

Mobile Sign Business Licensing By-law

L-128-117 - Enacted April 30, 2007

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Bill No. 182
2007

By-law No. L.-128-117

A by-law for licensing, regulating and governing persons who carry on the business of leasing mobile signs.

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WHEREAS pursuant to Sections 10 and 151 of the Municipal Act 2001, a municipality may pass by-laws with respect to business licensing; **AND WHEREAS** it is deemed appropriate to licence the business of leasing mobile signs.

Therefore the **MUNICIPAL COUNCIL** of The Corporation of the City of London enacts as follows:

MOBILE SIGN BUSINESS LICENCING BY-LAW

Definitions

1. In this by-law,

“applicant” means a person applying for a licence under this by-law;

“Director of Building Controls” means the Chief Building Official as appointed by Council pursuant to the *Build Code Act*;

“mobile sign” means a sign which is specifically designated or intended to be readily moved from one location to another and which does not rely on a building or fixed foundation for its structural support, and includes a portable and relocateable sign, a banner sign, and an inflatable sign, but does not include a sign attached to a vehicle where the principal use of the vehicle is the transportation of people, goods and other material;

“licence” means the certificate issued under this by-law;

“licensee” means the person licensed under this by-law;

“a person carrying on the business of leasing mobile signs” includes a person who, from a location inside or outside the municipality, carries on the business of leasing mobile signs in the municipality if the person locates or permits the location of his or her mobile signs within the City of London;

“prescribed licence fee” means the fee set out in Schedule “A” to this by-law;

“sign” includes an advertising device or notice any means any visual medium, including its structure and other component parts, which is used or capable of being used to attract attention to a specific subject matter, other than itself, for identification, information or advertising purposes.

Administration of By-law

2. The administration of this by-law is assigned to the Director of Building Controls who may delegate the performance of his or her functions under this by-law from time to time as occasion requires.

Offence Not to Have Licence

3. No person shall carry on the business of leasing mobile signs in the City of London without having a current valid licence to carry on such business in the City of London.

Application for Licence

4. Every application for the issuance or renewal of a licence to carry on the business of leasing mobile signs shall be made in writing on forms provided by the Director of Building Controls and shall contain the following information:
 - (a) the full name, street address and mailing address of the applicant;
 - (b) whether the applicant is a sole proprietorship, partnership or corporation;
 - (c) where the applicant is a sole proprietorship or partnership, the full name, street address, mailing address and date of birth of the individual comprising the sole proprietorship or of each individual who is a member of the partnership;
 - (d) Where the applicant is a corporation or a partnership of which a member is a corporation, a copy of the articles of incorporation, a copy of the last annual information return filed, the full name, street address, mailing address and date of birth of each officer and director of the Corporation;
 - (e) The street address at which the applicant is carrying on business.

Issuance of Licence

5. The Director of Building Controls shall issue a licence except where

- (a) the applicant does not meet the requirements of this by-law or any other applicable law or by-law; or
- (b) the application therefore is incomplete or the prescribed licence fee is unpaid.

Renewal of Licence

6. The Director of Building Controls shall renew the licence on submission of a new application therefore, prior to the expiry date of the licence as set out in section 7, except where:
- (a) the application does not meet the requirements of this by-law or any other applicable law or by-law; or
 - (b) the application therefore is incomplete or the prescribed licence fee is unpaid; or
 - (c) the past conduct of the applicant or licensee affords reasonable ground for the belief that the applicant or licensee will not carry on the activity for which he is licensed or continue to be licensed in accordance with law; or
 - (d) the renewal of the licence would be contrary to public interest; or
 - (e) the applicant or licensee is carrying on activities that are, or will be, if the applicant is licensed, in contravention of this by-law or the Sign and Canopy By-law.

Expiration of Licence

7. Every licence issued under this by-law shall, unless revoked or surrendered at an earlier date, expire on the date indicated on the face of the licence but in no case shall the term of the licence exceed one year.

Revocation of Licence

8. Where the holder of a licence issued under this By-law fails to make any payment when due under this By-law or the Sign and Canopy By-law (By-law S-3775-94), the Director of Building Controls may give notice of intention to revoke the licence.

Licence Transferable

9. The licence issued under this by-law shall not be transferable.

Referral to Board of Control

10. (1) Where the Director of Building Controls refuses to issue or renew a licence, he shall give notice of his or her refusal to the applicant together with the reason in writing for his or her refusal, and the applicant may request the Director of Building Controls in writing to refer the matter of his or her refusal to the Board of Control.
- (2) Where the Director of Building Controls intends to revoke a licence he shall give notice of his intention to the licensee together with the reason in writing, and shall refer the matter to Board of Control.

Proceedings by Board of Control

11. (1) Where there is a referral to the Board of Control, it shall hold a meeting for the purpose of directing the Director of Building Controls to issue, renew or revoke the licence or not to issue, renew or revoke the licence.
- (2) Notice of the meeting shall be given, at least fifteen days prior to the date of the meeting, to the applicant and to every person, civic department, board, commission, authority or agency that has submitted comments or recommendations to the Director of Building Controls in respect of the application.
- (3) The Director of Building Controls shall submit to the Board of Control a copy of the application and any comments, recommendations or information received by the Director of Building Controls in respect of the application.
- (4) The Board of Control,
 - (a) shall afford the applicant an opportunity at the meeting of making submissions in respect of the application;
 - (b) shall afford the Director of Building Controls and any other person, civic department, board, commission, authority or agency given notice under subsection (2) and in attendance at the meeting an opportunity to make submissions in respect of the application;
 - (c) may close all or any portion of the meeting to the public for the purpose of receiving and considering submissions of a confidential nature;
 - (d) shall give due consideration to the comments, recommendations and information submitted to it;
 - (e) may impose such conditions on the licence as the Board of Control considers appropriate;
 - (f) shall by resolution direct the Director of Building Controls to issue, renew or revoke the licence or not to issue, renew or revoke the licence; and
 - (g) shall give written notice of its direction to the Director of Building Controls, the applicant/licensee and any person, civic department, board, commission, authority or agency in attendance at the meeting, together with the reason in writing for its direction.
- (5) Any motion made at the meeting respecting the issuance, renewal or revocation of the licence on which there is an equality of votes shall be deemed to be decided by the Board of Control in favour of the issuance, renewal or revocation of the licence.
- (6) Where the Board of Control directs the Director of Building Controls to issue, renew or revoke the licence, the Director of Building Controls shall issue, renew or revoke the licence forthwith upon receipt by him of the notice mentioned in clause (4) (f).

Licence Not Authority to Contravene Law

12. The issuance or renewal of a licence is not intended and shall not be constructed as permission or consent by the Corporation for the holder of the licence to contravene or to fail to observe or comply with any law of Canada or Ontario or any by-law of the Corporation.

Licence Surrender Cancellation

13. The Director of Building Controls may cancel a licence which is voluntarily surrendered by the holder for cancellation and a prorated refund will be made.

Penalty

14. Every person who contravenes any provision of this by-law is guilty of an offence and is liable upon conviction to a penalty as authorized by the *Provincial Offences Act*.

Repeal - Enactment

15. By-law No. L.-127-659 and all of its amendments are hereby repealed.

Commencement

16. This by-law comes into force on the day it is passed.

PASSED in Open Council on April 30, 2007.

Anne Marie DeCicco-Best
Mayor

Linda Rowe
Deputy Clerk

First reading - April 30, 2007
Second reading - April 30, 2007
Third reading – April 30, 2007

SCHEDULE "A"
TO BY-LAW NUMBER L. 127-659
ANNUAL LICENCE FEES

A fee of \$250.00 shall be submitted with the application for the issuance of a licence or renewal of a licence, where the licence is for a period of 1 year. If the licence is for a period of less than 1 year, the fee shall also be prorated.