

THE CORPORATION OF THE TOWNSHIP OF ESSA

BY-LAW 2008 - 15

A By-law for the control and/or regulation of signs or other advertising devices, and the posting of notices; and to repeal By-law 2006-51.

WHEREAS, Paragraph 7 of Section 11 (1) of the *Municipal Act*, 2001, SO 2001, Chapter c.25 authorizes municipalities may pass by-laws respecting structures, including fences and signs; and

WHEREAS Section 99 (2) of the *Municipal Act*, 2001, SO 2001, c.25 provides Councils with the authority to enact such by-laws, including the recovery of 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; and

WHEREAS it is considered advisable to pass a By-law to regulate and control signs and other advertising devices and the posting of notices within The Township of Essa to ensure they are appropriate in size, number and location; are compatible with their surroundings; are consistent with the planning objectives of the Township; and to ensure that they do not create a visual distraction or safety hazard for pedestrians or motorists;

NOW THEREFORE The Council of The Township of Essa enacts as follows:

1 Definitions

For the purpose of this By-law:

“**A Frame**” see Definition for Portable Sign or Sidewalk Sign.

“**Advertising Device**” shall mean any designed device or object creating a design 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 poster panel or back light sign that advertises goods, products or services not sold on the lot or premises where the sign is located.

“**Clear Zone**” means the total roadside border area, starting at the edge of the asphalt available for safe use by errant vehicles. This area may consist of a shoulder, a recoverable slope, a non-recoverable slope, and/or a clear run-out area. The desired width is dependant upon traffic volumes and speed, and on the roadside geometry.

“**Controlled Area**” means the area within 400m of the limit of the highway, as set out in the Public Transportation and Highway Improvement Act.

“**Council**” shall mean the Council of The Corporation of The Township of Essa.

“**County**” shall mean The Corporation of The County of Simcoe.

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

“**Directional Signage**” shall mean a fingerboard type sign measuring no more than three feet in length and six inches deep on a 4” x 4” pressured treated post.

“**Display Surface**” shall mean the continuous area in one place made available by the structure for the mounting of letters and decorations.

“**Ground Sign**” means a free standing sign in a fixed location, which sign is wholly supported by uprights or braces embedded in the ground and shall include a pole or pylon sign, but shall not include a billboard sign.

“**Home Occupation**” sign shall mean a sign accessory to the permitted residential use.

“**Illuminated**” shall include direct, indirect, internal or external illumination.

“**Municipality**” means the Corporation of the Township of Essa and its officers or employees appointed to administer the provisions of this By-law.

“**Permanent Sign**” means permanent advertising devices or notices and any medium including its structure and other component parts which is used or is capable of being used to attract attention to a specific subject matter. Such signs may be illuminated or non-illuminated.

“**Portable Sign**” means any sign specifically designed or intended to be moved from one location to another and which does not rely on a building or fixed foundation for its structural support, and includes signs commonly known as magnetic signs, A-frame or sandwich board signs.

“**Schedule of Fees**” means the Schedule of Fees as attached to the Township’s Fees and Charges By-law.

“**Sidewalk Sign**” means a free standing sign located on but not anchored to the ground. This shall include signs commonly referred to as A-frame, T-frame and sandwich board signs but shall not include any other sign defined in this by-law.

“**Store Front Sign**” means a sign erected against or affixed to the front, side or rear wall of any commercial building.

“**Temporary Sign**” means any illuminated or non-illuminated sign which is free standing or mounted on wheels so as to make it transportable, or on a wire or other support structure which is intended for use on a short-term-basis.

2. Application Requirements

- 2.1 This By-law shall be administered by the Clerk, Municipal Law Enforcement Officer(s), the Chief Building Official, Building Inspectors, or other appointed Officers of the municipality.
- 2.2 Any Township employee may take action to remove incorrectly placed signs, or signs for which a permit has not been obtained.
- 2.3 No sign or advertising device shall be affixed to any tree, post, pole or other temporary location. Any such device affixed to such pole or tree shall be removed.
- 2.4 The applicant applying for a permit shall file with the Municipality the following documents:
 - a) A site plan detailing the proposed site with all measurements included, and
 - b) Completed drawings or photos detailing the proposed sign and construction, and
 - c) All approval forms and permits issued from other agencies, if required, and
 - d) The applicable application form duly completed and signed by the Clerk, and attached hereto as Schedule “A”
- 2.5 No signs or advertising devices shall be erected or displayed unless a permit has been approved and issued by the municipality, except for signs permitted under Section 4.3, and Section 8 (Elections) of this By-law.
- 2.6 Fees to be charged for each sign permit issued pursuant to this By-law shall be as prescribed in the Township’s Schedule of Fees.

3. Construction & Repair

- 3.1 No sign shall be erected until a plan pursuant to Section 2.4 concerning the sign has been approved and a permit has been issued by the Municipality.
- 3.2 Construction signs affixed or attached to building posts or poles shall not project over, nor encroach upon public roads, highways, municipal property, abutting private property or a daylighting triangle. Such signs must be approved by the Building Department.
- 3.3 Signs exceeding 5 ft (1.5 m) x 8 ft (2.4 m) require approval from the Building Department.

4. Temporary Signs

- 4.1 No temporary signs shall be erected or displayed in the municipality without first obtaining a permit from the municipality.
- 4.2 The application for a permit for a temporary sign shall include the information required under Section 2.3 (a), (c) and (d).
- 4.3 Despite Sections 4.1 and 4.2 a permit will not be required for the erection of a temporary sign for the purpose of the sale, lease or rent of real property when it is less than 1.8 sq. ft (0.55 sq m) in face area.
- 4.4 No person shall erect any temporary sign in a location which obstructs or interferes with the normal flow of pedestrians or vehicular traffic, or in a manner which does not comply with the provisions of Section 3.2.
- 4.5 Any sign or notice regarding a neighbourhood function, garage sale or like event may be posted without a permit, but must be removed within five (5) days following the event. Failure to remove said signage may result in charges being incurred against the property owner.
- 4.6 No sign shall be posted or erected on the traveled or untraveled portion of a highway, and must be a minimum of 3.3 ft (1 m) behind the property line.

5. Directional Signage

- 5.1 Directional Signage is permitted by business owners to direct the motoring public to their location under the following conditions:
- 5.2 The sign/post must be placed at a location that does not interfere with road maintenance operations or obscure regulatory or warning type signage, or visibility at an intersection including driveways.
- 5.3 The sign is to be placed on one (1) 4" x 4" pressure treated wood post (break away) with at least 4½ feet of the post in the ground. There shall be a maximum of four (4) business directional signs allowed on each post showing different business names.
- 5.4 Only one post with a maximum of four (4) business directional signs shall be permitted at each intersection.
- 5.5 The sign must be fingerboard type, with a maximum length of three (3) feet and a height of six (6) inches. Only white signs with dark green lettering are permitted.

- 5.6 Only one (1) line of lettering is permitted on a sign, which may or may not include a directional arrow. Each business will only be permitted to place a maximum of four (4) business directional signs on the Township's road system.
- 5.7 No directional sign shall be placed above a street name sign on the same post.
- 5.8 No directional arrow shall point across the roadway.
- 5.9 No sign shall be placed within 5 feet (1.5 m) of grade level (shoulder).
- 5.10 The business owner may be permitted to install the sign subject to the approval of the Roads Supervisor. If approved, the Business Owner shall be responsible for having the sign prepared, and purchase the post and hardware, including installation, at their own expense, subject to a road occupancy permit being approved for its installation. The road occupancy permit fee shall apply (see current Fee Schedule).
- 5.11 Business owners that elect to install the signs themselves are required to obtain all service locates (gas, hydro, etc.) and will be held responsible in the event of any issues that arise as a result of the installation.
- 5.12 No Business Directional signage shall be permitted on Township road allowances if any business owner has entered into an agreement with the Tourism Oriented Directional Signage (TODS) Ltd. or on County or MTO road allowances within Essa Township to assist in reducing sign clutter and visual pollution.
- 5.13 No Business Directional Sign is permitted along County or Ministry of Transportation roads including at intersections of Township roads.
- 5.14 Fees for Directional signs, labour and administration shall be in accordance with The Township of Essa Fees and Charges By-law.

6. General Provisions

- 6.1 Home occupation signs are not to exceed 1.8 ft (0.55 m) in width and not to exceed 3.94 ft (1.2 m) in height. No part of any sign is to be closer that 3.28 ft (1 m) from any property line. Temporary signs are not permitted as home occupation signs.
- 6.2 Letters, words and numbers on building faces for the purpose of advertising are deemed to be signs under Section 3 of this By-law.
- 6.3 Light from any illuminated sign is to be deflected away from an adjacent residential lot and the path of vehicular traffic.

- 6.4 Self-standing or wall mounted commercial and industrial signs shall not exceed 4.2 ft (1.5 m) in height and shall not have a surface area greater than 8.2 ft (2.5 sq m). A minimum of 7.87 ft (2.4 m) from the finished grade to the bottom of the sign is required if visibility is affected for traffic or pedestrian use.
- 6.5 Self-standing multiple business signs for commercial or business plazas shall not exceed 26 ft (8 m) in overall height and shall not have a surface area greater than 11.5 ft (3.5 sq m). A minimum elevation of 7.87 ft (2.4 m) from the finished grade to the bottom of the sign is required if visibility is affected for traffic or pedestrian use.
- 6.6 The following signs must be designed by a professional engineer or architect:
- a) ground signs which exceed 24.6 ft (7.5m) in height above the adjacent finished ground;
 - b) a projecting sign which weighs more than 254 lb (115 kg); or
 - c) a roof sign that has any face that is more than 108 ft (10m sq).
- 6.7 Any projecting sign attached or fastened in any manner to a parapet wall must be designed by an architect or professional engineer.
- 6.8 Township employees may remove or arrange to remove any sign on a highway which is in contravention of this by-law. Such sign may be claimed and retrieved by the owner at the owner's expense within 30 days of removal. If the sign is not claimed within 30 days of the date of removal, the sign may be destroyed.
- 6.9 In accordance Section 391(1) of the *Municipal Act*, a fine of \$50 shall be charged to any sign owner who wishes the sign to be returned by Township employees.
- 6.10 No sign shall be placed in a designated parking space or block any parking space to maintain compliance with the Township of Essa Zoning By-law which provides for a minimum number of parking spaces.
- 6.11 Signs found to be improperly placed and without a permit, and which have been removed by Township employees may be withheld until a fine of \$50 is paid, or the sign owner may arrange to pick up the sign at their own expense.
- 6.12 Billboard signs are not permitted on Township roads. Billboards posted on private property must be a minimum of 75.5 ft (23m) from the road allowance.

7. Exemptions

- 7.1 Township of Essa By-law 2004-15, being a by-law to regulate the number, location and size of Municipal Election Signs within the Township of Essa shall be considered only for the purposes of municipal elections.

- 7.2 With the exception of Section 7.1, no signs shall be erected for the purpose of any election save and except Federal or Provincial elections. Such signs shall not exceed 15 sq ft (4.64 sq m) in size and may be erected no more than 6 weeks prior to the day of the election and must be removed within 48 hours after the election. They shall not be placed at or near an intersection where visibility may be affected. No permit is required for the erection of election signs authorized under this section; however, the signs must be placed so as to be in compliance with relevant Provincial or Federal legislation concerning election signs.
- 7.3 Signs used by the Municipality, County of Simcoe, Province of Ontario and Federal Government agencies in conducting their business are exempt from the provisions of this By-law.

8. Penalty

- 8.1 Any property owner who contravenes any portion of this By-law shall be given notice of 14 calendar days to correct the contravention. If after having been issued a written notice the property owner fails to comply, the Clerk or the Municipal Law Enforcement Officer may authorize the removal of the sign at the expense of the property owner, and such expense, if not paid within 30 days of the notice being issued, may be recovered pursuant to the *Municipal Act, 2001*.
- 8.2 If signs permitted under Section 7.1 are not removed within 48 hours following the election, the Municipality may remove same and collect the expense of doing so pursuant to the *Municipal Act*.
- 8.3 Every person who contravenes any of the provisions of this By-law is guilty of an offence and shall upon conviction thereof forfeit and pay a penalty of not more than \$5,000.00, exclusive of costs, and every such fine is recoverable under the *Provincial Offences Act*.
- 8.4 Each day the contravention is permitted to continue shall constitute a separate offence.

9. Force and Effect

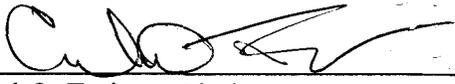
- 9.1 The Clerk or designate shall be responsible for the issuing of permits and notices pursuant to this By-law.
- 9.2 That this By-law shall be known as the "Sign Regulation By-law."
- 9.3 That By-law 2006-51 is hereby repealed.
- 9.4 That this By-law shall come into force and take effect on the day it is passed.

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READ A FIRST, AND TAKEN AS READ A SECOND AND THIRD TIME AND FINALLY
PASSED on the Twentieth day of February, 2008.



David Guergis, Mayor



Carol O. Trainor, Clerk

SCHEDULE "A"
Application for Sign Permit

Applicant Name: _____

Business Name: _____

Business Address: _____

Telephone: _____ Fax Number: _____

Type of Sign requested: P - Permanent ___ H - Home ___ T - Temp ___ S - Storefront ___

Other _____ Illuminated: Y ___ N ___

Length of Time sign required: up to 2 months ___ up to 6 months ___ up to 1 year ___

More than one year: _____

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

Conditions of Approval: _____

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

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

Signature of Applicant _____ Date _____

Property/Business Owner: _____
Print Name Signature

Property owner mailing address: _____

For Office Use Only:

Date of Issue: _____ Expiry Date: _____

Planning/Building/Zoning approval required: _____

Permit Number: _____ Date _____

Permit Fee \$ _____ Paid: _____