

THE CORPORATION OF THE TOWNSHIP OF SPRINGWATER

BY-LAW 2009 - 055

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

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:

Section 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 of a roadway situated between the travelled portion of a street and a lot line fronting on the street, but does not include the sidewalk or footpath if present.

“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.

“Council” means the Council of The Corporation of The Township of Springwater.

“County” means The Corporation of The County of Simcoe.

“Daylight Triangle” constitutes property sight triangles provided at intersections and other critical areas that provide the traffic with a visible interval, measuring 15 metres minimum along the property lines of the intersecting roads.

“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, and shall include a \$25.00 administration charge, 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.

“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” means a sign placed on a residential or commercial/residential property advertising the business which occupies the property.

“Illuminated Sign” 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 mobile, movable signs, “A” frame and sandwich board signs.

“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.

“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.

"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.

Section 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 three metres (3m) of the edge of a Township Road, including the boulevard.

- 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 days.
- 2.4 In accordance with Section 2.3, no person shall leave signs in place for more than three (3) consecutive days. Failure to remove said signage may result in administrative charges being incurred against the property owner.
- 2.5 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.
- 2.6 No person shall place, attach or affix any sign or advertising device to any tree or utility pole.
- 2.7 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, nor which restricts any sightline of a pedestrian or vehicle.
- 2.8 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.
- 2.9 No person shall substantially alter or repair an 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.
- 2.10 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.
- 2.11 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.
- 2.12 No person shall enter into a contract with a sign company for the placement of a temporary, mobile or portable sign along a Township road without a permit.
- 2.13 No permit shall be issued to a sign company.
- 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 No person shall place, display or erect a sign or advertising device on private property without the written consent of the property owner.

- 2.16 The Township of Springwater reserves the right to remove any sign or advertising device placed within the travelled portion of a Township road, or on Township property, without notice.
- 2.17 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.
- 2.18 Approval for signs on County roads or provincial highways may be required.

Section 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.

Section 4 Exemptions

- 4.1 A sign required by federal or provincial statute or municipal by-law is exempt.
- 4.2 Real estate signs, realty directional signs, open house, 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 m² (12.9 sq ft) in area per face and are located on the subject building or property;
- 4.3 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 3m (9.11ft) from the road allowance.
- 4.4 A-frame or sandwich board signs placed on a sidewalk or storefront on main street areas are exempt from the regulations of this by-law so long as they conform to the minimum distances set out herein, and if they are placed so as not to interfere with maintenance or snow removal operations.
- 4.5 Signs for Municipal, Provincial or Federal elections shall be regulated under the Township of Springwater Election Sign By-law.

Section 5 Administration

- 5.1 This By-law shall be administered by the Clerk's Office.
- 5.2 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.
- 5.3 This by-law shall be known as the "Signs and Advertising Devices Regulation By-law."
- 5.2 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 Thirteenth day of July, 2009.

Tony Guergis, Mayor

Carol O. Trainor, Clerk

**Schedule "A" to By-law 2009 - 055
Application for Sign Permit**

Applicant Name: _____

Business Name: _____

Telephone: _____ Fax Number: _____

Location of Sign: _____

Type of Sign: Temporary: Mobile/Portable _____ A-Frame _____ Other _____

Permanent: Residential _____ Commercial _____

Other _____ Illuminated: Y _____ N _____

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

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

Wording on Sign shall read: _____

Approvals: County of Simcoe: _____ MTO: _____ Other: _____

The County of Simcoe and/or the Ministry of Transportation may require additional permits.

Signature of Applicant _____ Date _____

Property/Business Owner: _____

Print Name

Signature

Property owner mailing address: _____

For Office Use Only:

Conditions of Approval: _____

Date of Permit: _____ Expiry Date: _____

Approved by: Planning/Zoning _____
Building _____

Permit Number: _____ Permit Fee \$ _____ Pd: _____

Temporary signs: \$40.00

Permanent, fixed signs: \$50.00