

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 051-2018

A by-law to amend Sign By-laws 203-92 and 178-2003, as amended, to include a registration fee for third-party election signs.

AND WHEREAS subsection 8(1) of the *Municipal Act*, 2001 provides that the powers of a municipality under this Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS subsection 8(3) of the *Municipal Act*, 2001 provides that a by-law under section 11 may regulate or prohibit respecting the matter, require persons to do things respecting the matter, and provide for a system of licences respecting the matter;

AND WHEREAS subsection 11(1) of the *Municipal Act*, 2001 provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS subsection 11(2) of the *Municipal Act*, 2001 provides that a municipality may pass by-laws respecting: 5. Economic, social and environmental well-being of the municipality; 6. Health, safety and well-being of persons; 7. Services and things that the municipality is authorized to provide under subsection (1); 8. Protection of persons and property, including consumer protection;

AND WHEREAS Subsection 11(3) of the *Municipal Act*, 2001 provides that a municipality may pass by-laws respecting: 7. Structures, including fences and signs;

AND WHEREAS section 63 of the *Municipal Act*, 2001 provides that if a municipality passes a by-law for prohibiting or regulating the placing, stopping, standing or parking of an object on or near a highway, it

may provide for the removal and impounding or restraining and immobilizing of any object or vehicle placed, stopped, standing or parked on or near a highway in contravention of the by-law;

AND WHEREAS sections 98, 99 and 99.1 refer to specific municipal powers under Part III of the *Municipal Act*, 2001 for structures, including fences and signs;

AND WHEREAS section 445 of the *Municipal Act*, 2001 provides that a municipality may make an order requiring a person who has contravened a by-law or who caused or permitted the contravention, or the owner or occupier of land on which the contravention occurred, to do work to correct the contravention;

AND WHEREAS section 446 of the *Municipal Act*, 2001 provides that where a municipality has the authority to direct or require a person to do a matter or thing, the municipality may also provide 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 that the municipality may recover the costs of doing a matter or thing by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes;

AND WHEREAS sections 9, 11, and 23.2(1)(c) of the *Municipal Act*, 2001, S.O. 2001, c.25, provide that a Municipality may delegate quasi-judicial powers under the Municipal Act to an individual who is an officer, employee or agent of the Municipality.

NOW THEREFORE the Council of The Corporation of City of Vaughan ENACTS AS FOLLOWS:

1. Amend By-law 203-92 is as follows:

a. Delete the definition of "Person" in Section 2 and replace it with the following:

i. "Person" means an individual, partnership, association, firm or corporation, business entity or club, incorporated group or organization, federal or provincial government, crown agents, school boards and regional municipalities, to whom the context can apply in accordance with the Interpretation Act of Ontario, Section 29(1), as amended, but specifically excludes the City;

b. Add the following definitions in Section 2:

- i. "Candidate" means a person who has been nominated under Section 33 of the *Municipal Elections Act*, 1996, S.O. 1996, c. 32;
- ii. "Election Sign" means a sign advertising, promoting or opposing a Candidate or Elections Question in a federal, provincial or municipal election, including an election of a local board or commission, and includes Third-Party Election signs;
- iii. "Elections Question" means a "yes" or "no" question referred to in subsection 8 (1), (2) or (3) of the *Municipal Elections Act*, 1996, S.S. 1996, c. 32.;
- iv. "Lawn Sign" means a Temporary Sign composed of a sign board that is placed/affixed/attached or otherwise placed on the ground to stand the sign in place;
- v. "Poster sign" means a device, structure or medium that uses any colour, form, graphic, illumination, symbol or writing to convey information of any kind to the public, including but not limited to an advertisement, bill, handbill, leaflet, flyer, sticker or placard, and includes a community poster;
- vi. "Private Property" means a parcel of real property, as it is described in the records of the land registry office, that is owned by a Person, and includes all buildings and structures thereon;
- vii. "Public Property" means lands owned by the City, and shall include but not be limited to the Boulevard, any highway, lane, alley, square, place, viaduct or trestle, water, way or bridge, park, woodland, greenbelt, storm water management facility, open space, municipal golf course or cemetery, and all parts thereof, including any surface, grassed area, boulevard, ditch, curb, gutter and sidewalk, but does not include property owned by the Regional, Provincial,

Federal Government, a Crown Corporation, Hydro, Utility or Railway Company;

- viii. “Registered Third Party” means, in relation to an election in a municipality, an individual, corporation or trade union that is registered under section 88.6 of the *Municipal Elections Act*, 1996, S.O. 1996, c. 32;
 - ix. “Temporary” in reference to a sign, means a sign not intended or designed for permanent installation;
 - x. “Third-Party Election Sign” means a sign that has the purpose of promoting, supporting or opposing a candidate or “yes” or “no” question in line with the definition in the *Municipal Elections Act*, 1996, S.O. 1996, c. 32., but does not include an *Election Sign* by or under the direction of a candidate;
- c. Amend the By-law to replace all references of “Enforcement Services Department” to “By-law and Compliance, Licensing and Permit Services”;
 - d. Amend the title of Section 3.9 from “Removal of illegal signs” to “Removal of signs”;
 - e. Delete subsections 3.9 (d) and (e);
 - f. Add the following subsections to Section 3.9 in numerical sequence:
 - i. Where a Poster Sign or Lawn Sign is erected that is not in compliance with this By-law, the sign may be removed immediately by the City and disposed of without notice or compensation;
 - ii. Where a sign constitutes a safety hazard or poses a safety concern, the City may immediately pull down or remove the sign without notice or compensation, regardless of whether the sign is in compliance with this By-law;
 - iii. Signs, other than those specified in subsection (i), that are not in compliance with this By-law shall be removed and stored by the City for a period of not less than

60 days, during which time the sign owner or the sign owner's agent may be entitled to recover the sign from the City, subject to paying the fee set out in the Fees and Charges By-law, 171-2003 and submitting a signed acknowledgement and release on a prescribed form;

- iv. Where a sign has been removed by the City and stored for a period of at least 60 days, and the sign has not been claimed, the sign may be destroyed or otherwise disposed of by the City;
- v. Where a sign has been removed and stored by the City, all costs and charges for the removal, care and storage of the sign under this by-law are a lien upon the sign, which may be enforced by the City in the manner provided by the *Repair and Storage Liens Act*, R.S.O. 1990, c. R.24, as amended; and
- vi. In the instance where the City has issued an order requiring the Owner of the land where a sign is located to remove the sign, and the Owner fails to comply with the order, the City may remove the sign and the cost incurred by the City in removing a sign may be added to the tax roll and collected in the same manner as municipal taxes. The cost incurred by the City in removing a sign under this part of the By-law is a debt payable to the City;

g. Delete the text in Section 3.10a) and replace it with the following:

i. PRESUMPTION CLAUSE

(a) Where a sign that is in contravention of this By-law is found on private property, the Owner of the private property, its manager, tenant and/or person in charge of the property, shall be presumed to have been the Person who placed or erected the sign, which presumption may be rebutted by evidence to the contrary, on a balance of probabilities.

(b) Where a sign that is in contravention of this By-law is found on a highway as defined under Section 1(1) of the *Highway Traffic Act* R.S.O. 1990, c. c. H.8. as amended, public property, on rights-of-way, or on utility poles, any Person named on the sign shall be presumed to have been the Person who placed or erected the sign, or to have caused or permitted the sign to be placed or erected;

(c) where no name appears on the unlawful sign, but a telephone number, website or email address, or other contact information appears, any person to whom the telephone number, website, email address or other contact information is found to be connected to, such as is listed according to a telephone directory, shall be presumed to have been the person who placed or erected the unlawful sign, or to have caused or permitted the unlawful sign to be placed or erected. The presumption herein may be rebutted by evidence to the contrary on a balance of probabilities.

Where more than one person is presumed to have been the person who created, distributed, erected, or caused or permitted the unlawful sign to be placed or erected under this section, said persons shall be jointly and severally liable of an offence under this section.

h. Add the following subsection after Section 4.1 (f)(i):

(ii) No Registered Third Party shall erect, attach, place, display, cause or permit the erection, attachment, placement or display of a Third-Party Election Sign, which would normally be permitted under section 4.1 (f), unless the Registered Third Party has paid the applicable election sign non-refundable fee of \$100 to the City for each Candidate and/or Elections Question for which they wish to erect signs. The Registered Third Party is deemed to be responsible for the placement and content of their Third-Party Signs, regardless of whether the

Registered Third-Party physically erected such signs.

- i. In Sections 4.1(f) (v), (vi), (vii) and (viii), change “election sign” to “Election Sign or Third-Party Election Sign” and “election signs” to “Election Signs or Third-Party Election Signs”;
- j. Add the following subsection to Section 4.1:
 - i. Lawn Signs are permitted to be used by Renovators, Fence Installers, Pavers, Landscapers, Pool Installers licensed in the City of Vaughan, and trades which are licensed or otherwise certified by provincial legislation, provided that Lawn Signs:
 - a. may only be displayed with the permission of the property owner;
 - b. may not exceed 0.6 square metres;
 - c. display the business’ municipal licence number, if applicable;
 - d. may only be displayed for the duration of their work; and
 - e. removed within five business days of the date of completion of the work performed.
- k. Delete Section 6.10, Window Signs.
- l. Delete Section 8.11 (d)(ii).
- m. Add Section 11.8 with the following text:
 - i. The maximum sign area of any window sign shall not exceed 20% of the area of the window in which the sign is located or 0.50 square metres in sign area whichever is less.
- n. Add Section 18.0 – Exemptions, with the following text:
 - i. The City of Vaughan and Regional Municipality of York (the Region) are exempt

from the requirements of the City's Sign By-law, which extends to signage developed by the City or Region for the purpose of distribution by other parties, subject to prescribed conditions set out by the City or Region in agreements with these parties.

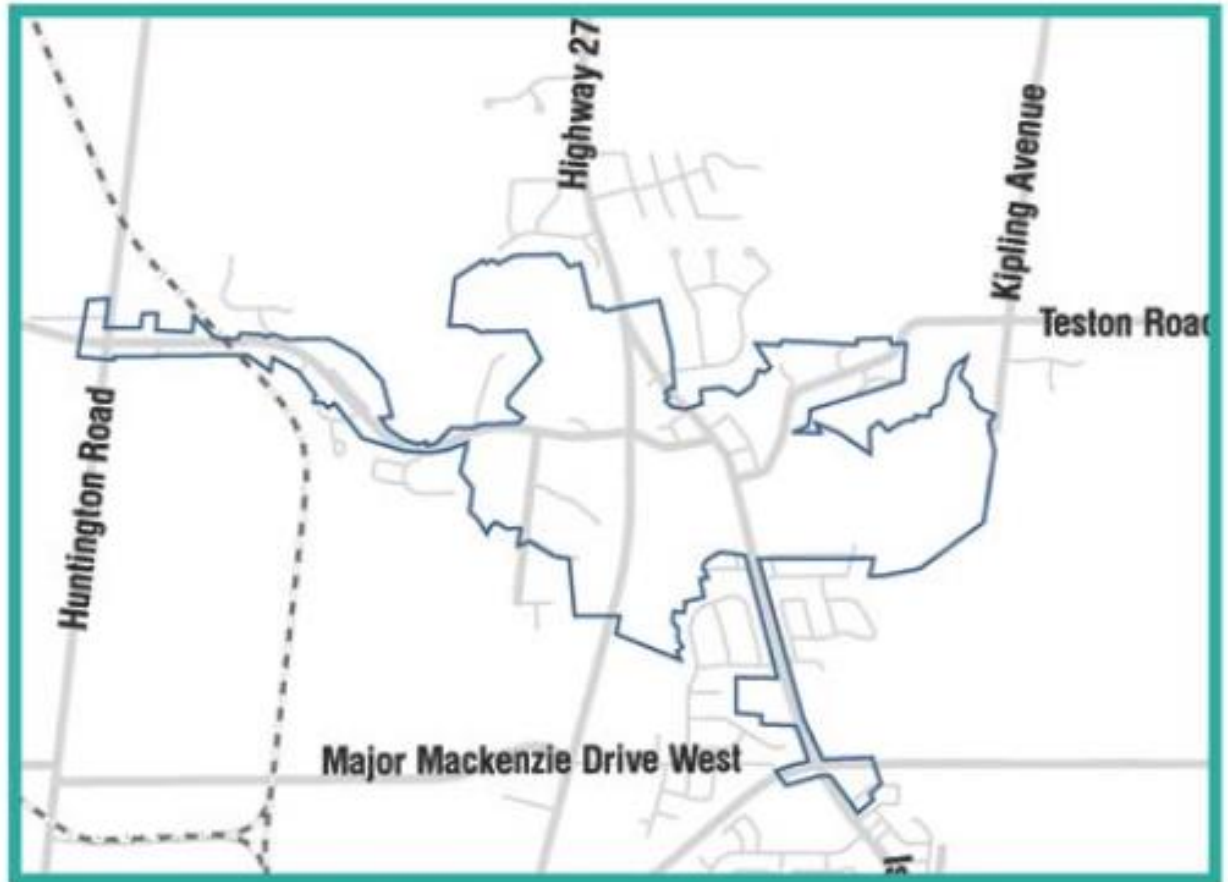
- o. Delete Schedule "A" and replace it with the following:

Thornhill Heritage Conservation District Plan Area



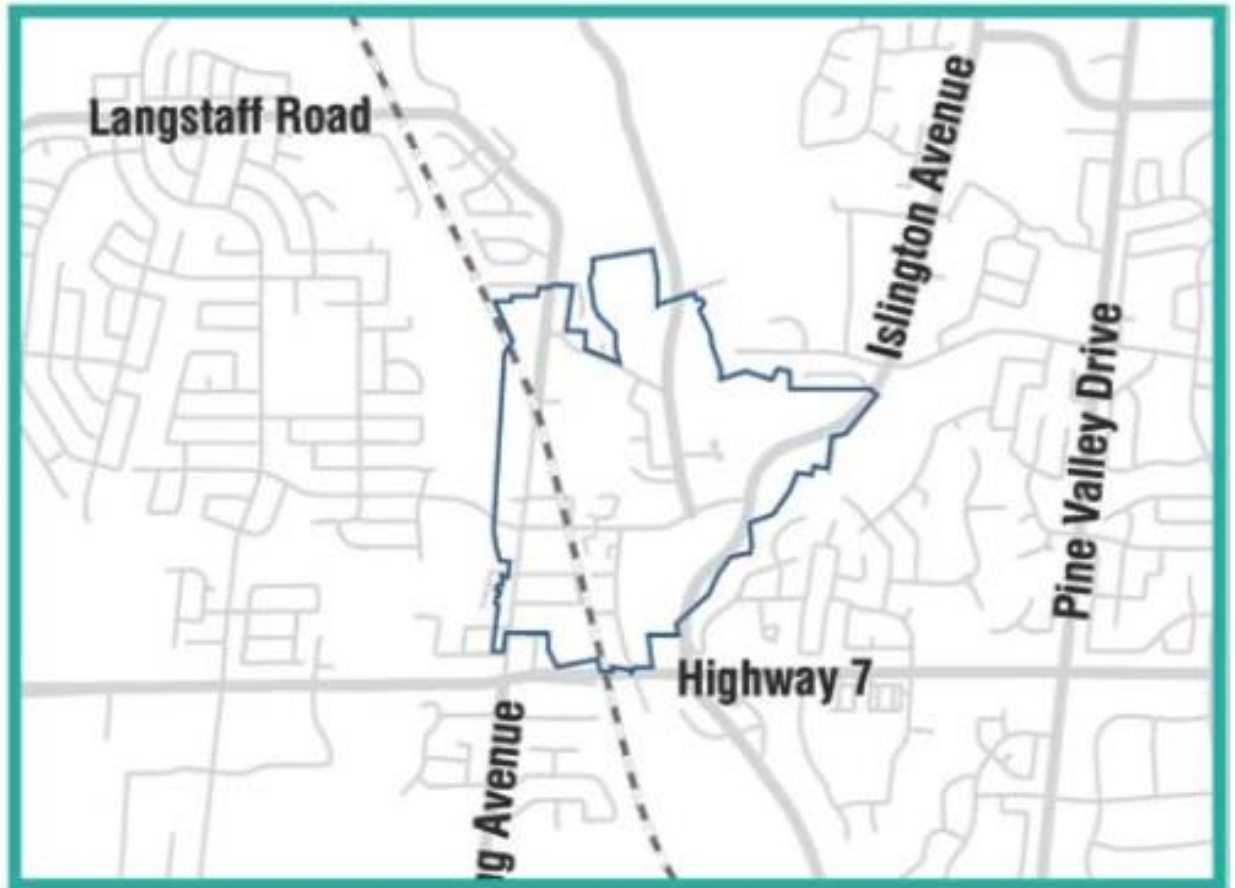
p. Delete Schedule “B” and replace it with the following:

Kleinburg Heritage Conservation District Plan Area



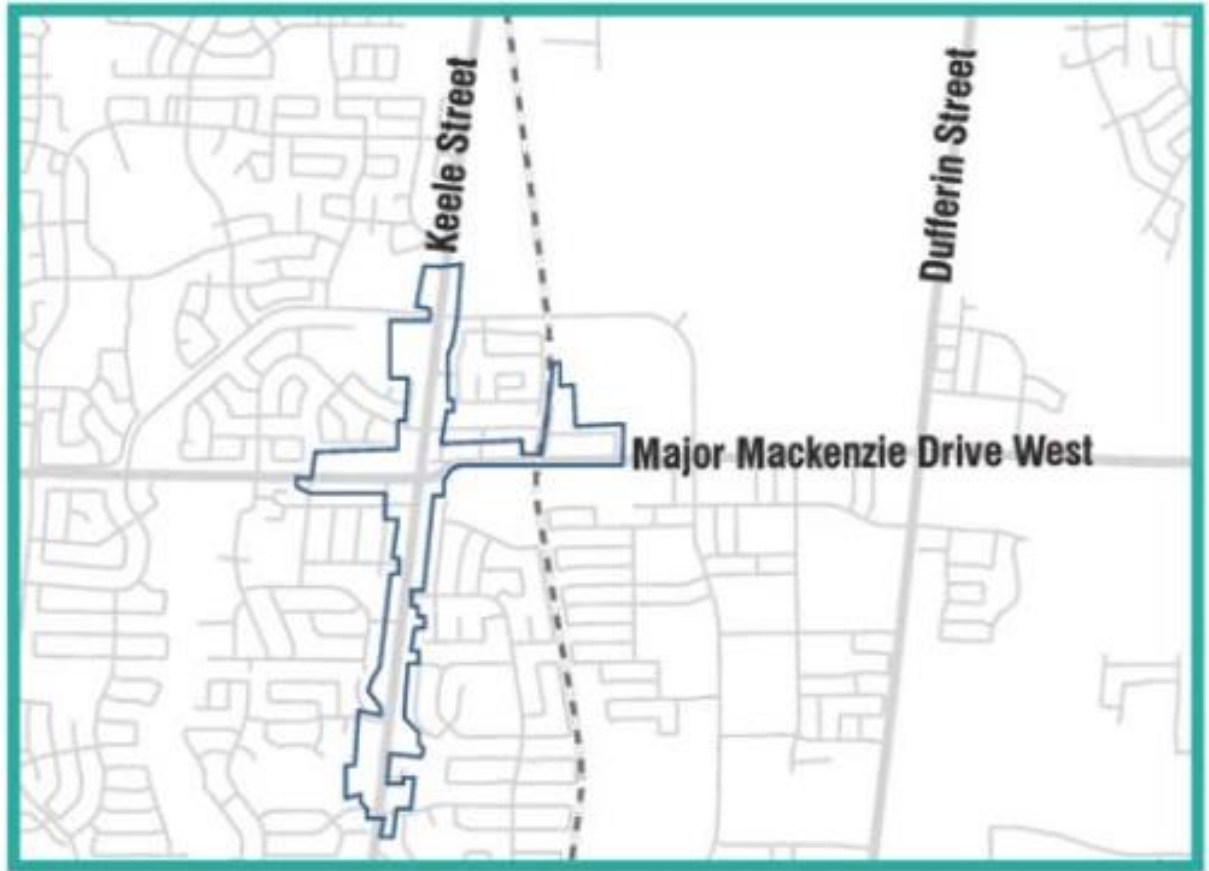
q. Delete Schedule “C” and replace it with the following:

Woodbridge Heritage Conservation District Plan Area



- r. Delete Schedule “D” and replace it with the following:

Maple Heritage Conservation District Plan Area



- 2. Amend By-law 178-03 is as follows:

- a. Delete the definition of “Person” in Section 2 and replace it with the following:
 - i. “Person” means an individual, partnership, association, firm or corporation, business entity or club, incorporated group or organization, federal or provincial government, crown agents, school boards and regional municipalities, to whom the context can apply in accordance with the Interpretation Act of Ontario, as amended, but specifically excludes the City;

- b. Add the following definitions in Section 2:
 - i. "Election Sign" means a sign advertising, promoting or opposing a Registered Candidate or Elections Question in a federal, provincial or municipal election, including an election of a local board or commission, and includes Third-Party Election signs;
 - ii. "Lawn Sign" means a Temporary Sign composed of a sign board attached to spokes intended to be driven into a surface to stand the sign in place;
 - iii. "Poster sign" means a Temporary Sign of non-rigid material having dimensions not greater than two hundred and eighty millimeters (280 mm) in width and four hundred and thirty-five millimeters (435 mm) in height with the upper extremity of the poster not greater than two hundred and fifty centimeters (250 mm) from the ground;
 - iv. "Real Estate Open House Sign" means a temporary sign, not anchored to the ground, intended to provide direction to a building, property, premises or a portion thereof offered for sale, rent or lease and may indicate information as to the real estate agent and the name and location of the sales office;
- c. Amend the title of Section 3.7 from "Removal of illegal signs" to "Removal of signs";
- d. Delete subsections 3.7 (b) and (c);
- e. Add the following subsections to Section 3.7:
 - i. Where a Poster Sign or Lawn Sign is erected on Public Property, the sign may be removed immediately by the City and disposed of without notice or compensation;
 - ii. Where a sign is displayed in contravention of this By-law, the City may

immediately pull down or remove any sign that he/she determines constitutes a safety hazard or a safety concern without notice or compensation;

- iii. Signs, other than those specified in subsection (i), shall be stored by the City for a period of not less than 60 days, during which time the sign owner or the sign owner's agent may be entitled to recover the sign from the City, subject to paying the fee set out in the Fees and Charges By-law, 171-2003 and submitting a signed acknowledgement and release on a prescribed form;
- iv. Where a sign has been removed by the City and stored for a period of at least 60 days, and the sign has not been claimed, the sign may be destroyed or otherwise disposed of by the City;
- v. Where a sign has been removed and stored by the City and the sign has not been claimed, all costs and charges for the removal, care and storage of the sign under this by-law are a lien upon it which may be enforced by the City in the manner provided by the Repair and Storage Liens Act, R.S.O. 1990, c. R.24, as amended; and
- vi. In the instance where a sign Owner has not complied with a Notice from the City to remove a sign, the City may remove the sign and the cost incurred by the City in removing a sign may be added to the tax roll and collected in the same manner as municipal taxes. The cost incurred by the City in removing a sign under this part of the By-law is a debt payable to the City;

f. Add the following subsection to Section 5.2:

- i. Signs are required to list the address of the property being advertised.

g. Delete Section 5.3 (e).

h. Add Section 9.0 – Exemptions, with the following text:

- i. The City of Vaughan and Regional Municipality of York (the Region) are exempt from the requirements of the City's Sign By-law, which extends to signage developed by the City or Region for the purpose of distribution by other parties, subject to prescribed conditions set out by the City or Region in agreements with these parties.

FORCE AND EFFECT

3. This By-law shall come into force and effect on the date it is enacted.

Enacted by City of Vaughan Council this 11th day of April 2018.

Hon. Maurizio Bevilacqua, Mayor

Todd Coles, Deputy City Clerk

Authorized by Item No. 2 of Report No. 4
of the Committee of the Whole (Working Session)
Adopted by Vaughan City Council on
January 30, 2018.