

The County of Peterborough

County Council

To: Warden and Members of Council

From: Peter Nielsen, Manager, Engineering and Design

Date: February 1, 2017

Subject: Review of Sign By-law No. 2007-55 – 2nd Interim Update

Recommendation:

Whereas, at the January 20, 2016, meeting, Council directed the Clerk to prepare a By-law to amend County of Peterborough Sign By-law No. 2007-55 to prohibit the issuance of permits for Bush Country Signs for a period of twelve (12) months from the date of passage of the By-law amendment to allow for the completion of consultation and research, and;

Whereas, the period of twelve (12) months has passed and staff has conducted consultation and research and is preparing to present alternatives for the consideration of local municipal Councils and County Council;

Now therefore be it resolved that the Clerk be directed to prepare a By-law to amend County of Peterborough Sign By-law No. 2007-55 to prohibit the issuance of permits for Bush Country Signs for a further period of twelve (12) months from the date of passage of the By-law amendment, and further;

That staff be directed to obtain comments and feedback from local municipal Councils on alternatives being considered for the Bush Country Sign section of Sign By-law No. 2007-55 and report back to County Council, and further;

That the Clerk be directed to notify area municipalities within the County of Peterborough of the amendment to Sign By-law No. 2007-55.

Financial Impact: Potential lost revenue of \$15,600 for annual maintenance fee for 156 existing Bush Country Signs.

Background:

At the January 20, 2016, meeting of County Council, staff presented a report concerning the interim update of the review of Sign By-law No. 2007-55 (Sign By-law) with the request for approval of a By-law amendment to prohibit the issuance of permits for Bush Country Signs for a period of twelve (12) months.

The Sign By-law review commenced on August 5, 2015, with the objective of reviewing if the original by-law was still a “good fit” for the greater Peterborough County region.

There was a particular focus to be made on the “Bush Country Sign” (3rd party advertising and private signs) section of the By-law.

Concerns raised in relation to the current Sign By-law included the need for the by-law document to be clear and concise, the need for signs to be aesthetically pleasing while, at the same time, be supportive of the business community and the need to coordinate with local municipalities.

Sign By-law 2007-55 attempts to balance three (3) areas of concern, being:

- To consider motorist safety
- To preserve the natural beauty of the County
- To support local commercial and tourism industries

In the fall of 2015, staff attended meetings of Council of area municipalities that are particularly impacted by the Bush Country section of the County’s Sign By-law including the Municipality of Trent Lakes, the Township of North Kawartha, the Township of Havelock-Belmont-Methuen and the Township of Selwyn.

Comments related to Bush Country Signs included discussion on the contradiction between the visual impact of these signs on the natural beauty of the County and on the support provided by these signs to the commercial and tourism industry in the designated Bush Country areas as well as other issues.

Through 2016, a number of activities were undertaken in relation to the Sign By-law review:

- An on-line survey was released for public commenting on areas of concern related to signage along County roadways with notification through social media, the County and Township websites and through newspaper notifications.
- Staff contacted a number of area businesses, sign owners and Chambers of Commerce for the purpose of receiving feedback and to advise of the survey being available.
- Meetings were convened with staff of municipalities who are particularly impacted by the Bush Country Sign section of the by-law.
- Meetings were held with representatives of Peterborough Economic Development (PED) to review the option of Way-finding signage as an alternative to Bush Country Signs.

Analysis:

Survey Results:

The survey was made available from August through October 2016 via SurveyMonkey with 118 responses received. The results of the survey are included with this report (see Powerpoint presentation attached).

Public notification of the on-line survey was provided through Twitter and Facebook, on the County website and through letters and emails issued to various parties and through notification to the local municipalities with direct interest in Bush Country Signs.

As an overall statement on the results of the survey, respondents noted that the current By-law requires improvement.

Many respondents noted that Bush Country Signs do not contribute to the natural beauty of Peterborough County and that there are too many signs in place.

It was recognized that Bush Country Signs are supportive of local commercial and tourism businesses; however, there may be alternative methods of advertising that could be utilized.

Bush Country Signs are an affordable mechanism for local businesses to advertise and, if phased out, some other means to support County businesses should be developed.

There was a general split on the use of alternative signage such as Provincial TODS (Tourism-Oriented Directional Signs) and Wayfinding Signs versus the continued use of Bush Country Signs.

Enforcement of the Sign By-law was noted as a requirement but support for the hiring of a new County By-law Enforcement Officer to perform enforcement was not high.

Legal Opinion – Removal of Bush Country Signs

As part of the By-law review process, LLF Lawyers LLP was requested to review the current By-law and comment on the authority provided to the County with respect to the removal of existing Bush Country Signs.

Section 4 of Sign By-law 2007-55, paragraph 4.1c) states that:

Any person wishing to erect a sign on the County Road allowance shall enter into an agreement with the County, said agreement to include but not be limited to the following:

- i) Provisions for the removal of said sign at their cost within 15 days of receiving written notice from the Road Authority.

In considering the By-law, the response received related to the authority for the County to remove signs is, as follows:

“With respect to signs on private property, section 99(1) (of the Municipal Act) grandfathers those signs. That is, once a sign has been erected on private property under a valid permit, its removal cannot be ordered when it complies with all regulations respecting its erection and maintenance. The protection accorded non-conforming signs continues so long as the sign is not in any way substantially altered. A municipality therefore has no power to require compliance with a new sign by-law where a sign was legally erected and displayed prior to the coming into force of the by-law.

As for signs on County property, I would view the “permit” on the basis of the yearly maintenance fee as a “yearly tenancy” and where the County wants to revoke or cease “issuing” the permit, the County could give notice that the “permit” will not be renewed. It is unreasonable to assume that the issuance of the permit by the County gives the sign owner the ability to erect and maintain a sign on County property for an unlimited period.

I believe that you indicated that the maintenance fee is payable in March. I do not think that it would be unreasonable for the County to advise (in writing) permit holders for signs on County land that the permits will not be “renewed” for the next yearly period and that the sign owners may apply under the new by-law.”

On this basis, with the stated authority provided under Section 4 of By-law 2007-55, it would be sufficient to provide permit holders advance written notice to order the removal of existing Bush County signs from County road allowances.

Current State of Bush Country Signs

As part of the research on Bush Country Signs, staff spent time through 2016 confirming the inventory of permitted Bush Country Signs.

A total of 156 signs have been issued permits but it was discovered that are 62 signs have been installed without permits being issued. It would appear that some parties took advantage of the moratorium and installed signs with the moratorium in place.

Staff started the process of notifying sign owners to remove the offending signs. Many of the signs have been removed and staff are continuing the contact remaining sign owners.

Summary:

At this time, staff is requesting that Council approve a continuation on a hold on the issuance of Bush Country Signs for a further period of one (1) year to permit the completion of the Sign By-law review.

Staff will report back to Council for consideration of options including:

- Continuation of the Bush Country sign program (status quo);
- End of the Bush Country sign program (development of a By-law for the sole purpose of regulation of County property only);
- Phase out of the current By-law to restrict third party advertising on County roadways through:
 - o Grandfathering and no issuance of further permits, or;
 - o Limiting advertising signage to local businesses, or;
 - o Limiting advertising signage to built-up areas or;
 - o Assumption of the Bush Country sign program by local municipalities;
- Development of a Way-finding signage program in support of the tourism industry intended to convey location and direction to visitors throughout the County;
- Other options that may be identified through public consultation.

The review of Sign By-law No. 2007-55 will continue through 2017 with a final report anticipated for presentation to County Council by year-end.

Establishment of an additional By-law amendment will direct staff to continue to place a hold on the issuance of further Bush Country sign permits.

Respectfully submitted,

Original signed by

Peter Nielsen
Manager, Engineering & Design