

THE CORPORATION OF THE VILLAGE OF SOUTH RIVER

BY-LAW NO. 13-2023

Being a by-law to regulate signs and other advertising devices within the Village of South River.

WHEREAS Section 8 of the *Municipal Act, 2001, S.O. 2001, c.25* provides that the powers of a municipality under the Municipal Act or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the 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, 2001, S.O. 2001, c.25* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Municipal Act or any other Act;

WHEREAS Sections 10 of the *Municipal Act, 2001, S.O. 2001, c.25* authorizes the Council of the Village of South River to enact by-laws necessary or desirable for municipal purposes, in particular Paragraph 10 of Subsection 10(2) authorizes by-laws respecting signs and advertising devices;

AND WHEREAS Subsection 8(3) of the *Municipal Act, 2001, S.O. 2001, c.25* provides that any by-law under section 10 of that Act may regulate or prohibit any persons and may provide for a system of permits;

AND WHEREAS pursuant to Section 425 of the *Municipal Act, 2001, S.O. 2001, c.25*, a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under this Act is guilty of an offence;

AND WHEREAS pursuant to Section 426 of the *Municipal Act, 2001, S.O. 2001, c.25*, no person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this Act or under a by-law passed under this Act;

AND WHEREAS pursuant to Section 429 (1) of the *Municipal Act, 2001, S.O. 2001, c.25*, a municipality may establish a system of fines for offences under a by-law of the municipality passed under this Act;

AND WHEREAS pursuant to Section 436 of the *Municipal Act, 2001, S.O. 2001, c.25*, a By-law Enforcement Officer may enter upon any land at any reasonable time for the purpose of carrying out an inspection to determine compliance with this by-law;

AND WHEREAS pursuant to Section 446(1) of the *Municipal Act, 2001, S.O. 2001, c.25*, a municipality may direct or require a person to do a matter or thing and that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense;

AND WHEREAS pursuant to Section 446(2) of the *Municipal Act, 2001, S.O. 2001, c.25*, for the purpose of subsection (1), the Municipality may enter upon land at any reasonable time.

AND WHEREAS pursuant to Section 446(3) of *Municipal Act, 2001, S.O. 2001, c.25*, a municipality may recover the costs of doing a matter or thing under subsection (1) 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 The Council of the Corporation of the Village of South River has deemed it necessary to develop a sign by-law to regulate the appearance and location of signs;

NOW THEREFORE the Council of the Corporation of the Village of South River enacts as follows:

DEFINITIONS

In this By-law:

“Abandoned Sign” means a sign located on property which becomes vacant and unoccupied for a period of 90 days or more, or any sign which pertains to a time, event or purpose which no longer applies.

“Advertising Device” means any device or object erected, located, or affixed on any building or structure or on the ground for the purpose of advertising, and shall include flags, banners, pennants, lights, or any other object intended for advertising purposes.

“Alter” means any changes or replacements to the Sign structure or the Sign Area but does not include maintenance.

“Area of Sign” means the number of square meters on the surface of a sign, both sides if a double-faced sign, including the border and frame.

“Billboard Sign” means a sign that directs attention to goods, products or services not sold or provided on the premises on which the sign is located.

“Council” means the Council of the Corporation of the Village of South River.

“Directional Sign” means a sign directing vehicular or pedestrian traffic, giving instructions, or giving facility information which may contain the name, logo and establishment on the related site, but contains no advertising copy.

“Election Sign” means a temporary sign used to advertise a name involved in a current political Municipal, Provincial, or Federal election.

“Erect” means to attach, build, construct, re-construct, enlarge, place, or move.

“Facia Sign” means a sign attached to or erected against a wall of a building, with the face horizontally parallel to the building all not extending above the top of the wall nor beyond the ends of the wall to which it is attached.

“Ground Sign” means a sign in a fixed location, wholly supported by one or more uprights, poles, braces or located on a structural base placed in or upon the ground, and includes soft landscape treatment at the base of the sign or supporting structure.

“Height of Sign” means the vertical distance from the ground to the lowest point of the sign.

“Highway” means a common and public Highway, which is under the jurisdiction of the municipality, and includes any Street, lane, bridge, viaduct, or other structure that forms part of the Highway and all lands between the lateral street lines thereof.

“Illuminated Sign” means a sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

“Lot line” means the line formed by the boundary of any lot.

“Mobile Sign” means any sign not securely anchored to a permanent foundation or to a building or pole or which, shall be moved and shall include a sign located on a vehicle or trailer or variation thereof, with the exception of identifying ownership of a commercial vehicle. Mobile Sign's are considered temporary signs.

“Overhanging Sign” means any sign permanently anchored to the vertical face of a building and which projects horizontally.

“Sign Owner” includes any person who owns the Sign or holds the Sign Permit for the Sign and includes any Person whose name, address, or telephone number appears on the Sign, who displayed the Sign, or who benefits from the message or information

conveyed by the Sign, and for the purposes of this definition, there may be more than one Owner.

“Person” means an individual business, firm, corporation, association, partnership, person or any combination thereof.

“Poster” means any notice, bulletin, placard, leaflet, bill, or handbill which is temporarily posted, attached, erected, or displayed publicly for any purpose. For the purposes of this by-law, an advertising device is a poster sign. For the purposes of this by-law, a poster is a sign.

“Public Property” means property, lands, or buildings, owned by the Corporation of the Village of South River.

“Real Estate Sign” means a temporary sign used exclusively to advertise the sale, lease, or rent of specific property.

“Sandwich Board Sign” means a sign not permanently attached to or affixed into the ground, to a building or structure, which is hinged or otherwise attached at the top or side enabling the two sign faces to be extended into an inverted V-shape.

“Sight Triangle” means the triangular area formed by measuring from the curb lines or projection thereof at the street intersection, three (3.0 m) metres along one curb line, fifteen (15.0 m) metres along the opposite curb line and joining such points with a straight line.

“Sign” means any device, structure, fixture, or placard for the primary purpose of identifying, providing directions or advertising any establishment, product, goods, or services. For the purpose of removal of signs, this definition includes all sign structures as well as any advertising devices.

“Temporary Sign” means a sign not constructed or intended for long term use. It is primarily used for events and can include real estate signs, elections, yard sales, and mobile signs.

“Window Sign” means a sign and/or paintings or photographs affixed to or located within 1.0 metres of the interior or exterior of a window in view of the general public.

“Zone” means a zone designation contained in the Municipal Comprehensive Zoning By-law’ as amended.

1. PURPOSE

- 1.1 The purpose of this by-law is to regulate signs within the Village of South River by permitting signs that;
- 1.2 Are appropriate in size, number, and location.
- 1.3 Provides reasonable and appropriate means for the public to locate and identify facilities, businesses, services, and events.
- 1.4 Are consistent with the Village’s historical values and objectives.
- 1.5 Do not create a distraction or safety hazard for pedestrians and/or motorists.
- 1.6 Minimize adverse impact on nearby properties or businesses.

2. GENERAL PROVISIONS

- 2.1 No person shall erect, display, or maintain any sign without first obtaining a permit accompanied by the required fee to the Village of South River in accordance with this by-law.

- 2.2** No person shall erect, display, or maintain a sign or advertising device imitating or resembling a sign regulated by any federal or provincial act, or an official government sign.
- 2.3** No person, except for the authority having jurisdiction over a specific highway, shall erect, maintain, or alter a sign prescribed under the Highway Traffic Act, R.S.O. 1990, as amended, or any regulations made under this act.
- 2.4** No person shall erect a sign or advertising device that does not conform to the provisions of this by-law and to any applicable requirements of the Ontario Building Code.
- 2.5** No person shall place a sign under any of the following circumstances;
- (a) By excavating, digging, drilling, driving, or cutting into asphalt, concrete, bricks, or other improved hard surface for the purpose of imbedding a sign or its supports.
 - (b) In a location and in a manner which may damage a public utility, and where no sign support shall be driven into the ground.
 - (c) Without first obtaining permission from any public utility having underground utilities within the highway and without obtaining locate information to ensure that no damage occurs to any underground utility.
- 2.6** No person shall erect, display, affix, attach, fasten, or alter any sign on public property, including road allowances, utility poles and property used for beautification purposes.
- 2.7** No person shall erect or display a sign which, at the discretion of an officer, is offensive to the public, slanderous to a person or business, or unsightly.
- 2.8** Notwithstanding any other section of this By-law, no person shall construct, affix, attach, fasten, alter, display, or continue to display any sign which obstructs the sight triangle of or access to any of the following;
- (a) Fire hydrant
 - (b) Sprinkler connection
 - (c) Traffic signs or devices
 - (d) Fire escape / emergency exit from building
 - (e) Intersections
- 2.9** No person shall erect, display or maintain a sign which obstructs or interferes with vehicular traffic in a manner that could endanger any persons.
- 2.10** All sign owners shall maintain signs in a proper state of repair so that such sign or advertising device does not become unsafe, dangerous, defective or an abandoned sign.
- 2.11** The provisions of this by-law do not apply to a sign placed by or on behalf of the Village of South River or any Provincial or Federal authority.

3. PERMITS

- 3.1** The Village of South River shall require applicants to submit the following prior to obtaining a permit;
- (a) The written authorization of the property owner and sign owner.
 - (b) The proposed plot plans and/or dimensional drawings.

- (c) A completed application form as found on Schedule “A”.
- (d) Any current site plans in relation to a lot, adjacent streets, and/or any existing structures.
- (e) The permit application fee of \$25 as set out by the Village of South River. This fee is non-refundable and non-transferable.
- (f) Where applicable, proof of approval for the proposed sign from all other authorities having jurisdiction.

3.2 The Village retains, in its sole discretion, the right to approve or deny applications.

3.3 The Village of South River, its employees or agents may revoke a permit under any of the following circumstances;

- (a) The permit has been issued in error.
- (b) The sign for which the permit was issued is in contravention of any provision in this by-law, the Building Code, an approved site plan or any other applicable law.
- (c) The permit has been issued as the result of false, mistaken, incorrect or misleading statements, information, or undertakings on the application or any submitted documents.
- (d) The permit holder requests the permit be revoked.
- (e) Six (6) months have elapsed following the date the permit was issued and the sign authorized by the permit has not been erected.
- (f) Immediately upon removal of the sign for which the permit was issued.

4. STANDARDS FOR SIGNAGE

4.1 Billboard sign

- (a) The owner must obtain clearance from any and all utilities and agencies that may be affected by the erection of the billboard sign.
- (b) No new billboard sign shall be located within 300 metres of any exiting billboard sign, which faces the same direction of traffic.

4.2 Ground Sign

- (a) One ground sign is permitted for each business location and per street frontage.
- (b) For home business, occupation or commercial zones the maximum height for such sign shall be 3.5 m.
- (c) Every ground sign shall be set back a minimum of 1.0 m from any street or sidewalk line and 1.5 m from side yard lines, driveways or parking spaces.
- (d) A ground sign shall be located only on the property of the business to which the sign is accessory to.

4.3 Mobile Sign

- (a) Vehicles and trailers used as advertising devices must be licensed by the Ministry of Transportation.
- (b) No mobile sign shall distract and/or obstruct traffic or endanger any person.

4.4 Overhanging Signs/Awnings/Canopy

- (a) Minimum height shall be 2.5 metres measured from the nearest point of the sign.
- (b) Maximum projection from any building or structure shall be 1.8m including any part of the sign.
- (c) Maximum sign face area shall be 1.25 m² per sign.

4.5 Sandwich Board Sign

- (a) Shall be permitted only on the property of the business to which the sign is accessory to.
- (b) The maximum size shall be 1.5m x 1 m.
- (c) Shall be erected and maintained to always provide clear and free pedestrian movement.
- (d) Sandwich board signs shall be prohibited in residential zones.

4.6 Temporary Sign

- (a) All Temporary signs shall be removed at least 3 days after the advertised event is complete.
- (b) The surface of the temporary signs shall not exceed 1.5m².

4.7 Election Signs

- (a) No election sign shall be erected prior to six weeks before Election Day.
- (b) No election sign shall be placed upon any Village property without authorization.
- (c) No sign shall be erected within a sight triangle or in a way that obstructs the visibility of any vehicular or pedestrian traffic.
- (d) All election signs shall be removed at least five (5) days after the election is finished.

5. NOTICE OF VIOLATION

- 5.1** Where an illegal sign is erected on private property, an officer shall send a Notice of Violation to the sign owner requiring that the sign be permanently removed or made to comply with this By-law.
- 5.2** Any person served with a Notice of Violation under this by-law shall comply with the notice within the time specified on the notice.
- 5.3** If the Owner does not comply with the Notice of Violation within the specified period of time, the Village, its employees or agents may enter upon the property and remove the sign immediately without further notification to the owner.
- 5.4** Where a sign is removed by the Village it shall be stored at the Public Works garage for a maximum of thirty (30) days and a further Notice shall be sent to the owner indicating the date by which the sign must be reclaimed before disposal.
- 5.5** Removal and storage costs for signs and advertising devices shall be collected by the Village as stated in the user fee by-law as updated from time to time, which includes service charges and any other relevant fees.

6. ENFORCEMENT

- 6.1 Enforcement of this by-law is assigned to the Municipal Law Enforcement Officer of the Village of South River, or any person so appointed by a by-law of the Village.
- 6.2 The Village, its employees or agents may enter upon any property at any reasonable time for the purpose of determining its compliance with this by-law.
- 6.3 No person shall hinder or obstruct, nor attempt to hinder or obstruct, either directly or indirectly, an Officer, employee and/or agent of the Village of South River in the lawful exercise of a power or duty under this by-law.
- 6.4 No person shall provide false information or give a false statement to an officer, employee and/or agent of the Municipality in the lawful exercise of a power or duty under this by-law.
- 6.5 Where an officer has reasonable and probable grounds to believe that a person has violated a provision of this by-law, such person shall immediately upon the request of an officer produce a piece of government issued photo identification and provide it to the officer.
- 6.6 Nothing in this by-law shall be interpreted in such a manner to exempt any person from complying with any requirement or applicable law that may be in force municipally, provincially, or federally.

7. PENALTY

- 7.1 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 by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

8. SEVERABILITY

- 8.1 If a Court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall be deemed to be separate and independent there from, and the remaining terms and provisions of this by-law shall remain in force and effect.

9. REPEAL

- 9.1 By-law 8-2018, regarding the regulation of signs within the Village of South River is hereby repealed in its entirety.

10. SHORT TITLE

- 10.1 This By-law shall be known and cited as the “**Sign By-law**”.

11. EFFECTIVE DATE

- 11.1 This by-law shall come into effect on the date it is passed.

READ A FIRST TIME THIS 27TH OF MARCH, 2023;

READ A SECOND AND THIRD TIME, AND FINALLY PASSED THIS 27th OF MARCH, 2023.

Jim Coleman, Mayor

Don McArthur, Clerk-Administrator

THE CORPORATION OF THE VILLAGE OF SOUTH RIVER

Bylaw No. 13-2023

SCHEDULE "B"

Application for a Sign Permit

Receipt No. _____

Applicant's Information

Full Name: _____

Address: _____

Postal Code: _____

Phone #: _____

Email: _____

Fax: _____

Owner's Information (If different from Applicant)

Full Name: _____

Address: _____

Postal Code: _____

Phone #: _____

Email: _____

Fax: _____

Sign Description

Description of proposed work and advertising message:

Address of Proposed Sign: _____

Type of Sign: _____

Type of Foundation: _____

Distance From Property Line: _____

Width (m): _____

Length (m): _____

Height (m): _____

Weight (kg): _____

Project Value Est: \$ _____

Declaration

I, _____ hereby declare that:

1. I am the owner/ authorized agent of the property of the proposed sign location.
2. That all the information and statements given on this application are to the best of my knowledge, true and reliable.
3. I understand that the sign shall be erected and maintained with the provisions of By-law 13-2023 and any other applicable law .

Declared before me at the Village of South River this _____ day of _____ 20 _____.

Date _____

Signature of Applicant _____

Plot Plans and/or Dimensional drawings must accompany this application. Please also attach any other supporting documentation that is relevant.

THE CORPORATION OF THE VILLAGE OF SOUTH RIVER

Bylaw No. 13-2023

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SCHEDULE "B"

SET FINES

PART I PROVINCIAL OFFENCES ACT

Item	Short Form Wording	Provision Creating or Defining Offence	Set Fine
1.	Erect, display, or maintain sign without permit	2.1	\$250
2.	Erect, display, or maintain sign which resembles a regulated or official sign	2.2	\$300
3.	Erect regulated traffic sign	2.3	\$350
4.	Erect non-compliant sign	2.4	\$250
5.	Erect sign improperly	2.5	\$250
6.	Erect, display, affix, attach, fasten, or alter sign on public property	2.6	\$150
7.	Erect offensive, slanderous, or unsightly sign	2.7	\$250
8.	Construct, affix, attach, fasten, alter, or display sign which obstructs view or access	2.8	\$350
9.	Erect, display, or maintain sign which obstructs or interferes with traffic	2.9	\$350
10.	Fail to maintain sign	2.10	\$250
11.	Fail to comply with Notice of Violation	5.2	\$350
12.	Hinder or obstruct officer	6.3	\$350
13.	Give false information or statement	6.4	\$350
14.	Fail to identify on request	6.5	\$350

NOTE: The general penalty section for the offences indicated above is Section 7.1 of Bylaw No. 13-2023, a certified copy of which has been filed.