

# The Corporation of the Township of Springwater By-Law 2018-013

## A By-law to regulate Signs and Advertising Devices in The Township of Springwater.

### (Sign By-law)

**Whereas** Section 8 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, confers broad authority on a municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues; and

**Whereas** Section 9 of the Municipal Act provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act; and

**Whereas** under Section 11 of the Municipal Act, The Township of Springwater, as a lower tier municipality, has non exclusive authority to pass by-laws respecting matters within the sphere of jurisdiction relating to highways, including parking and traffic on highways; and

**Whereas** the Municipal Act provides that a Council may pass a By-law to prohibit or regulate structures, including signs and other advertising devices; and

**Whereas** Section 99 of the Municipal Act provides that all costs and charges incurred by a municipality for the removal, care and storage of an advertising device that is erected or displayed in contravention of a by-law of the municipality is a lien on the advertising device; and

**Whereas** the Council of The Corporation of The Township of Springwater deems it expedient to provide regulations for signs throughout The Township of Springwater;

**Now Therefore** the Council of The Corporation of the Township of Springwater hereby enacts as follows:

#### 1. Definitions

For the purpose of 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.

**Billboard:** means a sign that contains a message not related to the property the sign is located on, and which exceeds the size of a standard commercial advertising device.

**Boulevard:** means the portion or a roadway situated between the travelled portion of a street and a lot line fronting on the street.

**Building Official:** shall mean the Chief Building Official or Building Inspector of The Corporation of The Township of Springwater as appointed by Council.

**Clerk:** shall mean the Clerk of The Corporation of The Township of Springwater.

**Community Groups:** Committees or organizations supported by the Township who have a joint purpose to provide benefits to the community, which may include economic growth, community safety and awareness, or fostering community development.

**Council:** means the Council of The Corporation of The Township of Springwater.

**County:** means The Corporation of The County of Simcoe.

**Expenses:** means the cost incurred by the Township of lawfully removing any sign or other advertising device which contravenes this by-law whether or not notice was issued.

**Farm and Vegetable Market:** means the commercial use of land, buildings or structures, predominantly involved in the sale of fresh farm produce.

**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.

**Garage Sale:** means the sale of a one's personal belongings or household goods from their own property where the belongings or goods originated from.

**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.

**Home Industry:** means a small scale industrial use, such as a machine shop, welding and repair shop, farm implement and machinery repair shop, carpentry shop, fabrication of wood and metal products, craft and art studio, that provides services or wares to the rural community and which is an accessory use to an agricultural use or a single detached dwelling. For the purpose of this By-law, the repairing of motor vehicles, mobile homes and trailers is not a home industry.

**Home Occupation:** means a use which is clearly incidental, accessory or secondary to the residential use of a dwelling and is conducted entirely within such a dwelling, unless otherwise specifically permitted herein, by an inhabitant thereof, such as agent, hairdresser, dressmaker, dentist, doctor, drugless practitioner, professional office or studio. In the case of a studio, the sale of crafts or products shall be limited to items produced onsite.

**Illuminated Sign:** means any sign lighted by direct, indirect, internal or external illumination and includes a Back Lit Sign.

**Main Street Area:** consists of commercial properties located along or adjacent to primary commercial street(s) in settlement areas as delineated in the Township Official Plan.

**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 mobile, movable signs, "A" frame and sandwich board signs.

**Not for Profit:** means a group or organization that operates for charitable or community benefits, where funds raised do not benefit its owners and are all donated or used to support a charitable purpose.

**Officer:** means the Municipal Law Enforcement Officer, Building Inspector or Chief Building Official of the Township of Springwater as appointed by By-law.

**Permanent:** means a sign which is most often affixed or anchored to the ground and is not intended to be moved, but may also refer to a sign which may be taken in at the close of business but is consistently in one location while a business is open.

**Permit:** means a permit issued by The Township of Springwater granting permission or written authorization for a sign or advertising device, and issued by the Clerk or designate.

**Private Property:** means a property on the last revised Assessment Roll within the Township of Springwater that is not owned or under the jurisdiction of the Municipal, County, Provincial or Federal Government.

**Province or Provincial:** means the Government of Ontario.

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

**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.

**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 for a maximum of thirty (3) days.

**Township:** means The Corporation of The Township of Springwater and its officers or employees appointed to administer the provisions of this by-law.

**Utility 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.

**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, repair or alter, cause or permit to be erected, displayed, repaired or altered, any sign or advertising device on any lands, buildings or structures after the passing of this By-law without a permit.
- 2.2. No person shall erect or display any sign or advertising device within one metre (3.3ft) of the edge of a highway.
- 2.3. Notwithstanding Section 2.1, temporary signs advertising a yard or garage sale may be placed or erected in accordance with this by-law for a maximum of three (3) days without obtaining a sign permit.
- 2.4. Notwithstanding Section 2.1, temporary real estate or directional signs advertising an open house not at that location may be placed or erected in accordance with this by-law for a maximum of three (3) days without obtaining a sign permit.
- 2.5. In accordance with Section 2.3 and 2.4, no person shall leave signs in place for more than three (3) consecutive days. Failure to remove said signage may result in set fines being incurred against the property owner.

- 2.6. The Township may, from time to time, issue a permit for the placement of community notices for a fee or at no cost to not-for-profit community groups, to advertise fundraising events.
- 2.7. No person shall place, attach or affix any sign or advertising device to any tree or utility pole.
- 2.8. No person shall erect any sign or advertising device in a location which obstructs or interferes with the normal flow of pedestrian or vehicular traffic or emergency access, nor which restricts any sightline of a pedestrian or vehicle or emergency access.
- 2.9. Permanent signs in existence upon the passing of this by-law, and which conform to the configurations set out in this by-law, shall be permitted to remain in place so long as there is no change or alteration to the sign. Any change or alteration to a grandfathered sign shall require a permit under this By-law.
- 2.10. No person shall substantially alter or repair any advertising device or change the message or content displayed on a sign that was lawfully erected or displayed on the day this By-law comes into effect without a permit.
- 2.11. Property owners and business owners have sixty (60) days from the passing of this by-law to obtain a permit, or to remove temporary, portable or mobile signs or advertising devices which do not conform to this by-law.
- 2.12. Notwithstanding Section 2.1, signs advertising commercial/industrial or site specific uses approved under The Township of Springwater Zoning By-law are permitted on site.
- 2.13. No permit shall be issued to a sign company without written consent from the property owner.
- 2.14. A permit issued under this By-law shall include approval of the wording of the sign to reduce the risk of offensive or inappropriate language.
- 2.15. A permit issued under this By-law must be obtained for any home industry or home occupation businesses prior to the placement of any signs or advertising devices.
- 2.16. Any sign for a home occupation or home industry shall only advertise the business that takes place on that property and cannot be used for any other type of advertisement.

- 2.17. A home occupation or a home industry sign cannot exceed 1.2 m<sup>2</sup> (12.9 ft<sup>2</sup>) and shall not be illuminated
- 2.18. No person shall place, display or erect a sign or advertising device on private property without the written consent of the property owner.
- 2.19. The Township of Springwater reserves the right to remove any sign or advertising device placed within the portion of a Township road or boulevard, or on Township property, without notice and are subject to the fines .These signs will be held for ten (10) days, including date of removal. If they are not claimed, they will be disposed of.
- 2.20. Applications for billboard type or large sign structures may require approval from the Building Department, and shall be reviewed by the Chief Building Official. Each application for a large sign or structure shall be weighed on its own merit.
- 2.21. Approval for signs on County roads or Provincial highways may be required and will be enforced by the regulating authority.

### **3. Penalty**

- 3.1. Any property owner or business owner who fails to comply with the provisions of this By-law shall have their sign removed at the expense of the property owner. Such expense, if not paid within thirty (30) days, may be recovered pursuant to Section 99 (2) of the Municipal Act 2001, S.O. 2001, C.25.
- 3.2. Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act.
- 3.3. The Owner of the property where a sign is placed in contravention of this By-law shall be held liable for any penalty or offence to be issued.

### **4. Fees**

- 4.1. All fees are as outlined in Appendix I hereby attached to and forming part of this By-law.
- 4.2. Fees shall be waived for farm or vegetable market signs on their own agricultural property.
- 4.3. Fees may be waived if an additional permit is required for the same sign in addition to this By-law's sign permit at the discretion of the Clerk.

## **5. Exemptions**

- 5.1 A sign required by federal or provincial statute or municipal by-law is exempt.
- 5.2 Real estate signs, and signs advertising the sale or lease of a building or property are exempt from the provisions of this By-law, provided that such signs do not exceed 1.2 m<sup>2</sup> (12.9 sq ft) in area per face and are located on the subject building or property;
- 5.3 Signs or directional signs placed at the gate of agricultural properties advertising produce or goods for sale shall be exempt so long as they are placed at least 1m (3.3 ft) from the boulevard.
- 5.4 A-frame or sandwich board signs placed on a sidewalk or storefront within main street areas are exempt from the regulations of this by-law as long as they are not to interfere with maintenance or snow removal operations and emergency access and after receiving a sign permit with the Township.
- 5.5 Signs for Municipal, Provincial or Federal elections shall be regulated under the Township of Springwater Election Sign By-law.

## **6. Administration**

- 6.1. This By-law shall be administered by the Clerk's Office.
- 6.2. This By-law shall be enforced by the Municipal Law Enforcement Officer, Roads Department or Building Official, and any sign found to be presenting a risk to public safety may be removed by any officer or employee of the Township.

## **7. Severability**

- 7.1 If a court of competent jurisdiction should declare any section or part of a section of this By-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the By-law, it shall be severed and it is hereby declared that the remainder of the By-law shall be valid and shall remain in full force and effect.

## **8. Force and Effect**

- 8.1. This By-law shall be known as the "Signs and Advertising Devices Regulation By-law."

8.2. That by-law 2009-055 and all of its amending by-laws are hereby repealed in its entirety.

8.3. This By-law shall come into force and take effect upon its final passing.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED** this 7<sup>th</sup> day of March, 2018.

(Original Signed By)

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**Bill French, Mayor**

(Original Signed By)

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**Renée Chaperon, Clerk**



# By-Law 2018-0123

## Appendix I

### Fees

<b>Sign Type</b>	<b>Fee</b>
Temporary Sign Permit	\$50.00
Permanent Sign Permit	\$75.00