

CORPORATION OF THE MUNICIPALITY OF WEST PERTH

BY-LAW 080-2010

**A By-law to regulate the Erection of Signs
and other advertising devices
in the Municipality of West Perth**

WHEREAS the Municipal Act 2001, Chapter 25, s. 99 (1, 2, 3, 4 & 5) provides that the Council of local municipalities may pass by-laws for prohibiting or regulating signs and other advertising devices;

AND WHEREAS the Council for the Municipality of West Perth deems it expedient to regulate the erection of signs;

NOW THEREFORE the Council of the Municipality of West Perth enacts as follows:

Part 1

DEFINITIONS

1. In this by-law:
 - (a) “Area” shall mean the total textual or character message of any sign. The border or frame surrounding the message and the supporting structure required for a pole sign shall not be included in the calculation of “area”. In the event the sign consists of individual letters/characters, painted or affixed to a building, the area shall be defined as the length of all the letters/characters multiplied by the average height of the letters/characters.
 - (b) “Animated” shall mean a type of sign with flashing or intermittent lighting, including electronic messages.
 - (c) “Awning” shall refer to a sheet of plastic, canvas or metal extended on a retractable frame used to provide shelter to a storefront which, when retracted is flush with the façade of the building.
 - (d) “Building Sign” shall mean any structure that is attached to or forms part of any building.
 - (e) “Business” shall mean any operation conducted within a clearly defined room and/or rooms in a building but nothing in this definition shall mean that two or more companies operating from the same room and/or rooms shall be permitted more than one sign.
 - (f) “Election Sign” defined as any banner, poster or sign for a candidate/issue in a Municipal, Provincial or Federal election or plebiscite.
 - (g) “Height” shall mean the highest point of any sign and shall be measured from the ground level to the highest point.
 - (h) “Home Occupation Sign” shall mean a sign identifying a home occupation as permitted in Section 4.3.c of this By-law and as defined by the Zoning By-law.
 - (i) “Lot” shall mean a parcel of land the description of which is registered in a registry office as a separate parcel of land and as such could be sold without the consent of any public body.
 - (j) “Mobile Sign” shall mean any sign or sign structure which was expressly designed for temporary placement or erection on site that is constructed to support, carry and display an area of changeable copy or a read-a-board sign.
 - (k) “Municipal Addressing Sign” - any sign identifying the address and/or owner of a private lot on which the sign is located having an area not exceeding 0.5 square metres.

- (l) "Municipality" shall mean the Corporation of the Municipality of West Perth.
- (m) "Person" shall mean and include any person, firm, corporation or organization.
- (n) "Pole Sign" shall mean any sign that is supported by its own structure and is permanently affixed to the lot on which it is located.
- (o) "Public Roadway" shall mean any highway or street assumed by the Municipality, the Corporation of the County of Perth, or the Ontario Ministry of Transportation which affords the principal means of access to any lot that abuts thereon.
- (p) "Sandwich Board Sign" shall mean a free-standing, double faced inverted V type sign not exceeding 0.6 metres in width, 0.9 metres in height, and 1.0 metres in length.
- (q) "Setback" shall mean the distance from the base of any proposed sign to the property line.
- (r) "Sign" shall mean any device that is used to project an image, occurrence, name, product, time, place or business and is visible in whole or in part from any public roadway and shall include building signs, pole signs and mobile signs.
- (s) "Vehicle Control Sign" shall mean a sign regulating private on-site traffic movements.
- (t) "Window Sign" shall mean a sign located within a building storefront, visible from the street and may be mounted, painted or etched on the inside of any window.
- (u) "Zones" shall mean the zone more particularly located and described in the Municipality of West Perth Comprehensive Zoning By-law as amended.

Part 2
ADMINISTRATION

2.1 Permits

- (a) The locating or placing of a sign within the Municipality shall require a permit issued by the Chief Building Official.
- (b) The locating and placing of a mobile sign as permitted in Section 3.7 shall be subject to permit issued by the Chief Building Official on each occasion the sign is utilized; a fee as determined by the most current Tariff of Fees set by Council, shall apply.

2.2 Application

An application for sign permit must be filed with the Chief Building Official.
A complete application shall include the following:

- (a) A completed application form (as attached hereto as Schedule "A").
- (b) The applicable application fees.
- (c) A complete set of drawings and specifications detailing the construction of the sign and support structure. Where applicable, this will include drawings stamped by a registered professional engineer.
- (d) A plan indicating the lot dimensions, frontage and setback requirements and proposed location of the sign on site,
- (e) All written approvals (e.g., County of Perth, Ministry of Transportation), as required. (i.e., signs within 400m and visible to a Provincial highway require a ministry permit

If an application is deemed incomplete, the application and all its supporting documentation shall be returned to the applicant.

2.3 Signs which are permitted without a permit:

- (a) "Municipal Signs" - any street signs, promotional signs, educational signs or other directional signs erected by the Municipality, the County of Perth, or the Ministry

- of Transportation.
- (b) “Real Estate Signs” - double-faced real estate signs which have an area not exceeding 1 square metre per face.
- (c) “Construction Signs” – of a contractor job site sign at an ongoing project site.
- (d) “Municipal Addressing Signs”.
- (e) “Subdivision Signs” - as permitted by the Municipality subdivision servicing agreement.
- (f) “No Trespassing Signs” - not greater than 0.3 metres squared in area.
- (g) “Vehicle Control Signs” - not greater than 0.3 metres squared in area.
- (h) “Window Sign”.
- (i) “Election Sign”.

2.4 Prohibited Signs

Notwithstanding any other provisions of this By-law, no person or business shall erect on any premises any of the following signs:

- (a) Any sign on Municipal property, with the exception of one sandwich board per retail business in accordance with Municipal display by-law and election signs in accordance with the Election Act
- (b) Any sign which is located as to obstruct the view of any pedestrian or motor vehicle driver, so as to allow for a potentially hazardous condition.
- (c) Any sign mounted or affixed to a roof.
- (d) Any sign that depicts sexually explicit conduct, nudity or violence.
- (e) Any sign located on public property.
- (f) Any sign that is attached to a public utility pole.
- (g) Any sign which projects over any pedestrian access, walkway or driveway unless such sign is located at least 2.5 m above the surface of the traveled area.
- (h) Any sign not in compliance with the Ontario Building Code.
- (i) Any billboard sign (anchored to the ground) located in any zone other than Agricultural.
- (j) Any sign which does not comply with the provisions of this By-law, or contravenes any other applicable law.

2.5 Every sign permit issued under this By-law; with the exception of a mobile sign, shall be for the lifetime of the sign, providing it conforms to the specifications established in the application for the sign permit, and providing the sign has not undergone any changes. Should any changes be made to the sign, the Municipality reserves the right to revoke any sign permit if the Chief Building Official deems the sign is not being maintained in a safe and satisfactory manner. Any sign permit revoked under this Section shall be subject to the Chief Building Official notifying the affected party by registered mail setting out the defects in the sign and providing the affected party a minimum of 10 days in which to correct the deficiencies to the satisfaction of the Chief Building Official.

Part 3

GENERAL PROVISIONS

3.1 Existing signs

- (a) Any sign that is in use in any zone within the Municipality prior to the passing of this by-law may continue to be used subject to the following conditions and stipulations:
 - (i) Any application to modify any sign and/or signs excluding the advertising area shall only be permitted if the alterations will cause the sign and/or signs to comply with the appropriate provisions of this by-law.
 - (ii) Nothing in this provision shall be deemed to permit any sign erected prior to the passing of this by-law if the owner and/or lessee of the sign have been notified of its non-conformity to previous by-laws.

3.2 No sign shall be located on any lot in the municipality save and except the lot to which the advertising of the sign pertains.

3.3 No sign shall be permitted to hang over any publicly owned property except as stated in 3.7 (b)

- 3.4 No sign shall be permitted on any residential building save and except the name of the family (or the home occupation) who resides or owns the lot on which the buildings are situated.
- 3.5 Any election signs, banners, or posters shall be erected no sooner than sixty (60) days prior to the election date and said signs, banners, or posters shall be removed within seventy-two (72) hours following the election date.
- 3.6 “Corner Lots/Through Lots” - for the purpose of this by-law, a business which is located on a lot which has direct access to more than one public roadway shall be permitted one pole sign and one building sign for each public roadway.
- 3.7 **Building Signs**
- (a) No building signs shall be permitted to extend beyond the end of the extremity of the building or of that portion of the building a business occupies, whichever is applicable.
 - (b) No building sign shall be permitted to hang or protrude more than 30 cm from the surface of the building.
- 3.8 **Billboard Signs**
- A Billboard sign may only be erected in an Agricultural zone and must prescribe to the following provisions:
- (a) The maximum height of a billboard sign shall not exceed 8 metres measured vertically from the adjacent ground level to the highest point on the structure.
 - (b) No billboard sign shall be erected closer than 65 metres to a church or residential property line.
 - (c) No billboard shall be erected, altered or maintained within a road allowance, easement or railway right-of-way.
 - (d) No billboard sign shall be erected on Municipal property.
- 3.9 **Mobile Signs**
- (a) Mobile signs will be permitted for a period not to exceed one hundred and twenty calendar (120) days in any one calendar year. Only one mobile sign will be permitted on any one lot at the same time.
- 3.10 **Lighting of Signs**
- (a) The lighting of any sign must be oriented in such a manner so that the illumination is not directed towards any public roadway or building used for human habitation. The lighting or animation of any sign shall not generate hazardous conditions for motorists on any road or highway.
- 3.11 **Maintenance**
- (a) Every sign shall be kept in good repair and in a safe and secure condition.
- 3.12 **Awnings**
- (a) Awnings shall have a maximum width no greater than the width of the storefront to which it is affixed.
 - (b) The lowest point of any awning shall be at least 2.5 metres above the sidewalk surface and no higher than 5.0 metres at the point in which it is attached to the façade of the building.
 - (c) No merchandise, flags, or signs shall be attached to any part of an awning.
 - (d) No awning shall project more than 1.8 metres from the façade of the building and there shall remain an adjacent sidewalk width of 1.5 metres.
- 3.13 No sign or advertising device shall be located upon any building so as to obstruct any window, door, fire escape or skylight to prevent free access of firefighters for the purpose of fire fighting.

Part 4

DEVELOPMENT STANDARDS

- 4.1 All signs in the zones noted, shall be regulated with respect to number, dimension, location, and type.

4.2 Each lot within Commercial, Industrial, Mineral Aggregate Resources, Park and Recreation, Agricultural, Agricultural Commercial/Industrial, and Institutional Zones:

(a) *POLE SIGNS*

- i. Number permitted 1;
- ii. Area permitted 7.0 square metres on one side to a maximum cumulative pole area of 14.0 square metres;
- iii. Height permitted 7.5 metres;
- iv. Setback permitted 3.0 metres.

(b) *BUILDING SIGNS*

- i. Number permitted 1 per street front façade;
- ii. Area permitted 5.0 square metres;

4.3 Residential Zones

(a) *POLE SIGNS*

- i. None permitted, save one “Home Occupation Sign” which shall not exceed 0.2 square metres on one side to a maximum cumulative pole area of 0.4 square metres.
- iii. Height permitted 1.8 metres
- iv. Setback permitted 3.0 metres

(b) *BUILDING SIGNS*

- i. Number permitted 1
- ii. Area permitted - 0.5 square metres on one side to a maximum cumulative area of 1.0 square metres, save one “Home Occupation Sign” which shall not exceed 0.2 square metres on one side to a maximum cumulative pole area of 0.4 square metres.
- iii. Height permitted 1.8 metres
- iv. Setback permitted 3.0 metres

4.4 Natural Resources/ Environment, Flood Plain Flood and Fill Constraint Area.

(a) *POLE SIGNS*

- i. Number permitted 1
- ii. Area permitted - 2.25 sq. metres on one side to a maximum cumulative area of 4.5 sq. metres.
- iii. Height permitted 3.0 metres
- iv. Setback permitted 3.0 metres

Part 5

PENALTIES

5.1 Every person who contravenes any of the provisions of this By-law is guilty of an offence under the *Provincial Offences Act* and upon conviction is liable to a fine not to exceed \$500.00 for each day of the contravention.

5.2 In addition to any other party who commits the offence, the owner, lessee and/or occupant of any property on which a sign is erected in contravention of this by-law, shall be deemed to have committed the offence.

5.3 The Municipality reserves the right to remove any signs that contravene this By-law in any manner. Such sign may be removed without notice, at the expense of the owner and costs will be recovered through municipal real property taxes.

Part 6

EXCEPTIONAL CIRCUMSTANCES

6.1 The Municipality recognizes that there may be exceptional circumstances, and therefore a Request to Council may be made. In accordance with the Municipal Act 2001, Chapter 25, s. 99, Council may grant an exception if in the opinion of the Council the general intent and purpose of the by-law are maintained.

- (a) Such request for exception may be submitted by completing an exceptional circumstances form attached hereto and forming a part of this by-law as Schedule C.
- (b) All required sign permit application documents must also accompany an exceptional circumstances application.
- (c) The exceptional circumstances application fee must be paid, in accordance with Schedule A.
- (d) Other information deemed necessary, or requested must be submitted.

Part 7
ABANDONMENT

7.1 Every sign permit shall expire by limitation and become null and void under the provisions of this by-law, including work authorized by the issuance of a sign permit which has not commenced within six months from the date of issuance of the sign permit, as well as any work authorized by such sign permit which has been suspended or abandoned for a period of six months after the commencement of such work.

Part 8

8.0 Schedule “A”, “B” and “C” attached hereto, shall form part of this By-law.

Part 9
REPEAL

9.0 This by-law repeals by-law 69-2004 of the Municipality of West Perth.

This By-law shall be effective September 13th, 2010.

Read a first and second time this 13th, day of September 2010.

Seal

Deputy Mayor Gerry Kehl

Clerk Susan Cronin

Read a third and final time and finally passed this 13th, day of September 2010.

Seal

Deputy Mayor Gerry Kehl

Clerk Susan Cronin

**Municipality of West Perth
By-law 80-2010**

SCHEDULE 'A'

MUNICIPALITY OF WEST PERTH

169 St. David St.
P.O. Box 609
Mitchell, Ontario N0K 1N0
Phone (519) 348-8429
Fax (519) 348-8935

SIGN PERMIT APPLICATION

WORK SHALL NOT COMMENCE UNTIL A PERMIT IS ISSUED

This application does not constitute a Sign Permit until signed by the Chief Building Official or Designate.

1. Date of Application _____
2. Name of Property Owner _____
Address _____
3. Name of Tenant/Applicant _____
Address _____
4. Property Description _____
5. Location of Sign (Erected on private and/or over public property?) _____
6. Name of Sign Owner or Lessee _____
7. Name of Installation Company _____
8. Type of Sign Proposed: Pole Building Mobile Other
Dimensions _____ (Length) _____ (Height) _____ Width: _____ Weight _____
9. Type of materials Sign is composed of _____
10. Is sign electrically illuminated? If so, describe the lighting to be used (i.e. Colour flashing/ not flashing)

11. Value of sign \$ _____
12. Application fee \$ _____

DECLARATION

It is understood that the issuance of a permit shall not be deemed a waiver of any of the requirements of all applicable Ontario Statutes and/or By-laws and Regulations of the Municipality of West Perth.

I am the Owner, or Authorized Agent of the owner named in the above application and I certify the truth of all the statements of representations contained herein or attached hereto. I agree, if a permit is issued, not to depart from the plans and specifications or sign location proposed in this application. I further agree to maintain the Sign in good condition, subject to Section 3.11 of By-law 080- 2010.

I also further agree that I will indemnify and keep indemnified the Municipality of West Perth from and against all actions, suits, claims and demands which may be brought against the Municipality of West Perth in respect to the erection and maintenance of any sign under the provisions of this by-law.

Dated at the Municipality of West Perth, (Mitchell) Ontario _____, 20 _____

Signature of Owner or Authorized Agent

Permission is hereby granted for the erection of a Sign(s) in accordance with the information given in this application and governed by all relevant Regulations and By-laws.

Signature of Chief Building Official

Permit Number

**Municipality of West Perth
By-law 080-2010**

SCHEDULE 'B'

MUNICIPALITY OF WEST PERTH
169 St. David St.
P.O. Box 609
Mitchell, Ontario N0K 1N0
Phone (519) 348-8429
Fax (519) 348-8935

Fee Schedule

Application Fees

Sign Permit	\$50.00
Variance Permit	\$150.00

Municipality of West Perth
By-law 080-2010
SCHEDULE 'C'

MUNICIPALITY OF WEST PERTH
169 St. David St.
P.O. Box 609
Mitchell, Ontario N0K 1N0
Phone (519) 348-8429
Fax (519) 348-8935

EXCEPTIONAL CIRCUMSTANCES

WORK SHALL NOT COMMENCE UNTIL A PERMIT IS ISSUED

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1. Date of Application _____
2. Name of Property Owner _____
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Address _____
4. Property Description _____
5. Location of Sign (Erected on private and/or over public property?) _____
6. Name of Sign Owner or Lessee _____
7. Name of Installation Company _____
8. Type of Sign Proposed: Pole Building Mobile Other
Dimensions _____ (Length) _____ (Height) _____ Width: _____ Weight _____
9. Type of materials Sign is composed of _____
10. Is sign electrically illuminated? If so, describe the lighting to be used (i.e. Colour flashing/ not flashing)

11. Value of sign \$ _____
12. Application fee \$ _____
13. Section of the By-law which cannot be met. _____
14. Reason in support of the request for Exceptional Circumstances

DECLARATION

It is understood that the issuance of a permit shall not be deemed a waiver of any of the requirements of all applicable Ontario Statutes and/or By-laws and Regulations of the Municipality of West Perth.

I am the Owner, or Authorized Agent of the owner named in the above application and I certify the truth of all the statements of representations contained herein or attached hereto. I agree, if a permit is issued, not to depart from the plans and specifications or sign location proposed in this application. I further agree to maintain the Sign in good condition, subject to Section 3.11 of By-law 080- 2010.

I also further agree that I will indemnify and keep indemnified the Municipality of West Perth from and against all actions, suits, claims and demands which may be brought against the Municipality of West Perth in respect to the erection and maintenance of any sign under the provisions of this by-law.

Dated at the Municipality of West Perth, (Mitchell) Ontario _____, 20 _____

Signature of Owner or Authorized Agent

Permission is hereby granted for the erection of a Sign(s) in accordance with the information given in this application and governed by all relevant Regulations and By-laws.

Signature of Chief Building Official

Permit Number