

## OFFICE CONSOLIDATION

Last consolidated on March 18, 2022. This is a consolidation of the Township's By-Law to regulate the erection and location of signs or advertising devices in the Township of Puslinch By-Law 9/91 as amended by By-Law 49/14 and 21/18. The following consolidation is an electronic reproduction made available for reference and information purposes only. It is not an official version of the By-Law. Official versions of all By-Laws can be obtained from the Clerk's Department by calling (519) 763-1226 ext. 103. If there are any discrepancies between this consolidation and By-Laws 9/91, 49/14, and 21/18 the By-Laws shall prevail.

## THE CORPORATION OF THE TOWNSHIP OF PUSLINCH

### BY-LAW NUMBER 9/91

Being a By-Law to regulate the erection and location of signs or advertising devices in the Township of Puslinch

**WHEREAS** The *Municipal Act*, R.S.O., 1980, Chapter 302, Section 210, as amended, authorizes municipalities to prohibit and regulate signs, notices and other advertising devices within any defined areas;

**AND WHEREAS** pursuant to this authority the Council of the Corporation of the Township of Puslinch deems it necessary and expedient to enact a by-law in this regard.

**NOW THEREFORE** the Council of the Corporation of the Township of Puslinch enacts as follows:

### **SECTION 1 – SHORT TITLE**

- 1.1 This By-Law may be cited as the Sign By-Law

### **SECTION 2 – GENERAL**

- 2.1 No sign, including any notices or other advertising devices, shall be erected or structurally altered on any land abutting any highway or road allowance within the boundaries of the Township of Puslinch, except in conformity with the provisions of this By-law.

- 2.2 Signs not in accordance with the provisions contained herein are hereby prohibited. Where a sign has been lawfully erected prior to this By-law coming into force, such a sign shall be permitted provided that it is not enlarged or structurally altered, and provided that it is not in conflict with the regulations of Section 7 of this By-law.
- 2.3 No sign except as provided herein, shall be erected, installed, displayed or altered by the owner or any person without first obtaining a permit from the Township of Puslinch approving such sign or alteration and paying the fee prescribed and charged herein for such a permit.
- i) a change in the message displayed by the sign, so long as such change is in accordance with the provisions herein, does not constitute an alteration so as to require a permit.
- 2.4 Puslinch Council may authorize the pulling down or removal, at the expense of the owner, of any sign or other advertising device that is erected or displayed in contravention of this By-law except as provided for in Section 2.2 and may require the owner or any person who
- i) has caused a sign or other advertising device to be erected, displayed, altered or repaired without first having obtained a permit to do so; or
  - ii) having obtained a permit has caused a sign or other advertising device to be erected, displayed, altered or repaired contrary to the approved plans in respect of which the permit was issued, to make such sign or other advertising device comply with the by-laws of the Municipality if it does not so comply or to remove such sign or other advertising device within twenty-one days of the Municipality giving notice of such contravention.
- 2.5 The nailing or otherwise attaching of anything or the causing of anything to be so nailed or otherwise attached to or upon any property managed and controlled by a public utility commission or of a local board or on any public road allowance is hereby prohibited.
- 2.6 Notwithstanding anything contained herein, this By-law shall not apply to signs used to regulate traffic and parking including the signs required for the maintenance and construction of roads and public services and including signs erected on public road

allowances by public agencies or authorities which have jurisdiction over such public road allowances.

- 2.7 Notwithstanding anything contained herein, this By-law shall not apply to lands owned by The Corporation of the Township of Puslinch nor shall it apply to signs erected at the direction of The Corporation of the Township of Puslinch whether such signs are situated on private property or public property.
- 2.8 No person shall pull down or deface signs or other advertising devices and notices lawfully affixed.
- 2.9 The posting or exhibition of placards, play bills, posters, writing of pictures or the writing of words, or the making of pictures or drawings, which are indecent or may tend to corrupt or demoralize, on any wall or fence or elsewhere on a highway or in a public place, is hereby prohibited.

### **SECTION 3 – REGULATIONS**

- 3.1 No sign shall be so located as to interfere with or obstruct the view of any, traffic sign or signal or in any way be hazardous to pedestrian or vehicular traffic.
- 3.2 No sign shall overhang or encroach on any portion of a road allowance.
- 3.3 No sign shall be so located as to obstruct or impede any door, window or fire escape.
- 3.4 No sign shall be so located as, in the opinion of the Fire Chief, to obstruct or interfere with any fire hydrant within the Township of Puslinch.
- 3.5 No person shall erect or display any sign mounted on top of any roof of any building or structure.
- 3.6 Lighting facilities used to illuminate signs, buildings or premises, including parking areas, shall be so arranged as to deflect light away from adjacent properties or streets.
- 3.7 Portable signs and signs incorporating intermittent illumination are prohibited.
- 3.8 All signs shall maintain a minimum setback of 27.0 metres from the centre line of any road allowance.

- 3.9 Where a business is located within an existing building which is less than 27.0 metres from the centre line of the road allowance, a sign may be mounted on the building, but shall not be allowed to be free standing between said building and the road allowance.
- 3.10 A maximum of one sign shall be allowed for each street frontage of a lot within the Township.
- 3.11 No sign within the Township shall exceed 9.0 square metres in display surface or copy area.
- 3.12 A maximum of one sign, used for identification or advertisement, may be erected remote from a place of business provided such business is located within the Township.

#### **SECTION 4 – APPLICATION AND PERMIT**

- 4.1 No person shall erect, cause to be erected, structurally alter or cause to be structurally altered, a sign without first obtaining a permit from the Corporation of the Township of Puslinch.
- 4.2 All applications for permission to erect or alter a sign shall be accompanied by the following information:
- i) A plan showing the street lines or other boundaries of the property upon which it is proposed to erect such sign or advertising device upon the property in relation to other structures and signs upon such property or upon the premises immediately adjoining thereto. The Building Official may require that the foregoing information or any part thereof be verified by an Ontario land Surveyor at the applicant's expense.
  - ii) Complete drawings and specifications covering the construction of the sign and its supporting framework and the message to be displayed on the sign or advertising device, including colours to be used in the sign as determined by the Building Official.
  - iii) Drawings of, and such other information with respect to, any building upon which it is proposed to locate the sign or advertising device, as may be necessary to determine whether the structure of such building will carry the loads and stresses imposed thereon by the erection of such sign or advertising device without exceeding the stresses specified

in the Building Code. Such drawings shall, in all cases, have marked thereon, in figures, the height of such building.

- iv) Drawings required for the above subsections, shall be in duplicate and drawn to scale. The Building Official may also require such drawings to be prepared by a professional architect or engineer.
- 4.3 A permit shall not be issued by the Building Official to erect, display, structurally alter or repair any sign or advertising device until such sign or advertising device has been approved by the Building Official as being in conformity with this By-law (except as provided for in Section 2.2) and all relevant Municipal By-laws and Provincial Regulations and the required fee is paid.
- 4.4 Where a sign is located adjacent to a road allowance under the jurisdiction of another government agency, a permit and/or approval may also be required by that agency before approval is given by the Township of Puslinch.
- 4.5 The fee to accompany all applications shall be similar to that established for the issuance of a building permit in the Township of Puslinch as amended from time to time.

## **SECTION 5 – TEMPORARY SIGNS**

- 5.1 The following type of temporary signs may be permitted without municipal approval:
- i) Sale or lease signs, a maximum of one sign for each street frontage provided such sign is located on the property being sold or leased and does not exceed 0.8 square metres in display surface or copy area and are not illuminated or mechanized.
  - ii) Signs displaying a notice in conformity with a legal requirement or regulation of a government, public board or agency, utility or statute.
  - ~~iii) Directions or notices displayed in connection with any Federal, Provincial or Municipal Election.~~
  - iv) Signs erected at a construction site to identify the contractors, engineers, architects, or other related personnel such signs shall be removed upon completion of the construction project.

[By-Law 49/14]

[By-Law 49/14]

- 5.2 Notwithstanding the other provisions contained in this By-law, an Election Sign shall be governed by the provisions contained in Section 5 only.

[By-Law 49/14]

- 5.3 For the purpose of this section:

[By-Law 21/18]

**Election Sign** means:

- (a) Any candidate or political party in an election under the Canada Elections Act, the Election Act (Ontario), or the Municipal Elections Act, 1996
- (b) An issue associated with a person or political party in an election under the Canada Elections Act, the Election Act (Ontario), or the Municipal Elections Act, 1996
- (c) A question, law or by-law submitted to the electors under the Canada Elections Act, the Election Act (Ontario), or the Municipal Elections Act, 1996
- (d) Any sign on a Vehicle used for the purposes outlined in (a), (b), and (c) above

**Highway** includes 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.

**Official Sign** means any sign erected pursuant to any statute, by-law, regulation or other directive or any federal, provincial or municipal government or agency, board or commission thereof.

**Roadway** means the part of the Highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder, and, where a Highway includes two or more separate roadways, the term "Roadway" refers to any one roadway separately and not to all of the roadways collectively.

**Vehicle** includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power.

[By-Law 49/14]

- 5.4 Notwithstanding any other provision of this By-law, no person shall affix, erect, display or permit or cause to be affixed, erected or displayed an Election Sign:

- (a) prior to the issuing of a writ for a provincial or federal election;
- (b) no earlier than six (6) weeks prior to the day of the municipal election;
- (c) on a Highway that impedes, hinders or obstructs the view of a pedestrian or the driver of a Vehicle;
- (d) on a Highway that constitutes a danger or hazard;
- (e) greater than 1.5 square metres in copy area;
- (f) on any Official Sign or Official Sign structure;
- (g) on a Roadway;
- (h) two (2) days after the day of an election.

[By-Law 49/14]

- 5.5 An Election Sign on a Vehicle is not subject to the size restrictions outlined in section 5.4 (e).

## **SECTION 6 – EXEMPTIONS**

- 6.1 The provisions of this By-law shall not be deemed to prohibit the following signs:
- i) Signs painted or posted on the interior surface of any window or door glass in any building, or the installation of any sign or advertising device in the interior of a building.
  - ii) Street numbering and identification signs not exceeding 0.3 square metres in display surface or copy area.
  - iii) Non-illuminated trespassing, caution, hunting or safety signs not exceeding 0.5 square metres in display surface or copy area.

## **SECTION 7 – MAINTENANCE AND REPAIRS**

- 7.1 The owner, lessee or agent of the lands or premises upon which any sign or advertising device is located, shall maintain, or cause such sign or advertising device to be maintained, in a proper state of repair, so that such sign or advertising device does not become unsafe, unsightly or dangerous and so that such sign shall be completely operative at all times.
- 7.2 Where any sign or advertising device is in a dangerous or defective condition or location, the Building Official shall notify the owner, lessee or agent of the premises upon which such sign or advertising device is located, to remove at once such sign or advertising device or place the same in a proper state of repair.

- 7.3 Upon receipt of such notice from the Building Official, the owner, lessee or agent of such lands or premises shall at once proceed to repair or remove such sign or advertising device, provided that if the owner, lessee or agent of such lands or premises fails to repair or remove such sign or advertising device within a period of twenty-one days from the date of the notice, the Building Official may have such sign or advertising device removed or such repairs made thereto as deemed necessary, the expense thereof, with costs, shall be recoverable by action or distress, and in the case of non-payment, similarly to municipal taxes.

### **SECTION 8 – LIABILITY FOR DAMAGES**

- 8.1 The provisions of this By-law shall not be construed as relieving or limiting the responsibility or liability of any person erecting or owning any sign or display for personal injury or property damage resulting from the placing of such sign or resulting from the negligence or willful acts of such person, his agents or employees, in the construction, erection, maintenance, repair or removal of any sign erected in accordance with a permit issued hereunder. Nor can it be construed as imposing upon the Municipality or its officers or employees any responsibility or liability by reason of the approval of any signs, materials or devices under the provisions of this By-law.

### **SECTION 9 – PENALTIES**

- 9.1 Any person violating any of the provisions of this By-law upon conviction thereof shall forfeit and pay, a penalty not exceeding (exclusive of costs) the sum of Two thousand Dollars (\$2,000.00) and being not less than Two Hundred Dollars (\$200.00) for each offence. Each day such violation is committed, or permitted to continue, shall constitute a separate offence and shall be punishable as such hereunder.

### **SECTION 10 – SEVERABILITY**

- 10.1 Should any section, clause or provision of this By-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or in part thereof, other than the part which was declared to be invalid.

### **SECTION 11 – EFFECTIVE DATE**

- 11.1 This By-law shall come into force on the date of enactment at which time all By-laws of the Township of Puslinch that are inconsistent with the provisions of this By-law be and the same are hereby



repealed insofar as is necessary to give effect to the provisions of this By-law.

#### **SECTION 12 – ADMINISTRATION**

- 12.1 In case of conflict between the provisions in this By-law or the provisions of other By-laws or Regulations, the most restrictive provisions shall apply.

#### **SECTION 13 – TEMPORARY SIGNS**

- 13.1 This By-law shall be administered by a person designated from time to time by Council as the Zoning Administrator or such other person as the Council of the Township of Puslinch designates.

#### **SECTION 14 – BY-LAW REPEAL**

- 14.1 By-law No. 12/79 is hereby repealed in its entirety.