



OAKVILLE

## REPORT

COMMUNITY SERVICES COMMITTEE

MEETING DATE: JUNE 17, 2019

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**FROM:** Municipal Enforcement Services and Engineering and Construction Department

**DATE:** May 28, 2019

**SUBJECT:** Community Mobile Sign Review- By-law 2019-059

**LOCATION:** Town wide

**WARD:** Town wide

Page 1

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### RECOMMENDATION:

That By-law 2019-059, a by-law to amend the By-law 2018-153 (The Sign By-law), attached as Appendix A to the report from the Municipal Enforcement Services and Engineering and Construction departments, dated May 28, 2019, be passed.

### KEY FACTS:

The following are key points for consideration with respect to this report:

- The sign by-law 2018-0153 has been in effect since January 1, 2019
- The community mobile sign program has been in place since 2005
- Council directed staff to undertake a review of community mobile sign locations investigating the need and opportunity for additional locations
- Council also directed staff to undertake a review of the bag sign removal and enforcement process and provide enforcement options to Council
- Staff consulted with the public and stakeholders, requesting input into locations for community mobile signs

### BACKGROUND:

On December 10, 2018, Planning and Development Council passed the following resolution:

**That staff be directed to report back to the Planning and Development Council by the second quarter of 2019, on the feasibility of adding community mobile sign locations in each ward.**

Additional direction, requesting staff to undertake a review of bag sign removal and enforcement and to provide enforcement options was also given at the December 10<sup>th</sup> meeting.

On April 3<sup>rd</sup>, 2019, town staff held a public open house to discuss options for additional community mobile sign (CMS) locations. Invitees included residents' associations, downtown BIA's, the Oakville Chamber of Commerce and 2018 applicants for a community mobile sign. Notice of this meeting was provided through email, the Oakville Beaver and the town's social media outlets.

On May 15, 2019 staff consulted with a representative from the Joshua Creek Residents Association. The JCRA advised they were satisfied with the proposed location, noting that a location along Cornwall Road would be preferable. The JCRA requested that the Designated Official consider a location along Cornwall Road after road construction is complete.

#### **COMMENT/OPTIONS:**

##### Community Mobile Signs

Community mobile signs are located on town property and issued to charitable or not for profit groups whose primary purpose is to provide recreational, cultural or community services to residents of Oakville. This service allows access to advertising space that would not otherwise be available.

Until now, specific CMS locations have been approved by by-law, which has also included an overall limit of two locations per Ward. An amendment to delete the limit of two CMS per Ward has been included in the amending by-law (attached as Appendix A) to allow for more flexibility in placement of CMSs on a go-forward basis.

Staff have reviewed existing locations of CMSs in each Ward taking into consideration Ward coverage, visibility and the number of permits issued. In 2018, permit issuance (excluding temporary locations) ranged from 12 to 31 as shown in the Community Mobile Sign Permit Report attached as Appendix B.

Based on the staff review and community desire for additional community signage, additional proposed locations for CMSs are identified in Appendix C and include:

- Ward 1 – Ontario Street – abutting Bronte Heritage Park
- Ward 2 – Lakeshore Road W – abutting Sir John Colbourne
- Ward 3 – NE corner of Ford Drive and Lakeshore Road
- Ward 4 – SE corner of Grand Oak Trail and Westoak Trail
- Ward 5 – North side of Leighland Ave west of Trafalgar Road
- Ward 6 – Ninth Line – abutting Crusaders Rugby Park

## Ward 7 – Hospital Gate North side of Dundas Street

The sign by-law 2018-153 delegates authority to the Designated Official to add or remove CMS locations. To enable a more nimble yet transparent review process, an amendment to the sign by-law is also proposed, requiring the Designated Official to consider public safety and proximity to existing signs when approving new locations.

The Designated Official shall ensure that the new CMS location:

- a. is located on Town property;
- b. is located on a primary or secondary road, where a primary or secondary road is described as a major collector or arterial road in the Livable Oakville Plan or an arterial/transit corridor or avenue/transit corridor in the North Oakville Secondary Plans, or in a high traffic area;
- c. is not located within thirty (30) metres of another mobile sign location or ground sign; and
- d. will not obstruct the view of any pedestrian, cyclist or driver of a motor vehicle or obstruct the visibility of any traffic sign or device, or be located where the sign could interfere with vehicular traffic so that it could endanger any person.

Finally, an amendment reducing the blackout period from 14 days to 7 days is proposed for signs erected by the same applicant in the same Ward. This amendment provides more consistency in the process between CMS, mobile and chartable signs.

In summary, the proposed amendments address the immediate need for additional community signage, while creating a process to address future needs that consider safety issues.

### Bag signs

On December 10, 2019 Council requested a review of the bag sign removal and enforcement process. Staff conducted a municipal scan including Brampton, Mississauga, Burlington, Milton and Halton Hills. The consensus among these municipalities is that it is extremely difficult to issue charges that have sufficient evidence to stand up to challenge in court. Mississauga, Brampton and Halton Hills have bag sign removal programs where either enforcement staff and/or road and works staff dispose of bag signs and signs attached to poles. In these cases, if evidence is available and collected it is provided to enforcement for the issuance of charges.

Burlington and Milton have bag sign removal and billing programs. Town of Milton Report CORS-011-19 states that the Town has invoiced 189 different offenders with a collection rate of 27% including recoveries collected via collection agencies, noting

that a large portion of the invoices require the use of collection agencies. The Milton report also states that “the actual number of offenders is significantly higher than 189, however only those organizations that can be identified and located by MLEO staff are forwarded to accounts receivable for collection.”

The City of Burlington has a similar program focusing on habitual offenders removing a total of 805 signs in 2017 and 1460 in 2018 including election signs. Burlington currently collects 46% of amounts invoiced. Burlington staff also advised that there is a significant amount of resources put towards the identification of companies, and concurred that many companies cannot be identified and located for collection.

Burlington and Milton estimate staff time resources from drive time, sign removal and documentation, disposal, corporate searches, invoicing and collection to be approximately 1 to 1.5 hours. It is the experience of Milton and Burlington that the investigative process can cause delays in the timely removal of signs.

In Oakville, Traffic Operations received 210 work orders in 2018 and removed 5738 signs using 1455 hours of labour. A removal and billing program would require an estimated 3 FTE's to maintain sign removal standards set under Traffic Operations and investigative service levels within Municipal Enforcement Services. This estimate is based on 1 hour of staff time per sign with an estimated cost recovery at 25%.

It is commonly believed that visible signs of crime can create an environment that encourages crime. This is what is known as the “broken window theory”, which can also be applied to signs, in that, if illegal signs are left, others will follow. In keeping with the theory, the faster signs can be removed, the fewer will follow, creating a common understanding that nuisance signage is not accepted while reducing financial benefit. As a result of the information gathered, including returns and estimated time to manage a bill back program, no change to the sign removal program is recommended at this time.

## **CONSIDERATIONS:**

### **(A) PUBLIC**

Public consultation was held on April 3<sup>rd</sup>, 2019. Notice was published in the Oakville Beaver and sent to residents' associations and all applicants of mobile sign permits issued in 2018.

**(B) FINANCIAL**

The proposed amendments to the Sign By-law are not expected to have an impact on fine or administrative penalty revenue but there will be some increase in permit revenue due to the increased number of CMS locations.

**(C) IMPACT ON OTHER DEPARTMENTS & USERS**

Multiple departments including Engineering and Construction, Legal and Roads and Works Operations have been involved in the review process.

**(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS**

This report addresses the corporate strategic goal to:

- enhance our economic environment
- continuously improve our programs and services
- provide outstanding service to our residents and businesses
- be accountable in everything we do
- be the most livable town in Canada

**(E) COMMUNITY SUSTAINABILITY**

Updated Sign By-law regulations affect the economic, cultural and social pillars of sustainability. Allowing reasonable advertising opportunities, without negatively affecting residents or community character, can assist local charitable or not for profit groups, community events and local businesses.

**APPENDICES:**

- Appendix A – By-law 2019-059 - A by-law to amend By-law 2018-153, a by-law to prohibit and regulate signs within the Town of Oakville
- Appendix B – 2018 Community Mobile Sign Permit Report
- Appendix C – Community mobile signs location map

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