



THE CORPORATION OF THE TOWNSHIP OF MULMUR

BY-LAW NO. 09 - 2022

**BEING A BY-LAW REGULATING SIGNS AND ANY OTHER
ADVERTISING DEVICES WITHIN THE TOWNSHIP OF MULMUR**

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 purposes of exercising its authority under this or any other Act;

AND WHEREAS under Section 11 of the Municipal Act, the Corporation of the Township of Mulmur, 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, sets out rules which apply to a by-law of a municipality respecting advertising devices, including signs;

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 THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF MULMUR HEREBY ENACTS AS FOLLOWS:

1.0 DEFINITIONS

ABANDONED SIGN – means a sign which no longer correctly directs or advertises a bona-fide business, lessor, service, owner, product or activity and/or for which no legal owner can be found.

AGRICULTURAL SIGN – means a sign accessory to the permitted agricultural use.

ADVERTISING DEVICE – means any device or object designed and intended to be erected or located as to attract public attention and includes flags, banners, pennants, lights or any object intended for advertising purposes, and shall include a sign.

ALTER – means any change to a sign structure, size and/or location but shall not include the replacement of a sign face or panel, painting, repainting, cleaning or normal maintenance and repair.

CLERK - means the Clerk of the Township of Mulmur, and shall also include the Deputy Clerk, duly appointed under the Municipal Act.

COUNCIL – means the Council of the Corporation of the Township of Mulmur.

ELECTION SIGN - means a temporary sign, including a poster sign or rigid ground mounted sign, advertising support or opposition for a candidate, a political party, or a “yes” or “no” answer to a question on the ballot in a municipal, school board, provincial or federal election”.

ILLUMINATED SIGN – means any sign, which is digital or lit by a direct, indirect, internal or external light source.

OCCUPANT – means the person in physical possession of the premises and includes all persons who have the responsibility for the control over the condition of the premises or the activities there carried on notwithstanding that there may be more than one occupant of the same premises.

OWNER – means a person having a legal or equitable title to the land, building or structure upon which a sign is located and includes all persons having a legal right to obtain physical possession of the premises.

REAL ESTATE SIGN – mean a temporary sign advertising the real estate upon which the sign is located as being for rent, sale or lease.

SIGN - means any visual medium, including its structure and other component parts, which is used or capable of being used to attract attention to a specific subject matter, other than itself, for identification, information, advertising, service, activity, person, business or product.

SPECIAL EVENT SIGN – mean temporary street decorations, banners, paper signs, cloth signs, posters, handbills or any other temporary advertising devices installed for various community events, civic celebrations and/or festivals and special events.

TOWNSHIP - means the Corporation of the Township of Mulmur.

2.0 PROHIBITIONS

- 2.1 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 in this By-law or as otherwise authorized by the Clerk or Council.
- 2.2 Any illuminated sign unless expressly permitted by Council pursuant to this By-law.
- 2.3 Any sign placed on or fastened to any tree, utility pole, municipal light standard or road sign within a Township road allowance.
- 2.4 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.

3.0 EXISTING SIGNS

- 3.1 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.

- 3.2 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.
- 3.3 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.
- 3.4 Any sign that does not conform to any provision of this By-law and that falls into disrepair shall be considered an abandoned sign and 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.

4.0 PERMITTED SIGNS

- 4.1 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;
- 4.2 A non-illuminated Real Estate 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;
- 4.3 A Special Event sign, for a period not to exceed thirty (30) days prior to the event until two (2) days after the event;
- 4.4 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;
- 4.5 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;
- 4.6 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;
- 4.7 A sign displaying an emergency number;
- 4.8 Agricultural signs, or signs erected for the purpose of retailing agriculture products during the period those products are being offered for sale;
- 4.9 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;
- 4.10 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;
- 4.11 A sign approved by the Township under the Planning Act;
- 4.12 A sign erected by the Township, the County of Dufferin, Province of Ontario or Government of Canada under the Highway Traffic Act;

- 4.13 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;
- 4.14 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;
- 4.15 A sign erected by a government organization, such as the Niagara Escarpment Commission or a related agency, such as The Bruce Trail Conservancy;
- 4.16 A sign erected by a snowmobile club to mark the location of, or direct traffic on a snowmobile trail;
- 4.17 Any other sign placed on a Township road or within a Township road allowance specifically authorized by the Clerk or Council of the Township of Mulmur.

5.0 ELECTION SIGNS

- 5.1 Election signs, advertising or promoting the election of a candidate for municipal, provincial, or federal government office are permitted, in accordance with the Elections Act.
- 5.2 All election signs shall be removed within three (3) days after the election.
- 5.3 The placement of election signs is prohibited on Township lands containing municipal buildings, parks and/or facilities.
- 5.4 The placement of elections signs is prohibited within 10m of an intersection
- 5.5 The erection and placement of election signs shall be restricted to:
 - a) The drop of the writ for a provincial or federal election;
 - b) 28 days prior to election day for a municipal election.

6.0 APPLICATION FOR VARIANCE

- 6.1 Pursuant to s. 99 of the Municipal Act, 2001, Council may authorize a variance to this By-law if in the opinion of Council the general intent and purpose of this By-law are maintained.
- 6.2 The applicant shall provide the Clerk with the following documents:
 - a) A duly executed application form, as in Schedule "A" to this By-law;
 - b) An owner's authorization form, if the applicant is not the owner of the lands in which the sign(s) are to be erected;
 - c) An application fee as outlined in the Township's Schedule of Fees;
 - d) A site plan showing the proposed location of the sign(s) in relation to other features on the lot or within the road or road allowance;
 - e) Design and construction details of the proposed sign(s); and
 - f) The time period the sign(s) is/are to be erected.
- 6.3 The Clerk may circulate the application and documents received with the application for comment by any official of the Township; Emergency Services; the County of Dufferin; 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 with reasons deemed to be reasonable the application shall be denied. The

Clerk shall provide the applicant with the reasons for the denial and refund the fee(s).

6.4 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. Council shall issue its decision within 45 days after the variance application has been heard.

6.5 Any decision made by Council on an application for a variance to this By-law is final and binding.

7.0 TIME LIMITATIONS

7.1 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.

8.0 BUILDING PERMITS

8.1 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, 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.

8.2 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.

9.0 ENFORCEMENT

9.1 Where any sign not permitted in in the By-law has been erected, or where any such sign represents a traffic hazard the Township shall have the right to pull down, demolish or otherwise remove the sign at the expense of the Owner. 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.

9.2 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.

9.3 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.

10.0 PENALTIES

10.1 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.

11.0 ADMINISTRATION

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

12.0 SHORT TITLE

12.1 This By-Law shall be known and cited as the "Sign By-law".

13.0 REPEAL

13.1 That By-Law No. 20-09, is hereby repealed.

14.0 EFFECTIVE DATE

14.1 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 2nd day of MARCH, 2022.

MAYOR

CLERK