THE CORPORATION OF THE CITY OF MISSISSAUGA

Public Nuisance Sign
By-law 0222-2008

WHEREAS section 11(2) of the *Municipal Act 2001,* S.O. 2001 c. 25, as amended, ("Municipal Act") authorizes a lower-tier municipality to pass by-laws with respect to the economic, social and environmental well-being of the municipality, as well as the health, safety and well-being of persons;

AND WHEREAS section 11(3)(7) and section 99 of the Municipal Act authorize a lower-tier municipality to pass by-laws with respect to structures including fences and signs;

AND WHEREAS section 128 of the Municipal Act authorizes the council of a local municipality to prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council, are or could become or cause public nuisances;

AND WHEREAS section 128 of the Municipal Act provides that the opinion of council made under that section of the Act is not subject to review by any court if it is arrived at in good faith;

AND WHEREAS the Council of the Corporation of the City of Mississauga ("Council") has enacted the Sign By-law 54-02, as amended, to regulate signs and other advertising devices in the City;

AND WHEREAS despite being prohibited under the Sign By-law 54-02, as amended, there is a proliferation of temporary signs being erected on public road allowances, including traffic signal poles, traffic signage poles and streetlighting poles within the public road allowances throughout the City;

AND WHEREAS Council finds such proliferation of illegal signs on public road allowances, including those signs on traffic signal poles, traffic signage poles, streetlighting and utility poles within the public road allowances throughout the City to be public nuisances, as they constitute a safety hazard by distracting pedestrians and motorists, interfere with the daily activities of residents, and undermine the aesthetic qualities of the City;

NOW THEREFORE the Council of The Corporation of the City of Mississauga ENACTS the following:

1. All signs that are prohibited to be placed on public road allowances under the City's Sign By-law 54-02, as amended, including those prohibited signs that are found on traffic signal poles, traffic signage poles, streetlighting or utility poles within the public road allowances, are hereby declared as public nuisances.

2. The following persons are hereby authorized to remove and dispose of those signs declared as public nuisances in section 1 and as described in Schedule A of this By-law, subject to any conditions as noted below:

Authorized Persons	**Conditions of Authorization**
Mayor and Members of City Council and all City employees	May remove and dispose of any signs as described in Schedule A of this By-law
All property owners and occupiers	May remove and dispose of any signs as described in Schedule A of this By-law **and** that are found on the public property abutting the property owner/occupiers' private property
All residents of the City of Mississauga	May remove and dispose of any signs as described in Schedule A of this By-law, **subject to** entering into an authorization agreement with the City in a form satisfactory to the Commissioner of Planning and Building or designate.

3. The Commissioner of Planning and Building or designate is authorized to enter into appropriate agreements with residents of the City of Mississauga to authorize such residents to remove prohibited public nuisance signs as defined in this By-law.

4. Any authorizations given under this By-law and compliance with this By-law shall not exempt any person from complying with any other applicable laws, by-laws, regulations and other requirements of governmental authority.

5. Any authorizations given under this By-law shall only be restricted to the subject matter of this By-Law and the terms and conditions of this By-law and any signed authorization agreement with the City. The Commissioner of Planning and Building or designate may revoke the delegation of powers under an authorization agreement with the City and terminate such agreement

with any person who is found to violate the terms of this By-law or the authorization agreement as determined by the Commissioner.

6. Nothing in this By-law shall affect the rights of any City employees or other persons from enforcing the Sign By-law 54-02, as amended, or any other applicable laws or by-laws, if such City employees or persons are authorized to enforce such laws and by-laws. Further, nothing in this By-law shall limit the enforceability or applicability of the Sign By-law 54-02, as amended, to regulate signs and advertising devices in the City.

7. The Commissioner of Planning and Building or designate is authorized to enter into any necessary agreement with Enersource Hydro Mississauga Services Inc. ("Enersource") to enable authorized persons under this By-law to remove illegal signs on Enersource utility poles.

8. If a court of competent jurisdiction declares any section or part of a section of this By-law invalid, it is the intention of Council that the remainder of the By-law shall continue to be in force.

ENACTED and PASSED this 18TH day of June, 2008.

Signed by Susan McFadden, Acting Mayor and Crystal Greer. City Clerk

SCHEDULE "A"
Public Nuisance Signs Authorized for Removal

1. Temporary signs that are prohibited by the Sign By-law 54-02, as amended, are authorized for removal and disposal under this By-law, if such signs are:

   (1) $1.0m^2$ (10 sq. ft.) or less in size; **and**

   (2) located or placed on the boulevard between a sidewalk and the travelled portion of the road allowance (i.e. the curb), including those signs that are found on:

      (i) traffic signal poles;

      (ii) traffic signage poles, but not on the face of the traffic signs;

      (iii) streetlighting and utility poles;

      that are located on the boulevard between a sidewalk and the travelled portion of the road allowance.

2. Notwithstanding section 1 of this Schedule "A", no authorization shall be granted under this By-law for the removal and disposal of the following signs, whether or not they are prohibited under the Sign By-law 54-02, as amended:

   (a) election signs;

   (b) real estate signs;

   (c) open house signs;

   (d) signs placed on a bus shelter;

   (e) signs that have been placed on a poster sleeve; and

   (f) signs that are otherwise not prohibited under the Sign By-law 54-02, as amended.

3. In addition to section 2 of this Schedule "A", no authorization shall be granted under this By-law for the removal and disposal of garage sale signs for garage sales that will be taking place or have taken place within one (1) day of the day the sign is found, unless the garage sale sign is found on a streetlighting pole, a traffic signal pole, a traffic signage pole or a utility pole, and not on a poster sleeve.