

# CORPORATION OF THE NATION MUNICIPALITY

## BY-LAW NO. 48-2005

**BEING** a By-Law to regulate the erection of Permanent signs, Temporary signs and Billboards within the boundaries of The Nation Municipality.

**WHEREAS**, the Municipal Act, 2001, Chapter 25, Section 99 provides that municipalities may pass by-laws respecting Advertising Devices, including Signs;

**AND WHEREAS**, the Council of the Corporation of The Nation Municipality considers it reasonable and necessary to regulate the erection, display and maintenance of Signs and other Advertising Devices within the boundaries of the Corporation of The Nation Municipality.

**NOW THEREFORE**, the Council of the Corporation of The Nation Municipality enacts as follows:

### 1. SHORT TITLE

This By-Law may be cited as the “Sign By-Law”.

### 2. DEFINITIONS

In this By-Law, except where a contrary intention appears:

“**Advertising Device**” means any device or object designed to attract attention to any business, activity or service, which is located on or attached to a property. This definition includes Signs, Billboards and any other object intended for said purposes.

“**Alteration**” means any change to a Sign Structure or Sign Face excepting the changing of Copy in compliance with this By-Law or the replacement of similar parts for maintenance purposes.

“**Awning**” means a shelter that protrudes from the exterior wall of a building, is constructed of non-rigid materials and is supported by a retractable frame or Sign Structure.

“**Canopy**” means a permanent Sign Structure that protrudes from the exterior wall of a building and is supported by a rigid frame or Sign Structure or a permanent Sign Structure that is separate from the building and supported entirely from the ground.

“**Community Information Sign**” means a sign of a design approved by the Municipality which informs the public of non-profit community services or programs such as service clubs, block parents, neighbourhood watch, adopt a road or park, and may provide identification of or directional information to community facilities such as churches, schools, libraries, sports or other community facility.

“**Community Special Event Sign**” means a sign of a design approved by the Municipality which informs the public of non-profit community sponsored special events designed to promote involvement in community celebrations and other activities primarily by the local population of the Municipality or any group of communities within the Municipality.

“**Copy**” means the wording and symbols on a sign.

“**Council**” means the Council of the Corporation of The Nation Municipality.

**“County Road”** means those county roads under the jurisdiction of the United Counties of Prescott-Russell.

**“Erected”** means attached, built, constructed, re-constructed, enlarged, placed or moved.

**“Face Area”** means the area of that portion of a sign, excluding any part of the Sign Structure, that is open to view and which may be used for the display of any advertising or other message or communication.

**“Front Wall”** means the building’s main wall which is facing the public road.

**“Grade”** means the average elevation of the ground directly beneath the sign.

**“Height”** means the vertical distance from the base at Grade to the top of the highest attached component of the Sign Structure but excludes ancillary lighting fixtures.

**“Lot”** means a parcel of land described as a single parcel of land with definite boundaries in a Registered Plan of Subdivision or as a single parcel of land with definite boundaries described in a deed or transfer registered in the Land Registry Offices of the Counties of Prescott and Russell pursuant to the Registry Act and which may be legally conveyed by the owner thereof.

**“Lot Line”** means the line formed by the boundary of any Lot.

**“Major Special Event Sign”** means a sign of a design approved by the Municipality, which informs the public of a special event designed to attract the local population and tourism to the Municipality and which is attended by crowds of one thousand (1,000) persons or more.

**“Municipal Roads”** means any road located on the territory of the Municipality, other than a County Road or highway.

**“Municipality”** means the Corporation of The Nation Municipality.

**“Person”** shall include any association, partnership, corporation, Municipal Corporation, agent or trustee and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.

**“Sign”** means any identification, description, illustration or device which directs attention to, or advertises, any Person, business, commodity, service or use. A Sign shall include **“Face Area”** and **“Sign Structure”** and shall be considered a structure for the purposes of this By-Law. Without limiting the generality of the above, the definition of Sign includes, but is not limited to, the following types of Signs:

**“Abandoned Sign”** means a Sign which formerly identified, but no longer correctly identifies, the business, commodity, service or use presently conducted, sold or offered. A Sign shall be deemed to be abandoned 90 days after such activity is discontinued.

**“Agro-tourism Enterprise Sign”** means a temporary Sign that is used to designate the location of or direction to an agro-tourism activity of short duration.

**“Animated Sign”** means a Permanent Sign or Advertising Device which depicts an action or motion, pivots on a spindle or contains an intermittent or flashing light source; or for which the action or motion is the result of animation or an external light source. This definition includes balloons, pennants and light bulbs arranged in series or otherwise.

**“Awning Sign”** means a Permanent Sign that is painted on or affixed to the surface of an awning, and that does not extend, horizontally or vertically beyond the limits of the awning.

**“Banner Sign”** means a temporary Sign that is constructed from lightweight, non-rigid materials, such as cloth or plastic, and that is attached with ropes, screws or hooks. A Banner Sign must be resistant to weather conditions.

**“Base Sign”** means a single or double-faced Permanent Sign that is affixed to the ground by a foundation of masonry, stone or concrete and is located along a public road.

**“Billboard Sign” or “Billboard”** means a Sign, including an Illuminated Sign which uses either permanent Copy, or poster panels or other similar surfaces to which temporary or permanent Copy is attached, with a single or double Face Area of three (3) square metres (32.3 square feet) or more used to identify or advertise any business, activity, service or Person, or any goods, commodities or products which are not located in, conducted on, sold on, produced on or displayed on the Lot upon which the Sign is located, but does not include Wall Sign as defined herein.

**“Business Sign”** means a Sign that attracts attention to a business, occupation, product, service or amusement which is exploited, operated, sold or offered on the same property where the Sign is located.

**“Canopy Sign”** means a Permanent Sign that is painted on or affixed to the surface of a Canopy and that does not extend, vertically or horizontally beyond the limits of the Canopy.

**“Collective Sign”** means a Sign with a message or a group of messages that is common to many businesses located in the same building.

**“Community Sign”** means any Sign that attracts attention to a community service, attraction or activity and that is installed and maintained by the Municipality or a non-profit organization.

**“Directional Sign”** means a temporary Sign that is used to designate the location of or direction to a community or commercial activity of short duration.

**“Easel Sign”** means a temporary Sign that is free standing and removable, and has no more than two (2) facets joined to form an “A” shaped Sign Structure.

**“Election Sign”** means a temporary Sign that is used to advertise or promote the public election of candidates seeking a mandate.

**“Electronic Message Display Sign”** means a Sign which is electronically controlled and which displays information in a pre-arranged sequence and on which the intensity of illumination is constant.

**“Identification Sign”** means a Sign indicating the name, address, occupation or trade of the building occupant with its business logo or the Lot number within a residential subdivision, or simply the name and address of the building itself, without mention of a product for sale. An identification Sign shall not be illuminated.

**“Illuminated Sign”** means a Sign illuminated by artificial light.

**“Inflatable Sign”** means a temporary Sign that is inflated with air or gas and is used for promotional purposes.

**“Mobile Sign”** means a temporary Sign that is not secured to the ground or mounted on the wall of a building or other structure and that is intended mainly to be Erected on a trailer that can be moved, transported or relocated elsewhere. Normally, a Mobile Sign consists of a screen used to display letters and numbers.

**“Permanent Sign”** means a Business Sign that is supported by a Sign Structure, anchored to the ground or affixed to the wall of a building and is usually located where the business operates.

**“Post Sign”** means a single or double-faced Sign that is supported by one or more posts, poles, columns or pillars and that is anchored to a foundation in the ground.

**“Real Estate Sign”** means a temporary Sign advertising the sale of real estate, or the opportunity to rent or lease a dwelling or building on the premises where the Sign is located.

**“Temporary Sign”** means a Sign that is not permanently installed or affixed to a structure or building.

**“Wall Sign”** means a Permanent Sign that is affixed to the wall of a building. This type of Sign does not include Awning Signs, Canopy Signs or Signs of a similar structure. A Wall Sign may consist of one panel or more, each with specific messages.

**“Window Sign”** means a Permanent Sign where a message is painted directly on the interior or exterior window (glass surface) of a business.

**“Sign Area”** means the area of the Sign Face.

**“Sign Face”** means that portion of the Sign, excluding the supporting Sign Structure, where Copy can be placed.

**“Sign Structure”** means a structure which is intended to support, or be capable of supporting, any Sign, and which in turn is supported by the ground, a building or a structure which is not an integral part of the Sign.

### **3. INTERPRETATION**

3.1 In this By-Law, unless the contrary intention appears, words importing the singular number or the masculine gender only, shall include more Persons, parties or things of the same kind than one, and females as well as males.

3.2 In this By-Law, the word “shall” is construed as being mandatory and not discretionary.

3.3 The headings contained in this By-Law are for the purposes of convenience and reference only, and do not form part of this By-Law.

#### **4. APPLICATION FOR PERMIT**

4.1 Any Person wishing to erect, alter, enlarge or use a Permanent or Temporary Sign within the limits of the Municipality shall first obtain a “Sign Permit” issued by the By-Law Enforcement Department. The application for the Sign Permit shall be in the form prescribed in Schedule “B” of this By-Law and shall be accompanied by the fee prescribed in section 24 of this By-Law.

4.2 The Sign Permit shall be in the accordance with the form in Schedule “C” attached to and forming part of this By-Law.

4.3 The By-Law Enforcement Department may impose all required conditions so as to ensure that any Permanent or Temporary Sign complies with standards of safety, aesthetics and design.

4.4 In addition to a “Sign Permit”, the installation of a Permanent Sign may also require a Building Permit, and the approval of all Sign plans by an architect or engineer if any one of the following criteria apply:

- a) The height of the Permanent Sign exceeds 7.5 metres (24 feet and 7 inches) above Grade;
- b) The Permanent Sign weighs more than 115 kilograms (254 pounds); or
- c) The Permanent Sign has a Face Area of 10 square metres (107.6 square feet) or more.

#### **5. GENERAL PROHIBITION**

- 5.1 No Person shall place a Sign on a highway,
- a) by excavating, digging, drilling, driving or cutting into asphalt, concrete, bricks or other improved hard surface for the purpose of imbedding a Sign or its support;
  - b) by using nails, rivets, screws, or by drilling into wooden, aluminum or concrete poles or any other highway structure for the purpose of placing a Sign or its support;
  - c) in a location and in a manner which may damage a public utility, and no Sign support shall be driven into the ground to a depth;
    - (i) 0.3 metres (11.8 inches) or more without first obtaining the permission from any public utility having underground utilities within the Municipal Road, County Road or highway;
    - (ii) less than 0.3 metres (11.8 inches) without first obtaining locate information, if necessary, to ensure that no damage occurs to any underground utility.

5.2 The location at which a Sign has been placed shall be restored, upon its removal, to a condition satisfactory to the By-Law Enforcement Department and, if it is not, the By-Law Enforcement Department may restore the location and recover costs of doing so from the Sign owner.

#### **6. SIGN LOCATION**

6.1 All Permanent or Temporary Signs shall be erected at a distance of 3 metres (10 feet) or more from a public road easement.

6.2 The ground projection for a Base Sign or Post Sign shall be located at a distance of 3 metres (10 feet) or more from a public road easement and a distance of 1.5 metres (5 feet) or more from adjacent property lines.

## **7. PROHIBITED LOCATIONS**

7.1 No Person shall erect a Sign, other than an Election Sign, on any public road easement or on public property under the jurisdiction of the Municipality.

7.2 No Person shall erect or maintain a Sign that could conceal or obstruct the visibility of road Signs, traffic signals or warning devices.

7.3 No Person shall erect or maintain a Sign within a sight triangle as defined in the Zoning By-Law, or in any other location where it could obstruct the view of pedestrians or motor vehicle drivers, or could interfere with traffic to the extent that it could create a hazard to people.

7.4 No Person shall locate a Sign so as to cause damage to infrastructure or underground services.

7.5 No Person shall affix a Sign, other than an election Sign, to hydro electric utility poles or to any other Sign or Sign Structure.

7.6 No Person shall erect a Sign so as to obstruct an emergency exit, a fire route or any other access route, or to restrict access by the Municipality's Fire Department to any standpipes or hydrants, or to any part of a building or structure.

7.7 No Person shall affix or paint a Sign, graffiti or poster on roof surfaces, fences, rocks, trees or other natural element, or paint a Sign directly on the exterior facing of a building.

7.8 No Person shall affix or paint a Sign on a vehicle that is no longer in use, or use a road vehicle as the support structure for a Sign.

## **8. PERMANENT SIGNS**

8.1 No more than two Permanent Signs per property shall be permitted for a service or business establishment, not including entrance Signs. The owner may choose the Signs, but they must be in accordance with the following requirements:

- a) Only one base Sign or Post Sign is permitted per Lot.
- b) Only one Wall Sign, painted Sign, Partially Rigid Banner, Awning Sign, Canopy Sign or Window Sign is permitted per Lot where a base Sign or Post Sign is erected. If a Base Sign or Post Sign is not erected, the owner may install two Signs amongst the following types of Signs: Wall Sign, Painted Sign, Partially Rigid Banner, Awning Sign, Canopy Sign or Window Sign.
- c) With regard to a corner Lot, the owner may affix a Wall Sign, Painted Sign, Partially Rigid Banner, Awning Sign, Canopy Sign or Window Sign on each exterior wall on the front or side of the building while respecting the Surface Area standard applicable for each wall.

8.2 With regard to a commercial plaza or shopping centre, the maximum number of Permanent Signs permitted shall be in accordance with the following requirements:

- a) Only one Base Sign or Post Sign is allowed per commercial plaza or shopping centre. This Sign can be a Collective Sign.
- b) Only one Wall Sign, Painted Sign, Partially Rigid Banner, Awning Sign, Canopy Sign or Window Sign is allowed for each business or service establishment in a commercial plaza or shopping centre.

## **9. HEIGHT AND FACE AREA FOR WALL SIGNS, PAINTED SIGNS, PARTIALLY RIGID BANNER AND ENTRANCE SIGNS**

9.1 No Wall Sign, Painted Sign or Partially Rigid Banner shall project beyond the roof line of the building or the extremities of the wall of the building to which it is affixed.

9.2 No Wall Sign, Painted Sign or Partially Rigid Banner shall project beyond 0.45 metres (18 inches) from the wall of the building to which it is affixed.

9.3 Wall Signs, Painted Signs and Partially Rigid Banners are limited to a maximum area of 15% of the Face Area of the exterior front wall or side wall to which the Sign is affixed. With regard to a building with multiple business or service establishments, the total area of all Wall Signs, Painted Signs or Partially Rigid Banners shall not exceed 15% of the area of the wall to which the Signs are affixed. Notwithstanding the number of Wall Signs allowed in this By-Law, Wall Sign panels may be located on the side walls of the main building.

9.4 Entrance Signs shall have a maximum area of 1.25 square metres (13.4 square feet) and the maximum Height shall be 1.25 metres (4 feet).

## **10. HEIGHT AND FACE AREA FOR BASE SIGNS OR POST SIGNS**

10.1 Restrictions on the Height and Face Area for Base or Post Signs are dependent on the district in which the property is situated.

10.2 For the purpose of this By-Law, the Municipality territory has been divided into four (4) districts as per Schedule "A" attached to and forming part of this By-Law. These are "**District 1**" which is "**Business Park and Industrial Park**"; "**District 2**" which is "**Village and Hamlet**"; "**District 3**" which is "**Agricultural and Rural**"; "**District 4**" which is "**417 Corridor**".

10.3 The Height and Face Area for Base or Post Signs by district shall be as follows:

- a) "**District 1- Business Park and Industrial Park**"- the maximum Face Area for Base Signs or Post Signs is 16 square metres (172 square feet) and the maximum allowable height shall be 7 metres (23 feet).
- b) "**District 2- Village and Hamlet**"- the maximum Face Area for Base Signs or Post Signs shall be 7 square metres (75 square feet) and the maximum allowable height shall be 5.5 metres (18 feet).
- c) "**District 3- Agricultural and Rural**"- the maximum Face Area for Base Signs or Post Signs shall be 10 square metres (110 square feet) and the maximum allowable Height shall be 6.5 metres (30 feet).
- d) "**District 4- 417 Corridor**"- the maximum surface area for Base Signs or Post Signs shall be 984 square metres (3000 square feet) and the maximum height shall be 33 metres (100 feet).

## **11. FACE AREA FOR AWNING SIGNS, CANOPY SIGNS AND WINDOW SIGNS**

The maximum Face Area for Awning Signs or Canopy Signs shall be 4 square metres (43 square feet). The maximum area for Window Signs shall be 25% of the window display area, without exceeding 4 square metres (43 square feet).

## 12. TEMPORARY SIGNS

12.1 Only one Temporary Sign shall be permitted for each business establishment in addition to a Permanent Sign.

12.2 A Temporary Sign is permitted for a maximum of 30 days, whether consecutive or not, within a 6 month period from the first day the Temporary Sign is erected, except for Easel Signs, Real Estate Sign, Signs relating to a social event and for Garage Sale Signs.

12.3 The posting area for double faced Temporary Mobile Signs shall not exceed 4.64 square metres (50 square feet) on each face.

12.4 The maximum Face Area for Temporary Signs of a banner type, pennant-type or balloon-type shall be 15 square metres (161 square feet).

12.5 The maximum Face Area for an Easel Sign shall be 0.75 square metres (8 square feet) for each face, and the maximum allowable height shall be 1.2 metres (4 feet) above grade. Easel Signs shall be permitted between May 1<sup>st</sup> and November 1<sup>st</sup> of each year.

12.6 The maximum Face Area for a Temporary Sign announcing a garage sale shall be .28 square metres (3 square feet). This type of Sign shall be posted for a maximum period of ten (10) days.

12.7 No more than three (3) Temporary Signs relating to a cultural, sporting, community or religious event, or any other common event, shall be installed for a maximum period of thirty (30) days. The Sign shall be removed within five (5) days following the holding of the event. The maximum Face Area permitted for this type of Sign shall be 3 square metres (32 square feet). The erection of this type of Sign on Municipal property requires permission.

12.8 No more than three (3) Directional Signs shall be installed for a maximum period of thirty (30) days. The Signs shall be removed within five (5) days following the holding of the event. The maximum Face Area for this type of Sign shall be 1.5 square metres (16 square feet). The erection of this type of Sign on Municipal property requires permission.

12.9 No more than twelve (12) Directional Agro-Tourism Enterprise Signs shall be installed for a maximum period of ninety (90) days. The Signs shall be removed within five (5) days following the end of the advertised activity/event. The maximum Face Area of this type of Sign shall be 1.5 square metres (16 square feet).

## 13. REAL ESTATE SIGNS

13.1 Signs announcing the upcoming construction of a project consisting of **LESS THAN 25 LOTS** shall be permitted on the future site of the project as well as along roads and streets, in accordance with the following provisions:

- a) One (1) Real Estate Sign with a maximum Face Area of 12 square metres (129.2 square feet) shall be permitted on the site of the subdivision or building complex;
- b) Two (2) Real Estate Signs with a maximum Face Area of 8 square metres (86.1 square feet) each shall be permitted along County Roads; and
- c) Three (3) Real Estate Signs with a maximum Face Area of 1.5 square metres (16.1 square feet) each shall be permitted along Municipal Roads.
- d) Real Estate Signs announcing the upcoming construction of a building complex or subdivision must be removed as soon as all building units have been sold.



13.2 Signs announcing the upcoming construction of a project consisting of **25 LOTS OR MORE** shall be permitted on the future site of the project, as well as along roads and streets, in accordance with the following provisions:

- a) One (1) Real Estate Sign with a maximum Face Area of 24 square metres (258 square feet) shall be permitted on the site of the subdivision or building complex;
- b) Two (2) Real Estate Signs with a maximum Face Area of 24 square metres (258 square feet) each shall be permitted along designated County Roads. The Sign shall be set back at least 15 metres from the road allowance and must be at least 75 metres apart from all other Signs along the County Road; and
- c) Three (3) Real Estate Signs with a maximum Face Area of 3 square metres (32 square feet) each shall be permitted along Municipal Roads.
- d) Real Estate Signs announcing the upcoming construction of a building complex or subdivision shall be removed as soon as 90% of all building units have been sold. Applications for an extension to that period will be accepted by the By-Law Enforcement Department if the Signs are still in conformity with this By-Law.

#### **14. AUTOMOBILE DEALERS**

With regard to an automobile dealer, the number of Permanent Signs, excluding Entrance Signs, as well as the number and type of Temporary Signs specifically permitted for this type of use are as follows:

- a) the maximum number of Wall Signs permitted is one (1);
- b) the maximum number of partially rigid banners permitted is two (2);
- c) the maximum number of Post Signs permitted is one (1); and
- d) the maximum number of banners permitted is six (6).

#### **15. SERVICE STATIONS**

With regard to a service station, the number and type of Permanent Signs, excluding Entrance Signs, as well as the number and type of Temporary Signs specifically permitted for this type of use are as follows:

- a) the maximum number of Wall Signs permitted is one (1);
- b) the maximum number of Post Signs permitted is one (1);
- c) the maximum number of banners permitted is one (1); and
- d) the maximum number of Canopy Signs permitted is three (3).

#### **16. BILLBOARDS**

16.1 Billboards are only permitted to be located along County Roads.

16.2 Billboards may be located on a property located in a commercial, industrial or rural area, however, no Billboard shall be erected within 60 metres (200 feet) of a residential area or an isolated dwelling unit.

16.3 Billboards shall have a minimum Face Area of 3 square metres (32 square feet).

16.4 Billboards shall have a maximum Face Area of 33.5 square metres (360 square feet) and a maximum Height of 9 metres (30 feet).

16.5 Billboards shall be located at a distance of 25 metres (82 feet) or more from a County Road easement.

16.6 The distance between two Billboards located one after the other on the same side of the road shall be a minimum of 300 metres (984 feet).

16.7 Placing two Billboards together is prohibited.

## **17. CONSTRUCTION AND STRUCTURES**

17.1 All materials used to build a Sign and Sign Structure shall comply with the most recent provisions of the Ontario Building Code and any other regulation or applicable law in force.

17.2 No Sign shall be affixed to a building, parapet wall or any other structure or part thereof, unless the said building or structure is able to support the load of the Sign.

17.3 No Permanent Sign or Advertising Device shall be supported by wires, ropes, chains or other similar devices. As well, no Permanent Sign or Advertising Device shall constitute a potential danger to public safety.

17.4 All electrical wiring to service a Sign shall originate from the related building, be installed in accordance with all applicable laws and be properly concealed.

## **18. LIGHTING**

18.1 No Sign shall be illuminated by or contain flashing, intermittent, rotating or variable light, beam or beacon. Electronic Advertising Devices conveying continuous messages with light patterns that form letters, numbers or illustrations shall be permitted within the Sign Face.

18.2 Signs shall be illuminated either by an indirect lighting source within the Sign or by an external light source directed towards the Sign provided that no light or reflection thereof is directed toward any public road, pedestrian pathway, adjacent structure or residential property.

## **19. MAINTENANCE**

19.1 All Signs shall be maintained in good operating condition. Any Sign that has been defaced, damaged or destroyed shall immediately be restored to its original state by the owner or occupant of the establishment, or shall otherwise be removed from the premises.

## **20. AESTHETICS, DESIGN AND LANGUAGE**

20.1 Standards of aesthetics to be followed for any Permanent or Temporary Sign shall be as follows:

- a) Signs depicting bad taste such as skeletons, skulls and crossbones or any other gruesome picture are prohibited;
- b) Signs depicting a nude human body or parts of a nude human body, erotic scenes or pornographic scenes are prohibited;
- c) Signs illustrating shapes or colours that could be mistaken for traffic lights or traffic Signs are prohibited.

20.2 Design standards to be followed for any Permanent or Temporary Sign shall be as follows:

- a) Signs shaped in the form of skeletons, skulls or any other gruesome form are prohibited;
- b) Signs shaped in the form depicting a nude human body, parts of a nude human body, erotic scene or pornographic scene are prohibited.

20.3 The message or content of **NEW** commercial Signs shall be bilingual. The lettering of a commercial Sign (dimension and style) shall be identical in English and French. However, the name of a business may be unilingual for a commercial Sign.

## **21. LEGAL NON-CONFORMING SIGNS AND BILLBOARDS**

21.1 Any Sign which does not conform to the terms of this By-Law but that has been lawfully erected or displayed on the day this By-Law comes into force shall be considered a legal non-conforming Sign provided the Sign is not substantially altered. The maintenance or minor repair of the Sign or a change in the message displayed shall be deemed not in itself to constitute a substantial alteration.

21.2 A commercial establishment may maintain a non-conforming Billboard, provided that it has been lawfully erected or displayed prior to this By-Law coming into force and provided the Billboard has not been substantially altered. The maintenance or repair of the Billboard or a change in the message or contents displayed shall be deemed not in itself to constitute a substantial alteration.

## **22. TERMINATION OF USE**

22.1 All Signs belonging to a business establishment shall be removed within six (6) months following termination of the business use.

22.2 Any Sign Structure used to support or hold a Sign shall be removed as soon as it is no longer used for that purpose.

## **23. MINOR VARIANCE**

23.1 The Municipality may authorize a minor variance from this By-Law by resolution of Council if, in the opinion of the Municipality, the general intent and purpose of the By-Law are maintained.

23.2 The applicant shall submit a duly completed minor variance request form to the By-Law Enforcement Department as well as all required documentation and the applicable fee as provided in Schedule “D” of this By-Law. The applicant shall provide detailed analysis of the proposal complete with a site plan indicating the setbacks from property lines, intersections, residential areas and other Signs.

## **24. FEES AND PERFORMANCE DEPOSIT**

24.1 An application for a Sign Permit made pursuant to Section 4 of this By-Law shall be accompanied by a fee in the amount provided in Schedule “D” to this By-Law.

24.2 The erection of new commercial Signs requiring a Sign Permit pursuant to Section 4 of this By-Law shall also be subject to a performance bond payable to the Municipality upon the issuing of the Sign Permit. The performance bond shall be charged in accordance with Schedule “E” attached to and forming part of this By-Law. The level of refund or forfeiture of the bond shall also be in accordance with Schedule “E”.

## **25. ADMINISTRATION AND ENFORCEMENT**

25.1 This By-Law shall be administered by the By-Law Enforcement Department of the Municipality.

25.2 The enforcement of this By-Law is the responsibility of the By-Law Enforcement Department of the Municipality.

## **26. REMOVAL OF ADVERTISING DEVICES**

The Municipality may access a property to remove an Advertising Device, at the cost to the owner of the Advertising Device, if it is installed or displayed in contravention of the provisions of this By-Law.

## **27. REMOVAL AND FEES FOR REMOVAL AND RETRIEVAL**

The following provisions shall apply to the removal of Signs:

- a) no Person shall remove or cause to be removed any lawfully placed Sign, other than Persons authorized by this By-Law or the owner of the Sign;
- b) the Municipality may remove or cause to be removed immediately, without notice and at the expense and risk of its owner, a Sign that is placed or operated in contravention of this By-Law;
- c) a Sign removed pursuant to this section shall be stored by the Municipality for at least thirty (30) days during which the owner of the Sign may retrieve the Sign upon payment of Fifty Dollars (\$50.00) to the Municipality for each Sign;
- d) where the Sign is so large or so placed that the cost of taking it down and removing it exceeds the amount provided in sub-paragraph (c) above, sub-paragraph (c) above is not applicable and the owner of the Sign shall pay the Municipality an amount equal to the aggregate of (i) the cost incurred by the Municipality for removing and storing the Sign and (ii) fifteen percent (15%) of the cost incurred by the Municipality for removing and storing the Sign;
- e) where a Sign has been stored for a period of at least thirty (30) days, the Sign may be destroyed at the sole discretion of the Municipality without further notice and without compensation to its owner;
- f) the Municipality shall not be liable for any damage to or loss of a Sign that was removed pursuant to the provisions of this By-Law;
- g) the Municipality shall not be liable for any loss of revenue resulting from the removal of a Sign pursuant to the provisions of this By-Law;
- h) without limitation to the generality of the foregoing, a public utility performing maintenance on a utility pole may take down or remove or cause to be removed immediately without notice, and at the risk of its owner, a Sign that interferes with the public utility's maintenance function.

## **28. LIABILITY**

The owner and any Persons placing, erecting or maintaining a Sign shall be liable and responsible for such Sign. The Municipality is hereby indemnified and saved harmless from and against all manner of claims for damages, loss, expense or otherwise arising from the placement, erection, maintenance, removal or falling of such Sign or part thereof.

## **29. INFRACTIONS AND PENALTIES**

29.1 Every Person who contravenes any provision of this By-Law is guilty of an offence.

29.2 Every Person who is convicted of an offence of any of the provisions of this By-Law is guilty of an offence and shall, upon conviction thereof, forfeit and pay a fine, exclusive of costs, which is recoverable under the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

29.3 Where a Person has been convicted of an offence under this By-Law, the Ontario Court of Justice or any court of competent jurisdiction thereafter, may, in addition to any other penalty imposed on the Person convicted, issue an order prohibiting the continuation or repetition of the offence.

### **30. EXEMPTIONS**

Sections 4, 6 and 24 of this By-Law shall not apply to:

- a) Election Signs pertaining to Municipal, Provincial or Federal elections. These Signs shall be removed within 15 calendar days following the election.
- b) Signs identifying the entrance to and exit from a parking area or drive-through counter, provided that the Sign Area does not exceed 0.33 square metres (3.5 square feet).
- c) Signs with a Sign Area of 0.28 square metres (3.0 square feet) or less.
- d) Real Estate Signs with a Sign Area of 0.75 square metres (8 square feet) or less that is used or maintained on a residential property and that is not illuminated.
- e) Real Estate Signs with a Sign Area of 6 square metres (65 square feet) or less that is erected, used or maintained on a commercial or industrial property and that is not illuminated.
- f) Signs installed on behalf of, or a Sign sponsored by the Municipality, the United Counties of Prescott-Russell, the province of Ontario or the Government of Canada.
- g) Signs located inside a building.
- h) Flags, oriflammes, pennants or emblems of political, civic, philanthropic, educational or religious organizations.
- i) Historical inscriptions, commemorative plaques and other non-promotional insignia.
- j) Boards indicating the schedule of religious celebrations located at the place of worship.
- k) Farm Signs other than those advertising the sale of commercial products.
- l) Community Information Signs.
- m) Temporary Special Event Signs.
- n) Temporary Major Special Event Signs.
- o) Temporary Signs relating to a cultural, sporting, community or religious event, or any other common, con-commercial event.
- p) Temporary Signs promoting a garage sale.
- q) Non-luminous Directional Sign.
- r) Any Signs that are lawfully erected or displayed on the day this By-Law comes into force if the Sign is not substantially altered. The maintenance and repair of the Sign or a change in the message displayed shall be deemed not in itself to constitute an alteration, as provided in Section 21 of this By-Law.

### **31. OTHER LAWS**

31.1 Nothing in this By-Law shall be interpreted in such a manner as relieve a Person of the responsibility to comply with any requirements or applicable laws that may be in force from time to time with the Municipality.

31.2 Nothing in this By-Law relieves a Person of the responsibility for adhering to other applicable laws which regulate Signs, or for obtaining the approval of the Federal or Provincial governments or agencies thereof as required, or for obtaining the approval of the property owner or owner of a utility pole or other Sign Structure on which a Sign is located.

**32. VALIDITY**

If a court of competent jurisdiction declares any provision or part thereof of this By-Law to be invalid or of no force and effect, it is the intention of the Council in enacting this By-Law, that each and every other provision of this By-Law be applied and enforced in accordance with its terms to the extent possible according to law.

READ A FIRST AND SECOND TIME AND PROVISIONALLY ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2005.

\_\_\_\_\_  
Denis Pommerville, Mayor

\_\_\_\_\_  
Mary J. McCuaig, Clerk

READ A THIRD TIME AND FINALLY PASSED IN OPEN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2005.

\_\_\_\_\_  
Denis Pommerville, Mayor

\_\_\_\_\_  
Mary J. McCuaig, Clerk

SEAL

SCHEDULE "B" TO BY-LAW NO. 48-2005

APPLICATION FOR PERMIT TO INSTALL A SIGN OR BILLBOARD

Applicant \_\_\_\_\_ Phone: \_\_\_\_\_
Address: \_\_\_\_\_

Business Owner: \_\_\_\_\_ Phone: \_\_\_\_\_
Address: \_\_\_\_\_

Property Owner: \_\_\_\_\_ Phone: \_\_\_\_\_
Address: \_\_\_\_\_

Designer: \_\_\_\_\_ Phone: \_\_\_\_\_
Address: \_\_\_\_\_

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Type of sign ( Indicate all that apply as per Section 2.24 of By-Law No. 48-2005)
\_\_\_\_\_

Construction Material: Wood \_\_\_\_\_ Plastic \_\_\_\_\_ Steel \_\_\_\_\_
Other: \_\_\_\_\_ (specify)
Fascia \_\_\_\_\_ Projecting \_\_\_\_\_ Ground \_\_\_\_\_ Pylon \_\_\_\_\_
Merchandise Display \_\_\_\_\_

Illuminated: \_\_\_\_\_ Type of Illumination: \_\_\_\_\_
Electrical Approval: \_\_\_\_\_ ( please provide copy)

Location of Sign: \_\_\_\_\_ Zone: \_\_\_\_\_
Size of Sign: \_\_\_\_\_ Height above ground: \_\_\_\_\_
Width of Property: \_\_\_\_\_ Depth of Property: \_\_\_\_\_
Types of Existing Signs: \_\_\_\_\_
Number of Existing Signs: \_\_\_\_\_

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Two copies of plans for the proposed sign complete with size and location indicated must be submitted with this application. All relevant information shall be provided in order to avoid delays in issuing a Sign Permit. Failure to provide the required information will result in a delay of the application review.

DECLARATION

I/We, the undersigned, am/are the owner or authorized agent named in the above application and I/We certify the truth of all statements made herein.

I/We understand that the issuance of a Sign Permit shall not be deemed a waiver of the provisions of any By-Laws or other regulations, notwithstanding anything included in or omitted from the plans or other material files in support of this application.

I/We acknowledge that in the event that a permit is issued, any departure from the plans, specifications or locations proposed in the application is prohibited and such could result in the permit being revoked. I/We further acknowledge that in the event that the permit is revoked for any cause or irregularity or non-conformity with the by-Laws or regulations, there shall be no right of claim whatsoever against the municipal corporation or any official thereof and any such claim is hereby expressly waived.

Signed at \_\_\_\_\_,

This \_\_\_ day of \_\_\_\_\_, 20\_\_\_.

Owner/Agent

Owner/Agent

**SCHEDULE "C" TO BY-LAW NO. 48-2005**

**SIGN PERMIT**

<p><b>CORPORATION OF THE NATION MUNICIPALITY</b></p> <p><b>SIGN PERMIT</b></p> <p><b>BY-LAW NO. 48-2005</b></p> <p><b>DATE:</b> _____ <b>PERMIT NUMBER:</b> _____</p> <p><b>OWNER:</b> _____</p> <p><b>ADDRESS:</b> _____</p> <p><b>CONTRACTOR:</b> _____</p> <p><b>ADDRESS:</b> _____</p> <p><b>SIGN LOCATION:</b></p> <p><b>SIZE OF SIGN:</b> _____ <b>TYPE OF SIGN:</b> _____</p> <p><b>MESSAGE:</b></p>
<p><b>Authorized Signature:</b></p>
<p><b>NOTE: ISSUANCE OF THIS SIGN PERMIT DOES NOT RELIEVE THE APPLICANT FROM THE RESPONSIBILITY OF OBTAINING A BUILDING PERMIT OR ANY OTHER NECESSARY APPROVALS.</b></p>



**SCHEDULE "D" TO BY-LAW NO. 48-2005**

**FEEES**

<b>SIGNS INCLUDING BILLBOARDS</b>	<b>\$100.00</b>
<b>MINOR VARIANCE APPLICATIONS</b>	<b>\$100.00</b>

**SCHEDULE “E” TO BY-LAW NO. 48-2005**

**PERFORMANCE DEPOSIT**

<b>Value of Construction (commercial)</b>	<b>Performance deposit</b>
<b>Up to \$100,000.00</b>	<b>\$1,000.00</b>
<b>Every additional \$100,000.00</b>	<b>\$1,000.00</b>
<b>Maximum performance deposit</b>	<b>\$10,000.00</b>

**NOTES TO SCHEDULE “E”**

- 1) In the event that the applicant abandons their project, the performance deposit shall be refunded in full.
- 2) One hundred percent (100%) of the performance deposit shall be refunded if the sign is fully completed within one (1) year of the date of the issuing of the Sign Permit.
- 3) Seventy-five percent (75%) of the performance deposit shall be refunded if the sign is fully completed within two (2) years of the issuing of the Sign Permit.
- 4) No refund of the performance deposit will be given if the sign is not fully completed within three (3) years of the issuing of the Sign Permit.
- 5) The refund of the whole or part of the performance deposit shall not be deemed a waiver of any provisions of any By-Law or requirements of the Building Code Act or regulations made thereunder. Also, the refund should not be construed as a certification or guarantee that the sign for which a permit was issued meets all the requirements of any By-Law or the Building Code Act or regulations made thereunder.