

THE CORPORATION OF THE COUNTY OF WELLINGTON



BY-LAW NUMBER 4555-03

A by-law to regulate the erection and location of signs or advertising devices on and adjacent to county roads.

WHEREAS pursuant to Section 11 of the Municipal Act S.O. 2001 C.25 authority is given to the upper tier municipality to pass a by-law to regulate signs and pursuant to Section 59 of the said Act, authority is given to an upper-tier municipality to pass a by-law to prohibit or regulate the placing or erecting of signs, notices or advertising devices on County roads and within 400 metres of any limit of an upper-tier highway;

AND WHEREAS The Corporation of the County of Wellington deems it necessary and expedient to enact a by-law to regulate the erection and display of signs and other advertising devices on county roads and within 400 metres of any limit of County roads, except within urban centres as defined in the County of Wellington's Official Plan;

NOW THEREFORE The Corporation of the County of Wellington, enacts as follows:

1. DEFINITIONS

The definitions of words that appear in italics in this by-law, are set out in Appendix A.

2. ADMINISTRATION

The County Chief Administrative Officer (*•CAO•*) or any person designated in writing by the *CAO* shall be responsible for the administration of this by-law.

3. INTERPRETATION

- (1) Words importing the singular number or the masculine gender only, include more persons, parties, or things of the same kind than one, and females, as well as males, and the converse.
- (2) A word interpreted in the singular number has a corresponding meaning when used in the plural.
- (3) In case of conflict between the provisions in this by-law and the provisions of other applicable by-laws or regulations, the most restrictive provisions shall apply.

4. GENERAL PROVISIONS

- (1) No person shall *erect*, display, *alter* or allow the *erection*, display or alteration of any *sign*, notice or *advertising device* on or overhanging a *county road* and on publicly or privately owned lands within 400 metres of any limit of a *county road line* without obtaining a permit under this by-law with the exception of the signs listed in section 4(2) where it is stated that no permit is required. Notwithstanding the fact that no permit is required for signs listed in section 4 (2), all other aspects of this by-law apply. This by-law does not apply within Urban Centres as defined in the County's Official Plan.

Signs that are permitted on a *County road* are restricted to the following:

(2) **Signs not requiring a permit:**

- a) election *signs*, which may be displayed after the issuance of writs for a provincial or federal election, or within six weeks immediately preceding a municipal election, and which are to be removed at the candidates' expense within 48 hours after the day of the election;
- b) temporary *signs* to advertise fresh farm produce or Christmas trees not exceeding 1.5 square metres in *sign area*;
- c) a non-illuminated *real estate sign*, placed in front of the property for sale, up to a maximum of one *sign* for each 200 m along the property frontage, not exceeding 0.8 square metres in *sign area*;
- d) emergency or municipal address numbering and identification *signs* not exceeding 0.3 square metres in *sign area*;
- e) farm gate/farm name or crop identification *signs*
- f) non-illuminated trespassing, safety or warning *sign* not exceeding 0.5 square metres in *sign area*;

(3) Signs that are permitted on a County Road and require a permit

- a) *signs* identifying municipalities;
- b) service club *signs*;
- c) *signs* pertaining to public community safety *signs* such as County of Wellington Crime Stopper, *signs*;
- d) *signs* marking walking trails, and snowmobile crossings;
- e) *signs* which gives directions or instructions for the control of vehicular or pedestrian traffic and shall include an entry and exit sign;
- f) *signs* advertising community events such as fall fairs;
- g) *official signs*;
- h) blue and white approved TODS trail blazer *signs* (Tourism Oriented Directional Signage);
- i) blue and white *signs* related to *tourist attractions* or *tourist service businesses* located within Wellington County, i.e. tourist directional signage;

- (4) The following *signs* are specifically prohibited:
- (a) a *sign* larger than 3.0 square metres (4~~x~~ 8~~+~~) on a *County road*, with the exception of municipal entrance signage and, a *sign* larger than 9.0 square metres within 400 metres of any limit of a *County line*;
 - (b) *abandoned sign*;
 - (c) *portable sign* on any *county road*;
 - (d) *flashing or animated sign*;
 - (e) a *sign* in any location on *county roads* or within 400 m of any *county road line* which interferes or obstructs the view of any traffic signal or is in any manner hazardous or dangerous to pedestrian or vehicular traffic;
 - (f) a *sign* which does not comply with the provisions of this by-law or of the Ontario Building Code;
 - (g) a *sign* encroaching on a fire route or obstructing fire exits;
 - (h) a *sign* supported by a tree;
 - (i) a *sign* in a location which may interfere with or damage any above or below ground municipal or utility services which have been lawfully placed at the location;
 - (j) a *sign* or advertising device affixed, attached or displayed on a utility pole or light standard except for an *official sign* or *sign* pertaining exclusively to public safety;
 - (k) a *sign* or advertisement attached on a vehicle or trailer which is parked or located for the primary purpose of displaying the said *sign* or advertisement;
 - (l) a *sign* which does not comply with the provisions of a by-law of the member municipality in which it is proposed;
 - (m) a *sign* which has lighting facilities, used to illuminate *signs*, that fails to deflect light away from operators of motor vehicles;
 - (n) a *sign* or advertising device constructed on any *County road* with a support system that will not break away if struck by a vehicle;
 - (o) more than two signs advertising a business, which are remote from that place of business, other than those businesses referred to in section 4.2(b) i.e. farm fresh produce and Christmas tree vendor locations, unless the signs are trail blazer signs which are authorized under the County's current agreement with Canadian TODS (Tourism Oriented Directional Signage) Ltd.
 - (p) banners across *County roads*.
- (5) No person shall erect a *sign* on a *County road* other than by *County* forces, or by a contractor approved by the *County* in writing and such *erection* of *signs* and *advertising devices* shall be at such person's expense.

5. APPLICATION FOR SIGN PERMIT

Subject to the General Provisions:

- (1) Every applicant for a *sign* permit shall complete a *sign* permit application provided by the *County*, submit all necessary plans and drawings, a letter of permission from the *property owner* on whose land the *sign* is proposed to be *erected*, unless the *sign* is proposed to be on a *County road*, and an installation deposit as may be determined by the *County* for signs proposed for installation on a *County road*.

(2) **Sign Permit Information**

All plans and drawings accompanying a *sign* permit application on a *county road* shall contain the following information:

- (a) a key plan showing the location of the land on which the proposed *sign* is to be located and the nearest major intersection;
- (b) the location of the proposed *sign*;
- (c) details of the *sign* drawn to scale, including dimensions, *sign area*, colour scheme and any other information as may be requested to assist in the review to determine compliance with this by-law;
- (d) the location of any existing structures, above ground utilities, underground utilities, walkways, driveways, vehicular access and egress points;
- (e) identification of adjacent buildings, structures and *signs*;

6. VARIANCES

- (1) Where the provisions of this by-law are proposed not to be met, an application may be made to the *Council* for a variance to the by-law.
- (2) Applications for a variance shall clearly set out why the provisions of the by-law cannot be met and the necessity for the *sign*.
- (3) Council may, upon application for a variance from the provisions of this by-law, authorize such minor variances where the general intent and the purpose of the by-law are maintained.

7. EXPIRATION OF A SIGN PERMIT

If a sign, covered by a sign permit, is not erected or displayed for its intended purpose within 12 months of the issuance of said permit; the permit will be deemed null and void.

8. REVOCATION OF A SIGN PERMIT

The County may revoke a permit under the following circumstances:

- (1) where the permit has been issued in error by the *County*; or
- (2) where the *sign* does not conform with this by-law, the Ontario Building Code, or any other applicable regulation or legislation; or
- (3) where the permit has been issued as the result of false, mistaken, incorrect, or misleading statements, or undertakings on the application.

9. MAINTENANCE OF SIGNS

- (1) The *owner* of any sign, shall maintain or cause such *sign* to be maintained in a proper state of repair, so that such *sign* remains completely operative at all times and does not become *unsafe*, defective, dangerous, or an eye sore in the opinion of the County. All *signs* and *sign structure* shall be kept clean, neatly painted, and not allowed to fade.
- (2) Maintenance or repairs using materials identical to the materials of the component being maintained or repaired does not constitute an alteration so as to require a permit to be issued.

10. PENALTIES AND ENFORCEMENT

- (1) Every *person* who contravenes any provision of this by-law is guilty of an offence. Pursuant to the provisions of the Provincial Offences Act, R.S.O. 1990 c P.33, as amended, upon conviction a *person* is liable to a fine of not more than \$5,000.00 exclusive of costs;
- (2) Where a *sign* is deemed not to comply with this by-law, the *CAO* may forward a notice by personal service or regular post, to the *owner*. The notice may require that the illegal *sign* be removed or that the illegal *sign* be made to comply with this by-law not later than the date and time stipulated in the notice. The notice may advise that if the *sign* is not so removed or made to comply within the specified period of time, then the *County* may pull down and remove the *sign* without any further notice at the cost of the *sign owner* and the cost therefor may be collected in like manner as municipal taxes;
- (3) If the notice set out in subsection (2) is not complied with within the specified period of time, the *CAO* may direct *County* forces or an independent contractor to pull down and remove the *sign* at the cost of the *sign owner* and the cost therefore may be collected in like manner as municipal taxes;
- (4) Any *sign* removed as provided for in this section shall be stored by the *County* or an independent contractor for a period of not less than thirty (30) days. During this time the *sign owner* or his agent is entitled to redeem such *sign*, upon completing a signed acknowledgment and release on the prescribed form and upon mailing payment satisfactory to the *County* of the amounts noted below:
 - (a) the sum of \$200.00 or the *County's* actual cost of removing the *sign*, whichever is greater; and
 - (b) a storage charge of \$20.00 per day of part thereof, or \$2.00 per metre square of *sign face* per day or part thereof, whichever is greater.
- (5) Where the *County* has removed a *sign* and stored it for a period of thirty (30) days and the *sign* has not been redeemed, the *County* may then destroy or otherwise dispose of the *sign* without notice to the *sign owner* or his agent.
- (6) None of the foregoing shall limit the *County* from enforcing the provisions of this by-law by any other action or remedy permitted in law.

11. LIABILITY FOR DAMAGES

The provisions of this by-law shall not be construed as relieving or limiting the responsibility or liability of any *person* who *erects* or causes or permits or allows to be *erected* any *sign*, from personal injury including injury resulting in death or property damage resulting from such *sign* or from the acts or omissions of such *person*, or his agents, servants, employees, contractors or subcontractors, in the *erection*, alteration, repair or removal of any *sign erected* in accordance with this by-law or any permit issued hereunder. Likewise, the provisions of this by-law shall not be construed as imposing on the *County*, its officers, employees, servants or agents any responsibility or liability whatsoever by reason of the approval of or issuance of a permit for any *sign* or removal of any *sign*.

12. INDEMNIFICATION

The applicant for a *sign* permit and the *sign owner* shall be jointly and severally responsible to indemnify the *County*, its officers, employees, servants and agents from all loss, damages, costs, expenses claims, demands, actions, suits or other proceedings of any nature and kind arising from and in consequence of the *erection*, alteration, repair or removal of such *sign*.

13. VALIDITY

If a Court of competent jurisdiction declares any section or any part of a section of this by-law invalid, it is the intention of the *County* that the remainder of the by-law shall continue to be in force.

14. GRAND FATHERING

Existing free standing signs that do not present a safety concern, but do not comply with other provisions of this bylaw, will be allowed to remain for a period of three years from the effective date of this by-law, after which they shall be removed or modified.

15. EFFECTIVE DATE

This by-law takes effect on October 30, 2003.

16. SHORT TITLE

This by-law may be referred to as the Sign By-law.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 30TH DAY OF OCTOBER, 2003

DAVID ADSETT - WARDEN

DONNA WAUGH - CLERK

APPENDIX A

The following words shall have the following meanings in this By-law:

- abandoned sign**• means any sign located on property which becomes vacant and unoccupied for a period of ninety (90) days or more, or any sign which pertains to a time, event or purpose which no longer applies;
- advertising device**• means any device or object erected or located so as to attract public attention to any goods or services or facilities or events and includes flags, banners, pennants and lights;
- alter**• means any change to the sign structure or the sign face with the exception of the rearrangement of numerals, letters or copy applied directly to the face of a sign and specifically designed and intended to be periodically rearranged, the repair and maintenance of a sign, and a change in sign copy;
- animated sign**• means any kinetic or illusionary motion of all or any part of a sign and includes the rotation of a sign but does not include a changing copy sign;
- CAO**• means the Chief Administrative Officer of the County or his designate;
- Council**• means the Council of the *County of Wellington*;
- County**• means the Corporation of the County of Wellington;
- County road**• means county road allowances comprising the entire right of way of any county road including daylight corners lying outside urban centres and hamlets, as defined in the County Official Plan, 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 a lot and a county road;
- erect, erected and erection**• include the construction, maintenance, display, alteration, placing or relocation of any sign or portion thereof, and the posting of notices;
- flashing sign**• means a sign which contains an intermittent or flashing light source or which includes the illusion of intermittent or flashing light by means of animation or an externally mounted light source but does not include an automatic changing sign or electronically controlled message centre;
- owner**• means the registered owner of the lands or premises, or the person or the person's authorized agent in lawful control of premises, building, occupancy, sign or other structure;
- person**• means an individual, business, firm, corporation, association or partnership;
- portable sign**• means a sign not permanently affixed to the ground and designed in such a manner as to be capable of being moved from place to place;
- premises**• means a lot under registered ownership and includes all buildings and structures thereon;
- property**• means a parcel of land having specific boundaries which is capable of legal transfer;
- real estate sign**• means a temporary non-illuminated sign installed, erected or displayed for the notification that a building, premises or portion thereof is offered for sale, rent or lease;

•**sign**• means any surface, structure and other component parts, which are used or capable of being used as a visual medium to attract attention to a specific subject matter for identification, information or advertising purposes and includes an advertising device or notice;

•**sign area**• means the entire area of a sign face;

•**sign face**• means that portion of a sign, excluding the sign structure, upon which, as part of, against or through which the message of the sign is displayed. Where a sign is composed of individually installed letters, numerals or shapes, the sign face shall mean the area of the smallest polygon containing a maximum of eight (8) right angle sides that encloses the grouping of letters, numerals or shapes;

•**sign owner**• means the owner or lessee of a sign, or his agent. Where there is no owner, lessee or agent for a sign or such persons cannot be determined with certainty, the sign owner shall be deemed to be the person or business having the use or major benefit of the sign, or if such person or business is unknown, the sign owner shall be deemed to be the registered owner of the land upon which the sign is situated;

•**sign structure**• means anything used to support or brace a sign face and which is attached to the ground or a building or structure;

•**sight triangle**• means any sight triangle that is set out in a relevant section of the County zoning by-laws, or a sight triangle otherwise approved by the County;

•**tourist attractions**• means recreational areas, wineries, breweries, golf courses, theatres, and community events such as fall fairs and festivals;

•**tourist service business**• means bed and breakfasts, hotels, motels, restaurants, churches;

•**unsafe**• when used with respect to a sign or a sign structure means a condition which is structurally inadequate or faulty, or could be hazardous to a pedestrian or motorist.