

THE CORPORATION OF THE TOWNSHIP OF BONNECHERE VALLEY

BY-LAW 2007 - 29

BEING A BY-LAW TO REGULATE THE ERECTION, LOCATION AND TYPE OF SIGN PERMITTED IN THE TOWNSHIP OF BONNECHERE VALLEY WARD 1 (Village of Eganville)

WHEREAS: The Municipal Act R.S.O. 2001, c. 25, Section 10 (3) paragraph 7, authorizes councils of local municipalities to pass by-laws in respect to structures, fences and signs

AND WHEREAS: The Public Transportation and Highway Improvement Act, R.S.O. 1990, Section 34.2(c), provides for the regulation of field advertising signs on a highway or lands adjacent to a highway;

NOW THEREFORE: the Council of The Corporation of Township of Bonnechere Valley enacts as follows

1. DEFINITIONS

For the purpose of this By-law:

- a) **“A” FRAME SIGN** means any sign which is specifically designed or intended to be readily moved, and which does not rely on a building or fixed foundation for its structural support, and shall include all signs commonly known as sandwich, sidewalk, or curb signs.
- b) **ADVERTISING DEVICE** means any device or object creating a design and intended to be erected or located or affixed on any property for advertising purposes; this shall include flags, banners, pennants, lights, or any object intended for said purposes.
- c) **ANIMATED SIGN** means any sign, which includes action or motion or colour changes of all or part of the sign.
- d) **AUTHORIZED AGENT** means any employee of the Township of Bonnechere Valley who by nature of their employment or by direction from council is authorized to act in an enforcement capacity for the purposes of this bylaw.
- e) **AWNING OR CANOPY** means a projecting or overhanging shelter generally fixed to the building facade, typically intended to shield the building entranceway from the elements.
- f) **AWNING OR CANOPY SIGN** means a non-illuminated identification sign painted or affixed flat to the surface of an awning or canopy, which does not extend vertically or horizontally beyond the limits of such awning or canopy.
- g) **BUILDING CODE** means the Ontario Building Code, including all amendments and standards as described therein.
- h) **BUILDING FACADE OR WALL** means the total area without exemption from openings, of an exterior wall facing in one direction measured from the finished ground level to the uppermost ceiling between the exterior faces of the other exterior walls.
- i) **DOUBLE FACED SIGN** means a sign having two (2) sign faces, each face being of equal area and identical proportions to the other, and with each face located on the sign structure so as to be exactly opposite the other.
- j) **FLASHING SIGN** means any sign, which contains an intermittent, or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation.

- k) **GROUND SIGN** means any sign supported independently of and visibly separated from a building or other structure and permanently fixed to the ground, either on-premise or off-premise.
- l) **HEIGHT OF SIGN** means the vertical distance measured from the lowest grade level at the base of the sign to the highest point of said sign.
- m) **HOME BASED BUSINESS SIGN** means a sign identifying a home business permitted pursuant to the Township of Bonnechere Valley's Zoning By-Law.
- n) **IDENTIFICATION SIGN** means a sign, which is limited to the name, address, and number of a building institution or person, and to the activity carried on in the building or institution or the occupation of the person.
- o) **ILLUMINATED SIGN** means any sign, which includes direct, indirect, internal and external illumination.
- p) **INCIDENTAL SIGN** means a sign whose primary function is directional or informative for the control of traffic, or designation of areas such as entrance, exit, parking, loading, shipping or similar information pertinent to the functions of the premises at which it is located.
- q) **OFFICIAL SIGN** means a sign required by or erected because of any law, or required by or erected as a result of direction or decision of the elected representative of either the Federal, Provincial or municipal Governments, including Municipal Boards of Education and Public Utilities Commissions.
- r) **PERSON** shall include an individual, an association, a society, a charter organization, a firm, a partnership, or an incorporate company.
- s) **PORTABLE OR RELOCATABLE SIGN** means any sign which is specifically designed or intended to be readily moved from one location to another, and which does not rely on a building or fixed foundation for its structural support, and shall include all signs commonly known as "mobile signs". For the purposes of this by-law, this definition does not include "A" frame or "sandwich board" signs, as defined elsewhere in this by-law.
- t) **PREMISES** mean an area of land with its appurtenances and buildings, which because of its unity of use, may be regarded as the smallest conveyable unit of real estate.
- u) **PROJECTING SIGNS** means a sign, other than a wall sign, which is attached to and projects from, a structure or building face or wall, usually double faced, located in such a manner that the sign face is perpendicular to the surface of the building or structure to which the sign is directly attached.
- v) **ROOF SIGN** means any sign erected upon, against, or directly above a roof or on top of or above the parapet of a building.

- w) **SIGN** means any identification, description, illustration, or device, illuminated or non-illuminated, which is visible from any public street or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise, or any emblem, painting, banner, pennant, placard, or temporary sign, designed to advertise, identify, or convey information, with the exception of window displays and national flags. Any sign mounted on, or fixed to, the exterior of a motor vehicle, exclusive of signs painted on the surface of the vehicle, shall be considered to be a sign for the purposes of this by-law.
- x) **SIGN STRUCTURE** means any structure, which supports, has supported, or is capable of supporting, a sign, including decorative cover.
- y) **STREET** means a public or common highway affording principal means of access to abutting properties.
- z) **MUNICIPALITY** means the Corporation of the Township of Bonnechere Valley.
- aa) **WALL (FACIA) SIGN** means a sign attached to, marked or inscribed on, or erected or placed, against a wall of a building with the face in a parallel or perpendicular plane to the building wall.
- bb) **WINDOW SIGN** means any sign either painted on or attached to or installed inside a window for purposes of viewing from outside the premises.
- cc) **ZONE** - shall mean the permitted land use of the subject property as determined by the comprehensive Zoning By-Law, as amended, of the Corporation of the Township of Bonnechere Valley, enacted pursuant to Section 34 of the Planning Act, R.S.O. 1990, and amendments thereto.

2. ADMINISTRATION

- a) This by-law may be cited as the Township of Bonnechere Valley Sign By-law.
- b) No person shall erect, display, or structurally alter a sign and/or advertising device without first obtaining a permit, pursuant to the applicable provisions herein.
- c) This by-law shall come into force and take effect immediately upon the passing thereof.
- d) Any person may apply for a minor variance from a provision of this by-law, by filing an application with the Township of Bonnechere Valley, together with any supporting documentation as may be required by the Municipality.
- e) The prescribed fee for a minor variance from the provisions of this by-law shall be similar to the fee prescribed for applications to the Municipality pursuant to Section 44 of the planning Act, R.S.O. 1990 as amended from time to time.

3. APPLICATION AND DRAWINGS

- 1. The applicant for a permit to erect, display, or structurally alter any sign or advertising device located wholly or partly upon private property to attached to private property shall file in duplicate with the Municipality the following:
 - a) An application for a permit, upon the official forms;

- b) A plan, drawn to scale, showing the true dimensions of the premises upon which it is proposed to erect such sign or advertising device, showing the street lines or other boundaries of the property, and the location of the sign or advertising device upon the property in regards to the lot lines and to other structures upon such property or upon the premises immediately adjoining thereto. The municipality may require that the foregoing information or any part thereof be verified by an Ontario Land Surveyor if deemed necessary.
- c) Complete drawings and specifications covering the construction of the sign, its supporting framework and identification of materials to be used in its construction; and
- d) Drawings of, and such other information with respect to, any building upon which it is proposed to locate the sign or advertising device, as may be necessary to determine whether the structure of such building will carry the additional loads and stresses imposed hereon by the erection of such sign or advertising device without exceeding the stresses specified in the Ontario Building Code. Such drawings shall in all cases have marked thereon, in figures, the height of the building.

2. Insurance and Indemnification

- a) Every applicant for a Sign Permit shall file with the Township of Bonnechere Valley a satisfactory certificate of insurance to indemnify the Municipality against any form of liability to a minimum of \$1,000,000.00. The insurance shall be maintained in full force and effect during the life of the sign and the insurance policy of certificate shall provide that the Municipality be notified of any cancellation of insurance ten days prior to the date of cancellation.
- b) As a condition to the issuance of a sign permit all persons engaged in the business of installing or maintaining signs, which involves in whole or in part of erection, alternation, relocation, removal and or maintenance of a sign or other work, shall agree to hold harmless and indemnify the Municipality, its officers, agents and employees from any and all claims of negligence resulting from the erection, alternation, relocation or maintenance of a sign or other sign work.

4. PERMITS AND FEES

- a) When the requirements of this by-law have been complied with and the application and all plans and drawings therewith, and when the applicable fees have been paid, the municipality shall issue a permit for the erection of the sign.
- b) At the time of permit application for a sign, the applicant shall pay to the Treasurer of the Township of Bonnechere Valley a permit fee of thirty-six dollars (\$36.00)
- c) The permit fee for incidental signs exceeding 1 square meter (10.8 square feet) shall be thirty-six dollars (\$36.00).
- d) The permit fee for any "A" Frame Sign shall be thirty-six dollars (\$36.00) annually. A permit must be obtained annually and shall be valid for the calendar year in which it is issued.
- e) For structural revisions and alternations to existing signs, a permit fee of thirty-six (\$36.00) shall apply.
- f) Notwithstanding Section 2(b), no permit will be required for the erection of the following signs:
 - i. Incidental signs not exceeding 1 square metre (10.8 square feet) in area.
 - ii. Signs painted or posted on the interior surface of any window or door glass in any building, or the installation of any sign or advertising device in the interior of a building.

- g) The Municipality is hereby authorized and empowered to revoke any permit issued by him/her upon:
- i. Failure of the holder thereof to comply with any provisions of this bylaw, or:
 - ii. Where a permit was issued on false or mistaken information, or:
 - iii. Where, after six months after it's issuance, the erection of the sign, for which the permit was issued, has not, in the opinion of the municipality, been seriously commenced.

5. MAINTENANCE

The owner or lessee of the lands or premises upon which the sign or advertising device is located as well as the owner or lessee of the sign shall jointly and severally be responsible for maintaining or causing such sign or advertising device to be maintained in a proper state of repair so that such sign or advertising device does not become unsafe, unsightly or dangerous and so that such sign shall be completely operative at all times.

6. DANGEROUS OR DEFECTIVE SIGNS

- a) Where, in the opinion of the municipality any sign or advertising device is in an unsafe, unsightly, dangerous or defective condition, the municipality shall notify the owner or lessee of the lands or premises upon which the sign is located or the owner or lessee of the sign, to remove at once such sign or advertising device or place the same in a proper state of repair within such time as the municipality specifies.
- b) Upon receipt of such notice from the municipality, the owner or lessee of the lands or premises upon which the sign is located or the owner or lessee of the sign, shall at once proceed to repair or remove such sign or advertising device.

7. LIABILITY FOR DAMAGES

The provision of this By-Law shall not be construed as relieving or limiting the responsibility or liability of any person erecting or owning any sign or display for personal injury or property damage resulting from the placing of such a sign or resulting from the negligence or wilful acts of such person, his agents or employees, in the construction, erection, maintenance, repair or removal of any sign erected in accordance with a permit issued hereunder. Nor can it be construed as imposed upon the Township of Bonnechere Valley or its officers or employees, any responsibility or liability by reason of the approval of any signs, materials or devices under provisions of this By-Law.

8. NON-CONFORMING SIGNS

Any signs defined by this By-Law with the exception of "A" Frame Signs, which existed on the date of the passage of this By-Law, shall be deemed to be in conformity with this By-Law. Non-Conforming existing signs must be maintained as provided elsewhere in this By-Law.

9. REMOVAL OF SIGN(S)

- a). All out door signs attached to any structure or building by any means of fastening where business is conducted shall be removed from that structure within thirty (30) days from the date that that business shall close or the structure become unoccupied.

- b). Where a business sign is painted directly on to the exterior covering of the building it shall be painted over so as to be neutral in appearance or in a colour matching that of the exterior of the building within thirty (30) days from the date that the business shall close and be no longer occupied. Where such a building has become unoccupied between 30 November of one year and 1 April of the following year the Property Standards officer may grant an extension for the work to be done during a more feasible time.
- c): The Municipality shall give ten (10) days notice to the building owner after the building becomes unoccupied to remove said signs as described above. If the building owner fails to remove said signs as described above within thirty (30) days the Municipality shall remove or have removed said sign(s) at the owner's expense

10. GENERAL PROVISIONS

- a) The provisions of this by-law are applicable to Ward 1 (village of Eganville) Only.
- b) No signs shall be constructed so as to create a hazard to persons or property.
- c) Signs may be illuminated, except for those ones specifically prohibited elsewhere in this By-Law, but shall not be animated or flashing.
- d) Time and temperature displays may be incorporated into any permitted sign, except in Residential zones.
- e) No sign or sign structure shall be located in such a manner as to materially impede the view of any street or highway intersection, or in such a manner as to materially impede the view of any street of highway
- f) Official signs, "A" frame signs, awnings and canopies may be permitted on, over, or partly on, or partly over property owned by the Township of Bonnechere Valley with the approval of the Council. All other signs as defined herein shall be located only on private property, unless otherwise approved by the Township of Bonnechere Valley
- g) No sign shall be maintained or used in such manner that it obstructs any window, door, fire escape or access to any standpipe or other part of a building in the event of a fire.
- h) Where signs are permitted by this By-Law to be located on property of the Township of Bonnechere Valley, the signposts shall be owned by the municipality and shall not be positioned so as to impede or damage underground services. Signs may be removed within 30 days notice to owner, at their costs.
- i) No sign, other than the official sign, shall be attached to any utility pole or to any other official sign or sign structure, unless such attachment is authorized by the authority having jurisdiction in the matter.
- j) Signs attached to or located on derelict or unroadworthy vehicles or trailers, which are parked on a street or private property, and which are visible from a street are prohibited.
- k) Banners, buntings, pennants, and twirling signs are prohibited unless specifically authorized by Council of the Township of Bonnechere Valley for special events.
- l) Signs attached to the interior of any window on any building where business is conducted for advertising or information purposes shall be

11. WALL (FASCIA) SIGNS

- a) No sign attached to the wall of a building shall project more than 0.30 metres (1 foot) from the face of the wall to which it is attached, nor shall it project beyond either end of said wall unless for the purpose of continuity of intersecting surfaces.
- b) The total permitted sign area of all signs located on a building shall not exceed 50% of a building facade.
- c) Wall signs shall be permitted in all zones with the exception of Residential zones.

12. PROJECTING SIGNS

- a) The maximum allowable projecting sign from the building face to which the sign is attached shall be 1 metre (3.2 feet).
- b) The maximum area of a projecting sign shall be 2 square metres (21.5 square feet).
- c) Projecting signs must have a minimum clearance of 2.5 metres (8.2 feet) above grade to the underside of the projecting sign.
- d) Projecting signs shall be permitted only in Highway commercial (C2), Restricted Industrial (M1), General Industrial (M2), and Mixed Use Industrial (M3) zones.

13. ROOF SIGNS

- a) No roof sign shall extend more than 4.0 metres (13 feet) in height above a pitched roof, flat roof, and the cornice line of the top of the parapet wall immediately underneath such sign.
- b) The total sign area of a roof sign shall not exceed 12 square metres (129 square feet).
- c) No roof sign shall extend beyond or overhang any exterior wall of the building upon which it is erected.
- d) Roof sign shall be permitted only in Highway Commercial (HC), Restricted Industrial (M1), General Industrial (M2), and Mixed Use Industrial (M3) zones.

14. AWNING AND CANOPY SIGNS

- a) No portion of any awning or canopy sign shall be closer than 0.6 metres (2 feet) measured horizontally from the curb and must have a minimum clearance of 2/5 metres (8.2 feet) above average grade to the underside of the awning or canopy.
- b) Signs consisting of one line of letters not exceeding 0.45 metres (1.5 feet) in height may be painted, placed, or installed upon the front of any awning or canopy.
- c) Awning and canopy signs shall be permitted in all zones, with the exception of Residential zones.

15. "A" FRAME SIGNS

- a) One "A" frame sign may be erected for each occupancy within any zone, with the exception of Residential zones, and said sign may be permitted on property owned by the Corporation of the Township of Bonnechere Valley with the approval of the Council of the Township of Bonnechere Valley.
- b) The maximum sign area shall be 0.93 square metres (10 square feet) per sign face, and signs may be double faced with a maximum total sign area of 1.86 square metres (20 square feet). No sign shall exceed 1.22 metres (4 feet) in height or 0.765 metres (2.5 feet) in width.
- c) Signs shall be placed so as to provide minimal obstruction to the pedestrian traffic on the sidewalk, and shall not be located in such a manner so as to materially impede the view, or constitute a hazard to vehicular traffic. Where a building is set back from the property line, the sign shall be placed off the sidewalk and off the Township of Bonnechere Valley property to the greatest extent possible.
- d) Signs shall be permitted only during normal business hours of the business to which they pertain, and shall be removed at the end of the normal business hours except where such sign has been secured in such a fashion as to not allow its removal.
- e) Prior to obtaining a permit for a sign, the one of which is on Township of Bonnechere Valley property, a written description of the proposed location of the sign, indicating size, positioning, site line, and visibility shall be submitted. The applicant shall also furnish proof of liability insurance in the amount of one million dollars (\$1,000,000.00). Further more, the applicant must sign an agreement indemnifying the Municipality in the event a claim is made due to an accident involving the sign.

16. PORTABLE OR RELOCATABLE SIGNS

- a) The location of any portable sign must be authorized by the municipality, and shall not be located on property owned by the Corporation of the Township of Bonnechere Valley except where permission has been specifically granted for that sign.
- b) No portable sign be located in such a manner so as to materially impede the view, or constitute a hazard to, vehicular or pedestrian traffic.
- c) Each applicable occupancy shall be permitted to one (1) portable sign.

17. GROUND SIGNS

- a) No ground signs shall be erected having a height greater than 7.5 metres (25 feet) nor an area greater than 47 square metres (506 square feet).
- b) To minimize visual obstruction, the minimum distance from the underside of a ground sign face to grade shall be 1.5 metres (5 feet).
- c) Sources of illumination shall be properly concealed to eliminate glare or pose a hazard to traffic.
- d) No part of any ground sign structure shall be closer to any street line or property line than 1.5 metres (5 feet).
- e) Ground signs do not include "A" frame signs or Portable or Relocatable signs, as defined in this By-Law.

- f) No guy wires shall be used for a ground sign. The support structure shall form an integral part of the design.
- g) Ground signs shall be permitted in all zones, with the exception of Residential zones.

18. RESIDENTIAL ZONES

- 1. The following signs shall be permitted in Residential zones:
 - (a) House numbers and nameplates not exceeding 0.30 square metres (3.2 square feet) in area for each residential building.
 - (b) Home Occupation signs may be erected for identification purposes at the front entrance of the premises provided that no sign is greater than 0.3 metres or (3.2 square feet)
 - (c) Official signs.
 - (d) Each bed and breakfast establishment shall be permitted one (1) wall sign and/or one (1) other sign on the premise, not to exceed 1.11 square metres (12 square feet) in area, and not closer than 3 metres (9.8 square feet) to any property line.
 - (e) Real estate signs.
- 2. Illuminated signs are not permitted in Residential zones.

19. BUILDING CODE REQUIREMENTS

All signs shall be constructed in accordance with the provisions of the Ontario Building Code.

20. ENTRY ON PREMISES

An authorized agent of the municipality may, from time to time and at all reasonable hours enter into and upon any premises upon which a sign or other advertising device is erected or placed for the purpose of inspecting it.

21. PENALTIES

Any person who contravenes any provision of this By-law shall, upon conviction, be subject to a fine not to exceed five thousand dollars (\$5000.00) exclusive of costs, for each such offence, and every penalty shall be recoverable under the Provincial Offences Act.

22. SEVERABILITY

Should any provision of this by-law be declared invalid for any reason by a court of competent jurisdiction, the remainder of the by-law shall not be affected.

23. REPEALS

Village of Eganville Bylaw 97-17 is hereby repealed

24. COMING INTO FORCE

This Bylaw shall come into effect and take effect on the date of approval by the Council of the Township of Bonnechere Valley.

READ A FIRST AND SECOND TIME THIS ____ DAY OF _____ 2007.

READ A THIRD TIME AND PASSED THIS ____ DAY OF _____, 2007.

Zig Mintha Mayor

Bryan Martin C.A.O