

THE CORPORATION OF THE MUNICIPALITY OF SOUTH DUNDAS

BY-LAW NO. 2015-31

A By-law for the control and/or regulation of signs.

WHEREAS the *Municipal Act, 2001, as amended*, authorizes municipalities to pass by-laws respecting structures, including fences and signs;

AND WHEREAS Council deems it necessary to regulate and control signs within the Municipality of South Dundas to ensure they are safe, compatible with their surroundings, and do not create a visual distraction for pedestrians or motorists;

AND WHEREAS Council deems it necessary to control signs on Municipal property and road allowances;

NOW THEREFORE the Council of the Corporation of the Municipality of South Dundas enacts as follows:

1. That the rules and regulations contained in this By-law as set out in Schedule "A" attached hereto and forming part of this By-law, shall be hereby adopted.
2. That the Sign Permit Application as set out in Schedule "B" attached hereto and forming part of this By-law shall be hereby adopted.
3. That fines shall be set as per Schedule "C" attached hereto and forming part of this by-law.
4. That this By-law shall come into force and effect on the date of final passing.

READ a first and second time in open Council, signed and sealed this 7th day of April, 2015.

MAYOR

CLERK

READ a third time and finally passed in open Council, signed and sealed this 2nd day of June, 2015.

MAYOR

CLERK

Schedule "A"
To By-law No. 2015-31

1. Definitions

The following definitions apply to this By-law:

"A-Frame" or "Sandwich Board" sign means a free standing single or double faced temporary accessory sign.

"Advertising Device" shall mean any device or object designed and intended to be erected or located or affixed on any property: this shall include signs, flags, banners, pennants, lights, or any object intended for advertising purposes.

"Agreement" shall mean the encroachment permit entered into between the Municipality and the Company, which sets out conditions, regulations and requirements to be adhered to.

"Alter" shall mean any change to the physical characteristics of a sign, but shall not include a change to the message on the sign that is consistent with the original purpose of the sign.

"Banner" means a band or strip of cloth type material that bears advertising or slogan of a temporary nature normally hung in front of a building, on a railing, or an overpass.

"Billboard" means a sign that contains a message not related to a property the sign is located on.

"Building Official" means the Chief Building Official of the Municipality of South Dundas and/or his/her designate.

"Company" shall mean the person(s), firm or organization to whom the permit is granted.

"Corporation or Municipality" shall mean the Corporation of the Municipality of South Dundas and its officers or employees appointed to administer the provisions of this By-law;

"Council" means the Council of the Corporation of the Municipality of South Dundas.

"County" shall mean the United Counties of Stormont, Dundas and Glengarry.

"County Road" means the County road allowances comprising the entire right of way of any County Road including sight triangle, under the jurisdiction, control or ownership of the County.

"County Road Line" means the limit of the County road allowance and is the dividing line between real property and a County Road.

"Election Sign" means any sign advertising or promoting the election of candidates, and includes a portable sign.

“Erect, Erected, Erected” include the construction, maintenance, display, alteration, placing or relocation of any sign or portion thereof.

“Expenses” means the cost incurred by the Municipality to remove any sign or other advertising device which contravenes this By-law whether or not notice was issued, payable by the owner of such sign or advertising device or property prior to release.

“Fascia or Wall Sign” means a sign attached, marked or inscribed on, erected or placed against, flat and parallel to an exterior wall surface of a building, which may or may not be illuminated.

“Free Standing Sign” means a sign which has its own standing supports that are independent of a building or other structure.

“Highway” means a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof.

“Illuminated” means any sign lighted by direct, indirect, internal or external illumination and includes a back lit sign.

“Mobile Sign” or “Portable Sign” means a sign which is intended to be temporary and portable in nature, capable of being readily relocated from one location to another, and which does not rely on a building or a fixed foundation for its structural support and shall include but not be limited to mobile, movable signs, “A” frame and sandwich board signs. A mobile sign or portable sign may be a maximum size of five metres squared (5m²).

“Municipal Property” means real or personal property owned, occupied or rented by the Municipality.

“Officer” means the Municipal Law Enforcement Officer, Building Inspector or Chief Building Official of the Municipality of South Dundas and/or his/her designate.

“Owner” means the registered owner of the lands or premises or the person or the person’s authorized agent or tenant in lawful control of premises, building occupancy, sign or other structure

“Permit” means a permit issued by the Municipality granting permission or written authorization for a sign or advertising device, and issued by the Municipal Building Department.

“Person” means an individual, business, firm, corporation, association or partnership.

“Pole” means a wooden, metal, concrete or other pole erected on any street that carries any public utility and shall include any pole erected to hold or support any traffic control device.

“Public Property” means any street, park roadway or other property owned or under the jurisdiction of the Municipal, County, Provincial or Federal Government and includes any commission, board, authority, or department established by the Municipal, County, Provincial or Federal Government.

“Real Estate Sign” means a temporary, non-illuminated sign advertising the sale, rental or lease of any building, premises, structure or land.

“Sight Triangle” shall mean the triangular space formed by the street lines of a corner lot and a line drawn from a point in one street line to a point in the other street line, each such point being six (6m) metres (20ft) from the point of intersection of the street lines (measured along the street lines). Where deemed to be the intersection of the projection of the street lines or the intersection of the tangents to the street lines.

“Sign” means any medium, including its structure and other component parts, which is used or is capable of being used to attract attention for identification, information or advertising purposes, and shall include an advertising device or notice.

“Site Plan” shall mean the plan produced by the applicant for a site plan on which the number, size, type and location of the signs to be located along the Municipality’s roadways/highways are shown.

“Street” shall mean a public thoroughfare under the jurisdiction of the Municipality.

“Temporary” shall be considered the same as a portable sign and is also determined by the length of time a sign may be placed in an approved location. A temporary sign may be a maximum size of 0.5 metres squared.

“Wording” means the placement of letters on a temporary, mobile or portable sign which has been placed in accordance with a permit issued under this By-law.

2. **Regulations**

- 2.1 No person shall erect, display, or alter, cause or permit to be erected, displayed, or altered, any sign, banner or advertising device on any Municipal Property after the passing of this By-law without first having obtained a Sign Permit.
- 2.2 Notwithstanding Section 2.1, signs advertising commercial/industrial or site specific uses approved under the Zoning By-law of the Municipality are permitted on site.
- 2.3 A permit issued under this By-law shall be revoked if the message communicated on the sign falls outside the ambit of reasonable community standards.
- 2.4 The Municipality reserves the right to remove any sign erected without a permit and which is placed within the travelled portion of a municipal highway, or on Municipal Property.

2.5 Signs on County Roads or Provincial Highways shall meet the By-laws or requirements of the relevant authority.

3. Placement of Signs

The following provisions for the placement of signs on Municipal Property shall apply.

- 3.1 No sign shall:
 - a) obstruct pedestrian or vehicular traffic;
 - b) obscure visibility of normal approaching pedestrian or vehicular traffic to a pedestrian or vehicle;
 - c) be erected or displayed so as to be, by nature of the colour, shape or location thereof, confused with any traffic control sign, signal or device, or obscure the visibility or effectiveness of an traffic control sign, signal or device;
 - d) be located in the sight triangle as defined herein; or,
 - e) advertise a business that is not operating within the Municipality.
- 3.2 Signs displayed on private real property for Home Occupations and Home Industries shall meet the Zoning By-law of the Municipality.
- 3.3 There shall be a minimum distance of sixty (60m) metres between signs and there shall be no signs erected within forty-five (45m) metres of the centreline of any Municipal Highway that intersects with another highway.
- 3.4 Signs shall be installed perpendicular to the centreline of a road.
- 3.5 In order to determine fair and equitable usage of the allotted locations along the County Road 2 corridor, the Municipality is responsible for the allocation and any necessary rotation in order to ensure fairness of usage.

4. Condition of Signs

- 4.1 The owner of any sign requiring a permit under this By-law shall at all times keep such sign in good repair and in proper state of preservation as to safety and appearance.
- 4.2
 - a) The Chief Building Official shall notify the owner of the sign requiring compliance under this By-law, if in his/her opinion, the sign requires remedial action.
 - b) Immediate removal of the sign identified in Section 4.2(a) by the Owner shall be required if the sign poses an imminent danger to persons or property.
- 4.3 If the remedial action required by Chief Building Official under Section 4.2(a) is not completed within seven days, the Chief Building Official may have the sign removed. Any fees incurred during this process shall be charged to the Owner of the sign.

5. Signs on Municipal Property

- 5.1 Temporary special events signs, including yard sales and trade advertising, may be displayed on the untraveled portion of Municipal Highways without a permit, provided that no signs are attached to any tree, pole or Municipal property; such signs shall only be permitted for the duration of the specific event or projects, and must be removed from Municipal property by the owner of the sign immediately following the event or project.

6. Permits for Signs

- 6.1 Any person wishing to erect a sign on Municipal Property shall submit an application on the appropriate form to the Chief Building Official.
- 6.2 Upon receipt of a completed Sign Permit application for a sign on Municipal Property, the Chief Building Official shall review and may issue a Sign Permit.
- 6.3 Consideration of issuance of Sign Permits will take into account the following:
- a) inherent nature of the Municipal Property where the sign is to be located, and the sign's congruity with the surrounding properties; and,
 - b) the Municipality's established principles for the placement of signs which include rotational basis, duration, and location.
- 6.4 Sign Permit applications shall require payment of a processing fee as prescribed by the Fees and Charges By-law, and as prorated for the balance of the calendar year then remaining.
- 6.5 Sign Permits shall be valid for a six (6) month period, expiring on March 31 & September 30 in each calendar year.
- 6.6 Applications for billboard type or large sign structures which require approval from the Municipal Building Department, shall be reviewed by the Chief Building Official. Each application for a large sign or structure shall be weighed on its own merit.
- 6.7 The Municipality may, from time to time, issue a permit for the placement of community notices that are larger than 0.5 metres squared on Municipal Property for a fee or at no cost to not-for-profit groups for the advertising of fundraising events.
- 6.8 Any permit issued to a business for the erection of a sign is non-transferable. Violation of this will result in the sign being removed and that location being reassigned at the discretion of the Municipality.

7. Penalty

Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine as defined in the Provincial Offences Act.

8. Exemptions

- 8.1 The following signs are exempt from the provisions of this By-law.
 - 8.1.1 A sign required by Federal or Provincial Statute or Municipal By-law.
 - 8.1.2 Real estate signs, realty directional signs, open house, and signs advertising the sale or lease of a building or property.
 - 8.1.3 A-Frame or Sandwich Board signs placed on a sidewalk or storefront on main street areas if and only if they are placed so as to not interfere with maintenance, snow removal operations and pedestrian traffic.
 - 8.1.4 Signs for Federal or Provincial Elections.
 - 8.1.5 Signs for Municipal elections placed on Municipal Highways.
 - 8.1.6 Service Club signs.
 - 8.1.7 Signs pertaining to public community safety programmes such as Crime Stoppers.
 - 8.1.8 Signs marking walking trails and snowmobile/ATV crossings, if and only if such signs are no more than 0.5 metres squared.
 - 8.1.9 Signs which gives direction or instructions for the control of vehicular or pedestrian traffic and shall include an entry and exit sign.
 - 8.1.10 Signs advertising community events such as fall fairs.
 - 8.1.11 Signs related to tourist attractions or tourist service businesses including TODS (Tourism Oriented Directional Signage).

9. Application for a Sign Permit

- 9.1 All signs shall comply with all applicable By-laws of the Municipality and other applicable laws. All signs shall be erected and designed in accordance with the requirements of the *Building Code Act, 1992*, as amended.
- 9.2 All applicants shall complete a Sign Permit application, on the form prescribed in Schedule "B" attached to this By-law. The applicant shall submit all necessary plans and drawings, and pay all applicable fees.
- 9.3 Where a Sign Permit application meets all requirements of this By-law, a Sign Permit may be issued by the Municipal Building Department.

- 9.4 All plans and drawings accompanying a Sign Permit application shall, where applicable, contain the following information:
- a) a key plan showing the general location of the land on which the proposed sign is to be located;
 - b) a plan drawn to scale and showing all measurements;
 - c) the location of all existing buildings and their entrances;
 - d) the location and dimensions of the frontage and all boundaries of the municipally owned property on which the sign is proposed to be erected; and,
 - e) proof of insurance as per Section 10.

10. Insurance & Indemnification

INSURANCE

Every applicant, shall submit, with a Sign Permit application, a certificate of insurance as evidence of coverage as follows:

Commercial General Liability Insurance issued on an occurrence basis for an amount of not less than \$2,000,000 per occurrence / \$2,000,000 annual aggregate for any negligent acts or omissions by the applicant relating to their obligations under this Agreement. Such insurance shall include, but is not limited to bodily injury and property damage including loss of use; personal injury; contractual liability; premises, property & operations; non-owned automobile; broad form property damage; products & completed operations; owners & contractors protective; occurrence property damage; employees as Additional Insured(s); contingent employers liability; cross liability, severability of interest clause and pollution liability resulting from hostile fire.

Such insurance shall add the Corporation of the Municipality of South Dundas as an Additional Insured. This insurance shall be non-contributing with and apply as primary and not as excess of any insurance available to the Municipality.

The Policies shown above shall not be cancelled unless the Insurer notifies the Municipality in writing at least thirty (30) days prior to the effective date of the cancellation. The insurance policy will be in a form and with a company which are, in all respects, acceptable to the Municipality.

INDEMNIFICATION

The applicant shall indemnify and hold the Municipality harmless from and against any liability, loss, claims, demands, costs and expenses, including reasonable legal fees, occasioned wholly or in part by any negligence acts or omissions whether willful or otherwise by the applicant, their officers, employees or other persons for whom the applicant is legally responsible.

As a condition to the issuance of a Sign Permit, all persons engaged in the business of installing or maintain signs which involves in whole or in part the erection, relocation, removal or maintenance of a sign or other work, shall agree to hold harmless and indemnify the Municipality, its officers, agents and employees from any and all claims of negligence resulting from erection, alteration, relation or maintenance of a sign or other work.

11. Administration

11.1 This By-law shall be administered by the Chief Building Official.

11.2 This By-law shall be enforced by the Chief Building Official.

11.3 This By-law shall be known as the "Sign By-Law".

Schedule "B"
To By-law No. 2015-31

Application for Sign Permit

Applicant/Business Name: _____

Applicant/Business Address: _____

Telephone: _____ Email: _____

Type of Sign Requested: _____ Illuminated: Y ___ N ___

Dimensions of Sign: Height: _____ Width: _____ Depth: _____

Conditions of Approval: _____

Plot/Site Plan Included: _____ Drawing or Photo Included: _____

Approvals County: _____ MTO: _____ Other: _____

Signature of Applicant: _____ Date: _____

Property/Business Owner: _____
Print Name Signature

Property Owner Mailing Address: _____

Confirmation of Liability Insurance: _____ Attached: Y ___ N ___

For Office Use Only:

Date of Issue: _____ Expiry Date: _____


Planning/Building/Zoning Approval Required: _____

Permit Number: _____ Date: _____

Number	Type	Cost
1.	A Permit to erect a sign	\$ 75.00
2.	To Remove a Sign	\$150.00

Permit Fee \$ _____ Paid: _____

Schedule "C"

 <p style="text-align: center;">The Corporation of the Municipality of South Dundas Part I, Provincial Offences Act Signs on Municipal Property By-law No. 2015-31</p>			
ITEM	Column 1: Short Form Wording	Column 2: Provision creating or defining offence	Column 3: Set Fines
1	Erect sign without a permit	Schedule "A" Section 2.1	\$300.00
2	Failure to comply with immediate removal of a sign as per By-law	Schedule "A" Section 4.2(b)	\$300.00

Note: the general penalty provision for the offences listed above, in Schedule "A" Section 7 of By-Law No. 2015-31, a certified copy of which has been filed, and Section 61 of the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33.