

CORPORATION OF THE MUNICIPALITY OF WEST PERTH

BY-LAW 69-2004

**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

In this by-law:

- (a) “Area” shall mean the total square metres of any sign including the border or frame surrounding the display area but shall not include supporting structure required for a pole sign. In the event the sign consists of individual letters, either painted or affixed to the building, the area shall be deemed to be the length of all the letters times the average height of the letters.
- (b) “Animated” shall refer to the lighting of a sign, and shall mean a type of sign with flashing or intermittent lighting, but does not include electronic messages.
- (c) “Building Sign” shall mean any sign that is attached to or forms part of any building.
- (d) “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.
- (e) “Height” shall mean the highest point of any sign and shall be measured from the ground level to the highest point.
- (f) “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 Section 3.65.
- (g) “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.
- (h) “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.
- (i) “Person” shall mean and include any person, firm, corporation or organization
- (j) “Pole Sign” shall mean any sign that is supported by its own structure and is permanently affixed to the lot that it is located.

- (k) “Public Roadway” shall mean any highway or town street designated for public use.
- (l) “Sandwich Board Sign” shall mean a free-standing double faced inverted V type sign not exceeding .6 metres in width and .9 metres in height.
- (m) “Setback” shall mean the distance the base of any sign is located from the proposed property line as stipulated by the governing road authority.
- (n) ”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.
- (o) “Sign Inspector” shall mean such person as may be appointed by resolution of Council of the Corporation of the Municipality of West Perth to enforce the provisions of this by-law.
- (p) ”Municipality” shall mean the Corporation of the Municipality of West Perth.
- (q) “Zones” shall mean the zone more particularly located and described in the Municipality of West Perth Comprehensive Zoning By-law 100-1998 as amended.

Part 2
ADMINISTRATION

2.1 Permits

- a) Locating or placing of a sign shall be subject to an application being made to the Chief Building Official for a permit to erect a sign at a fee as determined from time to time by the Tariff of Fees set by Council and attached hereto as Schedule A. Signs referred to in Section 2.4 of this By-law do not require a permit.
- b) Where required by the Ontario Building Code, signs shall also be required to have a building permit issued.

2.2 Application

- a) Application for sign installation must be filed with the Municipal Building Department, accompanied by the applicable fee. The required application is attached hereto as Schedule B and forms a part of this By-law.
- b) Applications must be accompanied by a set of drawings and specifications covering the construction of the sign, and structure. Where applicable, this will include drawings stamped by a registered professional engineer.
- c) Applications must be accompanied by a site plan indicating the proposed location on site, frontages and setbacks.
- d) Required written approvals from County or Provincial Highway Departments or Government Agencies must also be obtained and submitted with the application, where required. Public agencies may have jurisdiction over the proposed sign. All signs within 400 metres and visible to a Provincial Highway will require a Ministry Permit.

2.3 Locating and placing of a mobile sign as permitted in Section 3.6 shall be subject to an application being made to the Chief Building Official on each occasion such a sign is utilized at a fee as determines from time to time by the Tariff of Fees set by Council.

2.4 Signs which do not require a permit:

- i) “Street Signs” - any sign erected by the Municipality of West Perth for streets or other directions.
- ii) “Real Estate Signs: - double-faced real estate signs having an area not in excess of 1 square metre per face.
- iii) “Construction Signs” - contractor job site signs.

- iv) “Residential Signs” - any sign identifying the address and owner of a private residence on which the sign is located having an area not in excess of 0.3716 of 1 square metre (four square feet).
- v) “Subdivision Signs” - as required by the Municipality of West Perth subdivision servicing agreement.
- vi) “No Trespassing Signs” - not greater than 3/10 (0.3) of 1 square metre in area.
- vii) “Vehicle Control Signs” - not greater than 3/10 (0.3) of one square metre in area.
- viii) “Window Sign” defined as a sign located within a building storefront, visible from the street and may be mounted, painted or etched on the inside of any window.
- ix) “Election Signs” defined as any banner, poster or signs for a candidate in a Municipal, Federal or Provincial election.

2.5 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
- b) A sign that is located as to obstruct the view of any pedestrian or motor vehicle driver so as to cause a hazardous condition
- c) A roof sign
- d) A sign that depicts sexually explicit conduct, nudity or violence
- e) Any sign located on public property, unless consent is given by Council.
- f) A sign that is attached to a public utility pole and interferes with any Municipal services of public utility.
- g) A sign which projects over any pedestrian access or walkway that is located less than 2.4 m (7.87 ft) above the surface of said area.
- h) Any sign that does not comply with the Ontario Building Code.
- i) A Billboard sign (standardized sign securely anchored to the ground) located in any zone other than Agricultural.
- j) A sign that does not comply with the provisions of this By-law, or contravenes any other applicable law.

- 2.6 Every permit issued under this By-law shall be for the lifetime of the sign providing it conforms to the specifications set down in the application for the permit and providing no structural changes are made subject to the municipality reserving the right to revoke any permit if the Chief Building Official deems the sign is not being maintained in a safe and satisfactory manner. Any 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 Chief Building Official’s satisfaction.

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 3.6 (c)

- 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 “Corner 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 for each public roadway and one building sign for each public roadway the business has an exterior wall facing
- 3.6 **Building Signs**
- a) No building sign shall be permitted to extend or protrude above the eaves or cornice of the building.
 - b) 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.
 - c) No building sign shall be permitted to hang or protrude more than 30 cm from the surface of the building.
- 3.7 **Mobile Signs**
- a) Mobile signs will be permitted for a period not to exceed one hundred and twenty calendar days in any one calendar year. Only one mobile sign will be permitted on any one lot at the same time.
- 3.8 **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 of all signs shall be subject to the approval of the appropriate road authority and municipal sign by-law.
 - b) The lighting of any sign shall not be such that it would allow for the distraction of motorists on any road or highway.
 - c) Notwithstanding section 3.8.b, signs may be animated in nature with respect to lighting.
- 3.9 **Maintenance**
- a) Every sign shall be kept in good repair and in a safe and secure condition as not to endanger the safety of the public at any time.
 - b) Sign constructed of a material susceptible to corrosion or decay shall be treated with a preservative to ensure longer life and durability.
- 3.10 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 **ZONES**

- 4.1 Subject to the general provisions set down in Section 3 of this by-law, all signs in the zones noted, shall be limited to the following number, size, type and provisions.
- 4.2 **Commercial, Industrial, Public and Institutional Zones**
- a) ***POLE SIGNS***
 1. Number permitted 1
 2. Area permitted 6.967 square metres (75 sq. ft.) on one side to a maximum cumulative pole area of 13.935 (150 sq. ft.) square metres.
 3. Height permitted 7.62 metres (25 ft)
 4. Setback permitted 3.048 metres (10 ft)
 - b) ***BUILDING SIGN***
 1. Number permitted 1
 2. Area permitted 4.645 sq. metres (50 sq. ft.)
 3. Height permitted See Section 3.6.a
 4. Length permitted See Section 3.6.b

- 4.3 Residential Zones
- a) *POLE SIGN*
None permitted
- b) *BUILDING SIGN*
1. Number permitted 1
 2. Area permitted - 0.3716 sq. metres (4 sq. ft.), on one side to a maximum cumulative area of 0.7432 square metres (8 sq. ft.)
 3. Height permitted See Section 3.6.a
 4. Length permitted See Section 3.6.b
- c) One 'Home Occupation Sign' may be erected to display a legally existing home occupation, in accordance with the restrictions noted in 4.3 (a) and (b).

4.4 Development, Open Space and Hazard Zones

- a) *POLE SIGNS*
1. Number permitted 1
 2. Area permitted - 2.25 sq. metres on one side to a maximum cumulative area of 4.5 sq. metres.
 3. Height permitted 3 metres
 4. Setback permitted 3 metres

4.5 Agricultural Zone

- a) *POLE SIGNS*
1. Number permitted 1
 2. Area permitted 6.967 square metres (75 sq. ft.) on one side to a maximum cumulative pole area of 13.935 (150 sq. ft.) square metres.
 3. Height permitted 7.62 metres (25 ft)
 4. Setback permitted 3.048 metres (10 ft)
- b) *BUILDING SIGN*
1. Number permitted 1
 2. Area permitted 4.645 sq. metres (50 sq. ft.)
 3. Height permitted See Section 3.6.a
 4. Length permitted See Section 3.6.b
- c) *BILLBOARD SIGN*
A Billboard sign may be erected and must prescribe to the following provisions:
1. The maximum height of a billboard sign shall not exceed 8 metres (26.25 ft), measured vertically from the adjacent ground level to the highest point on the structure.
 2. No billboard sign shall be erected closer than 65 metres (213.25 ft), to a church or residential property line.
 3. No billboard shall be erected, altered or maintained within a road allowance, easement or railway right-of-way.

Part 5

PENALTIES

- 5.1 In addition to any other party who commits the offence, the owner, lessee and/or occupant of any property on which a sign is constructed other than in accordance with the provisions of this By-law, with respect to which an offence against this By-law is committed, shall be deemed to have committed the offence.
- 5.2 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.
- 5.3 The Municipality reserves the right to remove any delinquent 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
APPEAL

- 6.1 The Municipality of West Perth recognizes that there may be exceptional circumstances, and therefore an Appeal to Council may be made. In accordance with the Municipal Act 2001, c. 25 S. 99.5, Council may grant a variance if in the opinion of the Council the general intent and purpose of the by-law are maintained.
- a) Such appeals may be made submitted by completing a Sign Variance form attached hereto and forming a part of this by-law as Schedule C.
 - b) All required permit application documents must also accompany a variance application.
 - c) The variance 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 An application for a permit for any work shall be deemed to be abandoned six months after the date of filing. No refunds will be issued.
- 7.2 Every permit shall expire by limitation and become null and void under the provisions of this by-law, if the work authorized by the issuance of a permit has not commenced within six months from the date of issuance, or if the work authorized by such permit is suspended or abandoned for a period of six months after the commencement of such work.

Part 8
REPEAL

6.0 This by-law repeals by-law 86-2002 of the Municipality of West Perth.

By-law read a First and Second time this 1st day of November, 2004.

By-law read a Third time and finally passed this 1st day of November, 2004.

John Van Bakel, Mayor

Patricia Taylor, Clerk

**Municipality of West Perth
By-law 69-2004**

SCHEDULE 'A'

Fee Schedule

Application Fees

Sign Permit \$ 35.00

Variance Permit \$100.00

**Municipality of West Perth
By-law 69-2004**

SCHEDULE 'B'

MUNICIPALITY OF WEST PERTH

Phone (519) 348-8429

Fax (519) 348-8935

APPLICATION ONLY *SIGN PERMIT* PERMIT NO. _____

WORK SHALL NOT COMMENCE UNTIL A PERMIT IS RECEIVED

This application does not constitute a Sign Permit until signed by the Sign Inspector or Designate.

1. Date of Application _____
2. Location of sign _____
3. Is sign being erected on private and/or over public property? _____
4. Name of Building Owner or Tenant _____
Address _____
5. Name of Sign Owner or Lessee _____
6. Name of Erecting Company _____
7. Type of Sign _____
Dimensions _____ by _____ by _____ Weight: _____ Lbs. _____
8. Class of materials Sign is composed of _____
9. Is sign electrically illuminated? _____
If so, describe the lighting to be used _____

10. Value of sign \$ _____
11. Plan approval 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 3.9 of By-law 69 - 2004.

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 Building Inspector

**Municipality of West Perth
By-law 69-2004**

SCHEDULE 'C'

MUNICIPALITY OF WEST PERTH

Phone (519) 348-8429

Fax (519) 348-8935

APPLICATION ONLY

VARIANCE PERMIT

PERMIT NO.

WORK SHALL NOT COMMENCE UNTIL A PERMIT IS RECEIVED

This application does not constitute a Sign Permit until signed by the Sign Inspector or Designate.

1. Date of Application _____
2. Location of sign _____
3. Is sign being erected on private and/or over public property? _____
4. Name of Building Owner or Tenant _____
Address _____
5. Name of Sign Owner or Lessee _____
6. Name of Erecting Company _____
7. Type of Sign _____
Dimensions _____ by _____ by _____ Weight: _____ Lbs. _____
8. Class of materials Sign is composed of _____
9. Is sign electrically illuminated? _____
If so, describe the lighting to be used _____

10. Value of sign \$ _____
11. Plan approval 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.

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I further agree to maintain the Sign in good condition, subject to Section 3.9 of By-law 69 - 2004.

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 Building Inspector