and the enforcement of violations.
31. It is anticipated that the administration related to an exemption process for mobile signs could be absorbed by current administrative resources. It is not anticipated at this time that there would be any substantial change in enforcement demands and therefore no additional resources are recommended at this time as it relates to exemptions for mobile signs during road construction projects.
32. Regarding directional signs in road construction areas, Engineering estimates that it would cost the City in the range of \$4,000 to produce, erect and maintain signage for construction projects. This would provide one directional sign at each end of the project.

LINKAGE TO 2010-2014 COUNCIL STRATEGIC PLAN

33. The recommendation(s) included in this Staff Report are not specifically related to the goals identified in the 2010-2014 City Council Strategic Plan but do support the objectives.