

Township of Lucan Biddulph

BY-LAW NO. 16-2013

A BY-LAW TO REGULATE SIGNS WITHIN THE TOWNSHIP OF LUCAN BIDDULPH

WHEREAS Section 11 of the *Municipal Act, 2001* authorizes a municipality to pass by-laws respecting structures including fences and signs;

AND WHEREAS Section 446 of the *Municipal Act, 2001* provides that a municipality may recover the costs of bringing a property into compliance with a by-law and that such recovery may be from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes

AND WHEREAS it is deemed desirable to establish regulations concerning signs for the Township of Lucan Biddulph.

NOW THEREFORE the Council of the Township of Lucan Biddulph enacts as follows:

1. TITLE AND SCOPE

This By-law shall be known as the "Sign By-law".

2. DEFINITIONS

For the purpose of this By-law:

"Abandoned Sign" means a sign that no longer identifies or advertises an activity, business, product or service, or identifies or advertises an activity, business, product or service which is no longer conducted or available on the premises on which the sign is located.

"Alter" means to change one or more dimensions of the sign.

"Animated Sign" means a sign that includes action or motion of all or any part of a sign and includes a sign containing an intermittent or flashing light source.

"Area" means the surface area of one (1) side of the sign including the border and frame.

"Awning" means a retractable, collapsible or moveable shelter, hood or cover that projects from the wall of a building.

"Awning Sign" means a sign painted on or affixed flat to the surface of an awning that does not extend beyond the limits of the awning, is used solely for the identification of the business and contains no other commercial message.

"Banner Sign" means any sign composed of non-rigid material such as cloth, canvas or other similar material used for temporary purposes with or without frames.

"Billboard Sign" means any sign other than a real estate sign, measuring more than 3 m² in Area, that directs attention to products, goods and services, activities or facilities not provided on the premises on which the sign is located. In calculating the area of the billboard sign, only one face of a double face or back to back 'vee' sign shall be used.

"Officer" means a By-law Enforcement Officer, Building Inspector or Chief Building Official as appointed by the Council of the Township.

"Curb Line" means the curb line, edge of asphalt or any travelled portion of a street.

"Canopy" means a permanent non-retractable shelter, hood or cover that projects from the wall of a building but does not include a projecting roof.

"Erect" means to attach, install, hang, place, suspend, affix a sign or letters or to build, construct, reconstruct, alter, enlarge or relocate a sign.

"Existing" means legally existing on the date of the passing of this by-law.

- "Fascia Sign" means a sign located in such a manner that the sign surface is parallel to the main wall of the building to which it is attached.
- "Grade" means the average elevation of the finished surface of the ground immediately surrounding the sign.
- "Ground Sign" means a sign affixed to, supported by or placed directly upon the ground.
- "Inflatable Sign" means a non-rigid sign supported by air or other gas pressure.
- "Memorial Sign" means a sign noting historical information about a building to which it is attached or the site upon which the sign is erected.
- "Maintained" means to carry out any repairs, reconstruction, refinishing, or replacement of any defective, defaced or broken part or parts of a sign.
- "Township" means the Township of Lucan Biddulph, or the geographic area over which that Township has territorial jurisdiction, as the context requires.
- "Mural" means any painting, drawing, sketching or other markings, that contain no text or logo, that appear to be advertising a business or product and that applies directly to a wall or other integral part of a building or structure.
- "Owner" means the owner of the sign and includes the owner of the property on which the sign is erected and the owner of the business being advertised.
- "Pedestal Sign" means a non-illuminated sign resting on the ground.
- "Permit" means a building permit issued by the Township in accordance with the Township's Building By-law as amended.
- "Portable Sign" means a temporary advertising device and includes any and all signs, constructed so as to be readily moved or transported whether or not the sign is fixed to the ground, mounted on a vehicle or affixed to a freestanding structure but does not include a Sandwich Board Sign.
- "Post Sign" means a sign supported and placed upon one or more posts, poles or standards.
- "Projecting Sign" means a sign which projects from a building face so that the sign face is not parallel with the building wall to which it is attached.
- "Property" means a separately assessed property shown on the Township's Assessment Roll.
- "Real Estate Sign" means a temporary sign indicating the property on which the sign is located, or any part thereof is for sale, rent, or is open for viewing for the purposes of such sale or rent of the property.
- "Roof Line" means a line formed by the intersection of the exterior walls of a building with the roof of a building and in the case of a pitched roof shall be at the eaves level.
- "Roof Sign" means a sign that is erected, on or above the roof line of a building and includes an inflatable sign.
- "Sandwich Board Sign" means a non-illuminated sign consisting of two (2) flat surfaces joined at one (1) end and resting on the ground.
- "Sign" means a sign surface containing an advertisement by means of painting or printing on, attaching bills, letters, numerals or symbols attached to any building, structure or independently erected by a self supporting system, which identifies or advertises any business, group, activity or product on any premises in such a way as to be visible to the public, excluding a mural.
- "Sign Face" means the area of the surface of any sign within the outer edge of the frame or border of a sign. In the case of two sided or back to back signs, only one face shall be used in computing the area of the sign face.
- "Street" means a common and public highway, street or road and any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof.
- "Temporary Sign" means a sign displayed for a limited period of time.

"Vehicle" means a motor vehicle, tractor, trailer, truck, camper, boat, motorcycle, motorized snow vehicle, mechanical equipment or any vehicle drawn, propelled or driven by any kind of power.

"Visibility Triangle" means a triangular area formed within a lot by:

- (a) intersecting streets and a straight line connecting them 9 (nine) m from their point of intersection; or
- (b) the intersection of a street and any portion of a driveway within 9 (nine) m of a property line and a straight line connecting them 9 (nine) m from their point of intersection.

"Window Sign" means a sign placed, painted or affixed upon a window facing the outside, and intended to be seen from the exterior of the window.

"Zone" means an area delineated on a Map Schedule of the Zoning By-law and designated for specific use or uses.

"Zoning By-law" means the Comprehensive Zoning By-law in effect within the Township and passed pursuant to Section 34 of the *Planning Act, 1990* as amended.

3. GENERAL PROVISIONS

3.1 The provisions of this section shall apply to all signs.

3.2 Except as otherwise provided in this By-law, no sign shall be erected without a permit being issued as required by the current Building By-law as amended.

3.3 Notwithstanding any provision contained in this By-law, no person shall fail to keep a sign maintained nor erect any sign, in such a location or of such construction so as to block or interfere with visibility or operation of any traffic sign, traffic signal or other traffic related appurtenance or that obstructs the view of a vehicle driver or a pedestrian so as to create an unsafe situation.

3.4 Nothing in this By-law shall serve to relieve any person from the obligation to comply with all other applicable laws.

3.5 All displays including but not limited to words, diagrams, pictures and shapes affixed to or forming a part of every sign, shall be in good taste. The officer reserves the right to determine what constitutes good taste.

3.6 No electrical extension cord, providing electricity to any sign, shall pass over a sidewalk, pedestrian walkway, roadway, driveway, aisle or parking space.

3.7 Except for sections 3.3 and 3.11 of this by-law, this by-law shall not apply to an existing sign provided that no such sign shall be reconstructed, substantially altered or moved unless such sign is made to comply with the provisions of this By-law in all respects.

3.8 Except as provided for in this by-law, no person shall erect the following:

- a) A roof sign;
- b) A sign within a visibility triangle;
- c) A sign attached to a tree, tree grating protector, utility pole or light standard unless approved by an officer;
- d) A sign located on or over property owned by the Township, a public utility or local board;
- e) A fascia, awning or projecting sign projecting more than 1.00 m over any street, and not less than 2.5 metres above any pedestrian walkway;
- f) A sign that encroaches upon any vertical or horizontal spatial clearance required by a public utility or the Township, for electrical wires, poles, or light standards unless approved by an officer.

3.9 One (1) Temporary Sign not to exceed 6.0 m² in area may be erected on a construction site indicating the nature of the project and the developers and related personnel, professions or trades involved in the development of the site. The sign may be on display for not longer than thirty (30) days after the completion of construction. Notwithstanding Subsection 3.2, no permit shall be required for a sign erected pursuant to this subsection.

3.10 One (1) Temporary Sign used to identify a subdivision or other development not to exceed 6.0 m² may be erected at the entrance of the subdivision or other development until the subdivision or other development is substantially complete as determined by the Township. Notwithstanding Subsection 3.2, no permit shall be required for a sign erected pursuant to this subsection.

3.11 The Owner of land on which a sign is erected shall remove the sign or cause the sign to be removed within ninety (90) days of the sign becoming an Abandoned Sign. In the event that the sign is not removed within this time period, the Township or its agents may enter upon the property and carry out the removal of the sign at the expense of the owner.

3.12 All illuminated signs shall be so constructed as to direct light away from any adjacent residential use or street.

3.13 Except where permitted within this by-law, not more than one (1) Ground Sign or Post Sign shall be erected on any property except as follows:

- a) Where there is more than one (1) building on the property or the property exceeds 60 m in frontage, one (1) additional Ground Sign or Post Sign may be erected for every 60 m of frontage; or
- b) Where the property fronts on more than one (1) street, additional Ground Signs or Post Signs on each street shall be permitted based upon the calculation set out in this by-law.

4. RESIDENTIAL

4.1 In addition to the requirements contained in Section 3, the requirements of this section shall apply to all signs in any residential zone as defined by the Zoning By-law.

4.2 A maximum of one (1) Ground, Fascia or Post Sign identifying a home occupation permitted under the Zoning By-law indicating not more than the name, occupation and operating hours of the occupant shall be permitted and any such sign shall:

- a) Not exceed 0.5 m² in area;
- b) Not be illuminated, flashing or animated;
- c) If a Ground or Post Sign, not exceed 1.2 m in height from grade to the top of the sign; and
- d) Not be closer than 3 m to any property line.

5. AGRICULTURAL

5.1 In addition to the requirements contained in Section 3, the requirements of this section shall apply to all signs in any agricultural zone as defined by the Zoning By-law.

5.2 A maximum of one (1) Ground, Post or Fascia Sign identifying a home occupation permitted under the Zoning By-law and indicating not more than the name, occupation and operating hours of the occupant shall be permitted and any such sign shall:

- a) Not exceed 0.5 m² in area;
- b) If a Ground Sign, not exceed 1.8 m in height from grade to the top of the sign; and
- c) Not be closer than 3 m to any property line.

5.3 In addition to the sign referred in Subsection 5.2, one (1) additional Ground Sign, Post or Fascia Sign for the purpose of advertising a farming business shall be permitted and the sign shall:

- a) Not exceed 4.5 m² in area;
- b) If a Ground or Post Sign, not exceed 2.4 m in height from grade to the top of the sign; and
- c) Not be closer than 3 m to any property line.

5.4 The requirements of Section 6 shall apply to properties located within an Agricultural Zone, as defined in the Zoning By-law, where the Zoning By-law permits commercial, industrial or institutional uses.

5.5 One (1) Billboard Sign may be permitted and shall comply with the requirements of Section 12 of this By-law.

6. COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL

6.1 In addition to the requirements contained in Section 3, the requirements of this section shall apply to all signs in any commercial, industrial or institutional zone as defined by the Zoning By-law.

6.2 A Fascia Sign shall be permitted with a maximum area of 1 m² per linear metre of building frontage on a street and in accordance with the following:

- a) For buildings fronting on more than one street, the building frontage on each street shall be deemed to be separate building frontages for the purpose of calculating the permitted areas of signs and shall not be combined;
- b) Where letters or symbols are used as a sign, then the sign shall be deemed to be the area contained within a line surrounding all of the letters or symbols.

6.3 In an Industrial Zone, as defined by the Zoning By-law, the provisions of Subsection 6.2 shall apply except that the maximum permitted sign area will be 1.5 m² or each linear metre of building frontage.

6.4 A Post or Ground Sign may be erected and such sign shall:

- a) Not be greater than 8.0 m in height from grade to the top of the sign;
- b) Not be closer than 3.0 m to any property line, except that a post or ground sign may be 0.3 metres (one foot) from a property line provided it's height from grade to the top of the sign is not more than 3 metres.
- c) Have a maximum area of:
 - i. 25 square metres if the sign is within 60 metres of the street,
 - ii. 35 square metres if the sign is greater than 60 metres from the street, or
 - iii. 55 square metres if the sign is greater than 150 metres from the street.

PORTABLE SIGNS

7.1 In addition to the requirements contained in Section 3, the requirements of this section shall apply to all portable signs.

7.2 Only one (1) Portable Sign shall be permitted per property at any one time except where a property has frontage exceeding 150 m, an additional Portable Sign shall be permitted provided that no Portable Sign shall be located closer than 75 m from any other Portable Sign.

7.3 Portable signs shall:

- a) Not require a permit;
- b) Not have an area greater than 6.0 m²;
- c) Not be closer than 0.3 m (1 ft) to any lot line;
- d) Not occupy any space required for off-street parking required by the Zoning By-law;
- e) Not be permitted in a Residential Zone as defined by the Zoning By-law;

- f) Have permanently affixed to it, in a visually prominent location, the name and phone number of the sign owner.

8. SANDWICH BOARD & PEDESTAL SIGNS

8.1 In addition to the requirements contained in Section 3, the requirements of this section shall apply to all Sandwich Board Signs and Pedestal Signs and includes any wind activated attention devices.

8.2 Only one (1) Sandwich Board Sign or Pedestal Sign shall be permitted for each Business with a maximum of two (2) Sandwich Board Signs, Pedestal Signs or combination of both permitted per property.

8.3 Sandwich Board Signs and Pedestal Signs shall:

- a) Not require a permit;
- b) Not have an Area greater than 1.0 m² per sign surface and a height not exceeding 1.2 m;
- c) Not be closer than 0.3 m to the curb line;
- d) If placed on a public sidewalk or walkway, require a minimum 1.5 m wide unobstructed pedestrian corridor;
- e) Not be placed in a location that will interfere with parking spaces, parking meters, crosswalks, landscape planters, street furniture, trees, utility poles and fire hydrants.
- f) Not create an obstruction to vehicle or pedestrian traffic or a hazard to public safety;
- g) Only be displayed during the business hours of the premises; and
- h) Not be illuminated.

INFLATABLE SIGNS

9.1 In addition to the requirements contained in Section 3, the requirements of this section shall apply to all Inflatable Signs.

9.2 Only one (1) Inflatable Sign shall be permitted per property unless the property has a frontage exceeding 90 m in which case an additional inflatable sign shall be permitted provided that no Inflatable Sign may be located closer than 30 m to any other Inflatable Sign or Portable Sign on the same property.

9.3 Notwithstanding Subsection 9.2, if there is a Portable Sign on the property, then only one (1) Inflatable Sign is permitted.

9.4 An Inflatable Sign shall only be located on the property to which the sign refers.

9.5 Inflatable signs shall:

- a) Not require a permit;
- b) Not be placed closer than 3.0 m to a public sidewalk, or where there is no public sidewalk, no Inflatable Sign shall be located within the public right-of-way;
- c) Not occupy any space required for off-street parking required by the Zoning By-law;
- d) Not create an obstruction to vehicle or pedestrian traffic or a hazard to public safety.

10. ELECTION SIGNS

10.1 Election signs may not be erected more than 60 days prior to an election day.

10.2 Election signs must be removed no later than 24 hours following an election.

10.3 Election signs shall not be placed on municipal property of any type (including but not limited to fire halls, administration buildings, arenas, parks and community centres).

10.4 Election signs shall not be permitted within the road allowance (either side of the travelled portion) adjacent to a municipal property as noted in 10.3 above.

10.5 Where election signs are removed by an officer, such officer shall advise the candidate or an agent of the candidate of sign removal and such signs shall be retained by the officer until 24 hours following an election, after which the signs may be disposed of.

11. REAL ESTATE SIGNS

11.1 In addition to the requirements contained in Section 3, the requirements of this section shall apply to all Real Estate Signs.

11.2 Real Estate Signs shall:

- a) Not require a permit;
- b) Not be closer than 0.3 m (1 ft) to any property line; and
- c) Not create an obstruction to vehicle or pedestrian traffic or a hazard to public safety.

12. BILLBOARD SIGNS

12.1 In addition to the requirements contained in Section 3, the requirements of this section shall apply to all Billboard Signs.

12.2 Billboard Signs shall only be permitted on properties zoned Agricultural, Industrial and Highway Commercial as defined by the Zoning By-law.

12.3 Only one (1) Billboard Sign shall be permitted on a property.

12.4 A Billboard Sign shall not be closer to the road allowance than the setback requirements for that zone. The maximum area of such Billboard Sign shall not exceed 18.6 m².

12.5 Notwithstanding 12.4, the area of a Billboard sign may be a maximum of 30.19 m² provided that the sign is not closer than 46 metres to the centerline of an adjacent roadway.

12.6 Notwithstanding 12.4 and 12.5, the area of a Billboard sign may be a maximum of 60.39 m² provided that the sign is not closer than 84 metres to the centerline of an adjacent roadway

12.7 Notwithstanding 12.4, 12.5 and 12.6, the area of a Billboard sign may exceed 60.39 m² provided that the sign is not closer than 400 metres to the centerline of an adjacent roadway

12.8 A Billboard Sign with an area greater than 18.6 m² shall not be located within 200 m of another Billboard Sign with a area greater than 18.6 m².

12.9 A Billboard Sign shall not be located within 100 m of a building containing a dwelling unit.

12.10 All Billboard Signs shall be maintained in a neat and clean manner free from any loose materials at all times.

13. ADMINISTRATION AND ENFORCEMENT

13.1 This by-law shall be administered and enforced by an officer.

13.2 An officer may enter upon any land at any reasonable time to inspect all signs for the purpose of determining or effecting compliance with this By-law.

13.3 If after an inspection, an Officer is of the opinion that a sign has been erected in contravention of any of the provisions of this By-law or of other conditions of a permit issued pursuant to this By-law, or that a sign has not been maintained in accordance with section 3 of this by-law or has been found abandoned, the Officer may issue an order requiring the Owner to remedy such contraventions as may be outlined in the order.

13.4 An Order issued under Subsection 13.3 shall contain:

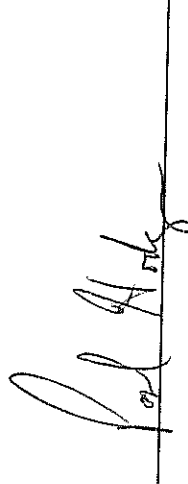
- a) The municipal address and/or the legal description of the property on which the non-complying sign was erected;

- b) A description of the By-law and/or permit provisions that have not been compiled with;
 - c) A statement that the sign must be brought into compliance with the provisions of this By-law and/or the conditions of the permit issued for the sign or to remove the sign within the time specified; and
 - d) A statement that if the order is not complied with, the sign may be removed and disposed of by the Township at the expense of the owner.
- 13.5 An Order issued under Subsection 13.3 shall be served personally on the property owner or by prepaid registered mail to the last known address of the property owner as shown on the municipal tax roll.
- 13.6 Any costs incurred by the Township under Subsection 3.7 and Subsection 13.4 and 13.7 may be recovered in like manner and with the same priority as municipal taxes.
- 13.7 Any sign erected contrary to any provision of this by-law, or on property owned by the Township or property managed by a public utility or local board without the consent of the Township, public utility or local board, may be removed and disposed of by the Township without prior notice at the expense of the owner of the sign or property.
- 13.8 No person shall obstruct an officer or any agent of the Township while they are carrying out their duties under this by-law.
- 13.9 Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for under the Provincial Offences Act.

14. VALIDITY

14.3 In the event that any provision of this by-law is declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the remaining provisions of this by-law.

READ A FIRST, AND TAKEN AS READ A SECOND AND THIRD TIME and finally passed this 18th day of March, 2013.



MAYOR



CLERK