

THE CORPORATION OF THE TOWNSHIP OF MULMUR

BY-LAW NUMBER 20-09

BEING A BY-LAW PROHIBITING OR REGULATING SIGNS AND ANY OTHER ADVERTISING DEVICES ON ROADS AND WITHIN ROAD ALLOWANCES WITHIN THE TOWNSHIP OF MULMUR

WHEREAS Section 99 of the Municipal Act, 2001, S.O. 2001, c. 25, provides Council with the authority to pass by-laws prohibiting and regulating Signs, advertising and advertising devices;

AND WHEREAS Council has determined that there is a need to enact a By-law prohibiting and regulating signs, advertising and advertising devices on roads and within road allowances, to preserve the rural character, reduce roadside visual clutter and ensure the safety of the public while travelling roads in the municipality;

AND WHEREAS Council wishes to achieve balance between the need for advertising of local businesses or events, with the safety of the travelling public and the desire to preserve the visual attractiveness of the municipality;

NOW THEREFORE Council enacts as follows:

Definitions

1. In this By-law the following terms are defined as:

“Clerk” means the Clerk of the Township of Mulmur, and also includes the Deputy Clerk, duly appointed under the Municipal Act.

“Sign” means a message board or advertising device bearing a message or advertisement consisting of letters, numbers, symbols or characters, the various materials upon which they are displayed, any internal and external mechanical or electrical parts, and any stiffening bars or ornamental mouldings and associated structure.

“Township” means the Corporation of the Township of Mulmur.

Prohibitions

2. No person shall erect, display, alter, locate or place any Sign upon any Township road or within any Township road allowance without the express permission of the Township, unless such type of Sign is permitted under Section 12 of this By-law or as otherwise authorized by the Clerk under Section, or by Council under Section.
3. Any scrolling digital Sign is prohibited.
4. Any sign illumination is prohibited unless expressly permitted by Council pursuant to this By-law.
5. Any flashing illumination of a Sign is prohibited.
6. Any Sign placed on, or fastened to any utility pole or to any municipal light standard or road sign within a Township road allowance is prohibited.
7. Any Sign placed on or fastened to a tree located within a Township road allowance is prohibited.

Existing Signs

8. This By-law does not apply to an advertising sign or device that was lawfully erected or displayed on the day this By-law comes into force if the advertising device is not

substantially altered, and the maintenance and repair of the advertising device or a change in the message or contents displayed is deemed not in itself to constitute a substantial alteration.

Maintenance of Existing Signs

- 9 A change in the message displayed by a Sign does not require a permit, provided such Sign has been erected in conformity with this By-law, and remains in conformity with the provisions of this By-law.
- 10 The owner, occupant or permit holder of any property upon which a Sign is situated shall keep the Sign, together with its supporting structure in a good state of repair and in a proper state of preservation as to safety and appearance.
11. Any Sign that does not conform to any provision of this By-law and that falls into disrepair shall be removed by the owner, occupant or permit holder and may not be re-erected. Such Signs that are not removed by the owner in a timely manner may be removed and disposed of by the Township and the costs may be recovered pursuant to the provisions of this By-law.

Permitted Signs

12. The following types of Signs are permitted to be erected on Township roads and within Township road allowances, provided such Sign complies with this By-law:
 - a) A non-illuminated "Property for Sale/Lease" Sign of no more than 0.56 sq. m. in surface area, located directly adjacent to and not more than 2.5 m. from the limit of the property for sale or lease and limited in number to three, plus one additional sign for each additional, separate open Township road fronting the land for sale or lease, such signs to be erected only when the lands are under active listing until no later than ninety (90) days after the termination of the listing or the sale of the property, or;
 - b) A Special Event or Community Event Sign, for a period not to exceed thirty (30) days prior to the event until two (2) days after the event, or;
 - c) A Sign which advertises a public auction, placed adjacent to the lot where the auction is to be held for a period of not more than fourteen (14) days prior to, until two (2) days following the auction event, or;
 - d) A sign advertising a garage or contents sale, for a period of seven (7) days prior to the sale to two (2) days following the sale, or;
 - e) An election sign, advertising or promoting the election of a candidate for municipal, provincial, or federal government office placed, and removed within two (2) days after the election, in accordance with the Elections Act, or;
 - f) A Sign erected by emergency services, including police, fire, or ambulance services, or as authorized under a municipal emergency, including any sign erected to warn of a danger or safety hazard, and emergency number sign, or;
 - g) A Sign displaying an emergency number, or;
 - h) A Sign erected for the purpose of retailing agriculture products during the period those products are being offered for sale, or;
 - i) A temporary Sign announcing and providing details of a public works project (funding sources, contractor, contact information, etc.) for a period of not more than sixty (60) days prior to the commencement of construction to not more than thirty (30) days after the final completion of the project, and including a temporary Sign placed for the purpose of warning and/or directing traffic, or;
 - j) A Sign placed at the entrance to a neighbourhood identifying the name of the neighbourhood and the civic address, and containing no other message, as approved by the Township, or;

- k) A Sign approved by the Township advertising an application or public meeting under the Planning Act, or;
- l) A non-illuminated sign that is part of a Site Plan approval given by the Township under the Planning Act, or;
- m) A Sign erected by the Township, the County or the Province of Ontario under the Highway Traffic Act, or;
- n) A Sign erected or displayed within the road allowance of any road under the jurisdiction of the County of Dufferin, provided that a permit has been obtained from the County of Dufferin, or;
- o) A Sign erected or displayed within the road allowance of any road under the jurisdiction of the Province of Ontario, provided that a permit has been obtained from the Ministry of Transportation, or;
- p) A Sign erected by a government organization, such as the Niagara Escarpment Commission or a related agency, such as The Bruce Trail Conservancy, or;
- q) A sign erected by a snowmobile club to mark the location of, or direct traffic on a snowmobile trail, or;
- r) Any other sign placed on a Township road or within a Township road allowance specifically authorized by the Clerk, or by the Council of the Township of Mulmur.

Administration

- 13. This By-law shall be administered by the Clerk.

Application Process for Authorization of Sign Not Otherwise Permitted in Section 12

- 14. An applicant for authorization for the placement of any Sign not permitted on a Township road or within a Township road allowance under Section 12 of this By-law shall provide to the Clerk the following documents:
 - a) A duly executed application form, as in Schedule “A” to this By-law, providing the owner’s authorization, if the applicant is not the owner of the Sign(s) to be erected;
 - b) The proposed location of the Sign(s) in relation to other features within the road or road allowance;
 - c) Design and construction details of the proposed Sign(s), and
 - d) The time period the Sign(s) is/are to be erected.
- 15. Upon application for a Sign permit the applicant shall pay an application fee to the Township in the amount of \$50.00 plus an additional \$20.00 for each additional sign to be erected.
- 16. The Clerk shall not issue any Sign permit unless the proposed Sign complies with the provisions of this By-law. In determining such compliance, the Clerk may circulate the application and documents received with the application for comment by any official of the Township, the Chief Building Official; the Police Chief having jurisdiction in the Township; the Fire Chief having jurisdiction in the area; the County of Dufferin Director of Public Works; the Ministry of Transportation and/or any other public agency which may have an interest in the application. Should any of the above officials or agencies recommend denial of the authorization in writing with reasons deemed to be reasonable by the Clerk, the Clerk shall deny the application and provide the applicant with the reasons for the denial, and refund the fee(s).

Applications for Variances to the Sign By-law

17. Pursuant to s. 99 of the Municipal Act, 2001, Township Council may authorize a variance to this By-law if in the opinion of Township Council the general intent and purpose of this By-law are maintained.
18. An application for a variance to this By-law may be made in writing to Township Council and shall be accompanied by a non-refundable fee of \$100.00, plus an additional \$20.00 per Sign to be erected. Township Council shall schedule a hearing within 45 days of the receipt of the variance application and shall determine the appropriateness of such application, after hearing from the applicant, should the applicant so desire to be heard, and hearing from any other persons who may have an interest in the matter, should such persons so desire to be heard. Township Council shall issue its decision within 45 days after the variance application has been heard.
19. Any decision made by Township Council on an application for a variance to this By-law is final and binding.

Time Limitation on Permission to Erect Sign

20. Permission to erect a Sign on a Township road or within any Township road allowance shall not be given by the Clerk or by Council for a period of more than one year.

Where Building Permit Required

21. Where a building permit is required for the Sign under the Building Code Act, and/or where the Sign is larger than that permitted by the Township's Zoning By-law without a building permit, the applicant shall obtain a building permit. Nothing in this By-law restricts the Chief Building Official requiring further information from the applicant to determine compliance with the Building Code Act.
22. Should the Sign require a building permit, any Sign permit issued under this By-law by the Clerk shall be conditional upon the issuance of a building permit prior to the erection or display of the Sign, failing which the permission for the Sign from the Township shall be of no effect and shall be deemed to have been revoked, and the Sign may be removed and costs recovered in accordance with the provisions of this By-law.

Traffic Hazards

23. Notwithstanding any other provisions of this By-law, any Sign which creates a traffic hazard is prohibited. No sign shall be erected which reduces the effectiveness of any traffic signal on any roadway or otherwise interferes with traffic on any roadway including obstructing the view of motorists at any intersection of roadways; or access driveway; and/or a roadway within 6 metres of that intersection of the lot lines. Any public highway authority including the Director of Public Works for the Township may require the removal or relocation of any Sign and/or Sign structure or Sign landscaping which he/she considers to constitute a traffic hazard, and may remove the sign if the sign is deemed to be an immediate traffic hazard by the appropriate authority.

Enforcement

24. Where any Sign not permitted in Section 12 has been erected, or where any such sign represents a traffic hazard in accordance with Paragraph 23, the Township shall have the right to pull down, demolish or otherwise remove the Sign at the expense of the Owner of the Sign. The Township shall not be liable to compensate the Owner of the sign by reason of anything done by or on behalf of the Township under the provisions of this By-law.

25. All costs incurred by the Township for pulling down, demolishing or otherwise removing and disposing of the Sign, including legal fees, may be recovered by the Township as a debt owed by the owner of the Sign or by any or all methods available by statute, including collection from the owner of the land through the property tax system.
26. All costs and charges incurred by the Township for the removal, care and storage of a Sign that is erected or displayed in contravention of this By-law are a lien on the Sign that may be enforced by the Township under the Repair and Storage Liens Act, 2006.
27. In addition, the Township may cause a prosecution to be brought against any person in the Courts for violation of this By-law.

Penalties

28. Every person who contravenes any provision of this By-law is guilty of an offence and liable upon conviction to a penalty as authorized by the Provincial Offences Act.
29. Upon conviction, the Court in which the conviction has been entered and any Court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted.

Short Title

30. This By-Law shall be known and cited as the “Sign By-law”.

Effective Date

31. This By-law shall come into force and take effect on the day of passage hereof.

READ A FIRST, SECOND and THIRD TIME, and passed this 4th day of August, 2009.

Gordon Montgomery
MAYOR

Terry Horner
CLERK

(The Sign By-law of the Township of Mulmur)

Application for Permission to Erect a Sign on a Township Road or Within a Township Road Allowance

Owner of the Sign(s) _____

Address _____

Phone No. () _____ - _____

Applicant (Agent) _____

Address _____

Phone No. () _____ - _____

Number of Signs to be erected: _____

Period Sign(s) are to be erected: _____ to _____

Design details of Sign (size, height, type, content, etc.)

Proposed Location(s): (road, lot/concession, distances from intersections and adjacent private property and road center line, north arrow, etc.) (separate sketch for each sign or map with location(s) accurately plotted).

Fee: \$50.00 plus \$20.00 x ____ additional signs = \$_____

I have read and understand the provisions of the Township of Mulmur Sign By-law and agree to comply with the provisions of the By-law.

Owner or authorized agent - Date
written authorization required