

**THE CORPORATION OF THE UNITED COUNTIES**

**OF STORMONT, DUNDAS AND GLENGARRY**

**BY-LAW NUMBER NO. 5073**

**A BY-LAW** to regulate the location and size of signage within and adjacent to the County right-of-way.

**WHEREAS** Section 5 (3) of the *Municipal Act, 2001 S. O. 2001*, provides that a municipal power, including a municipality's capacity, rights, powers and privileges shall be exercised by by-law unless the municipality is specifically authorized to do otherwise.


**AND WHEREAS** the United Counties of Stormont, Dundas and Glengarry wishes to regulate the location and size of signage within and adjacent to the County right-of-way.

**NOW THEREFORE THE COUNCIL FOR THE UNITED COUNTIES OF STORMONT, DUNDAS AND GLENGARRY ENACTS AS FOLLOWS:**

1. That the location and size of signage within and adjacent to the County right-of-way shall be in conformity with the terms, conditions and specifications as outlined within Schedule "A" to this by-law.
2. That By-law No. 4957 is hereby repealed in its entirety.

**READ** and passed in Open Council, signed and sealed this 19<sup>th</sup> day of September, 2016.

  
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WARDEN

  
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CLERK

## **Schedule 'A' to By-law No. 5073 Signage Requirements**

### **Section 1: Definitions**

**“County”**

means the United Counties of Stormont, Dundas and Glengarry.

**“County Road”**

means a road under the jurisdiction of the United Counties of Stormont, Dundas and Glengarry.

**“Local Municipality”**

means a lower tier municipality of the United Counties of Stormont, Dundas and Glengarry.

**“Official Sign”**

means a sign placed by or under the jurisdiction of the Roads Department, or under the authority of a statute, by-law, or provincial or federal authority.

**“Owner”**

means any person: described on a sign; whose name, address, or telephone number appears on a sign; who installed a sign; who is in lawful control of a sign; or who benefits from the message on a sign. For the purposes of this By-law there may be more than one owner of a sign.

**“Road Allowance”**

means a County road allowance and includes all lands and structures contained within the outer limits of the allowance including grassed areas, ditches, curbs, gutters, sidewalks and other structures and includes a “Highway” as defined under the Highway Traffic Act (Ontario) that is under the jurisdiction of the County.

**“Roads Department”**

means the County Engineer or designate.

**“Sign”**

means any device, object or thing that is designed to convey a message for the purpose of advertising, identifying, announcing, directing, or promoting any idea, event, activity, product, service or facility, or conveying any other type of message.

**“Temporary Sign”**

means a sign that is less than 3m<sup>2</sup>, freestanding, and mounted on light breakaway support systems.

## Section 2: General

2.1 The following signs shall be permitted within the road allowance:

- a) Signs erected by any municipal authority for the regulation, safety or guidance of traffic, or to provide public information (i.e. community groups, service clubs or sport or leisure trails). The location and size of signs erected by any municipality must be approved by the Roads Department. No advertising, sponsorship or business identification will be allowed on permanent signs. Those erecting permanent signage within the County right of way shall be required to provide a certificate of insurance to indemnify the County against any liability with coverage limits as recommended by the County insurer.
- b) Temporary signs, including but not limited to:
  - i. Identifying recognized service clubs and community groups
  - ii. event signs (i.e. community functions)
  - iii. election signs
  - iv. commercial signs
  - v. real estate signs

2.2 No permanent signage within a road allowance shall be privately owned unless has an associated County Encroachment Permit. The erection of signage that is not required for County purposes will be borne by the individual or agency requiring the sign at full cost recovery.

2.3 Temporary signage located within the County right-of-way is installed at the owner's risk.

2.4 Signs shall not:

- a) Be accompanied with a device that creates noise, or that resembles an official light not used for the purpose of controlling traffic or for the safety of workers under any Act.
- b) Be illuminated, reflectorized or display electronic messaging in a manner which is deemed to be a safety hazard in the sole discretion of the Roads Department.
- c) Be permitted when they do not comply with the provisions of the Building Code, Electrical Safety Code, the Occupational Health and Safety Act, the Construction Safety Act, or any other applicable government regulation.

2.5 Temporary Signs shall not:

- a) Be located within a roadway, shoulder, median, planting bed, drain, ditch or watercourse.

- b) Resemble an official sign or a traffic control signal.
- c) Impact the function of a County Road by:
  - i. Creating a safety hazard;
  - ii. Impeding or obstructing municipal maintenance or construction operations;
  - iii. Impeding access to or obstructing a fire hydrant;
  - iv. Impeding or obstructing the passage of pedestrians where they are reasonably expected to walk; or
  - v. Impairing or obstructing the visibility of vehicular or pedestrian traffic or a railway crossing.
- d) Obscure or detract from the visibility or effectiveness of an official sign or a traffic control signal.
- e) Be powered with electrical wiring.
- f) Be painted onto, affixed by an adhesive, taped or wired onto:
  - i. A tree, shrub or any other natural object;
  - ii. A utility box, traffic signal control box, bridge, guiderail or any other road structure;
  - iii. An official sign; or
  - iv. The support of a luminaire, official sign, or any other traffic control device.

### **Section 3: Existing Signs**

3.1 This By-law does not apply to existing signage has been lawfully placed on the day this By-law comes into force.

3.2 Clause 3.1 only applies if the existing sign has not been altered in any way. Routine maintenance and/or repair to such signage shall not be considered an alteration.

### **Section 4: New Signage Requirements**

4.1 All permanent signage within 45m of the centreline of a County Road shall require a permit unless it is part of an approved Community Improvement Plan (CIP) project within an urban area. CIP signage in urban areas shall be reviewed and approved by the Roads Department. Any temporary signs which comply with Section 2, as well as signage beyond 45m from centreline, shall not require a permit from the Roads Department provided the owner complies with section 4.

4.2 All permanent signs installed in rural areas shall not:

- i. exceed 7.5m in height above the ground;

- ii. exceed 30m<sup>2</sup> in display area (per side);
- iii. be placed within 200m of another billboard sign (per direction);
- iv. be affixed to, mounted upon, or be made to form part of a fence
- v. be placed in, or be allowed to overhang, a daylighting area, or;
- vi. be placed in any area that in the opinion of the Roads Department will constitute any other hazard to vehicular traffic.

4.3 All permanent signs installed in urban areas shall not:

- i. exceed 7.5m in height;
- ii. exceed 30m<sup>2</sup> in area (per side);
- iii. be placed in, or be allowed to overhang, a daylighting area, or;
- iv. be placed in any area that in the opinion of the Roads Department will constitute any other hazard to vehicular traffic.

4.4 Freestanding signs shall be installed at either 45 degrees or greater to the centreline of a County Road. When signs have been installed to be viewed on the left hand side of the road, no additional billboard signs will be permitted within the spacing requirements on the opposite side of the road.

4.5 No sign will be permitted that promotes violence, hatred or discrimination on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status, disability or contempt against any identifiable group. The message, logos, graphics displayed on any sign must not be disrespectful or contain profanity, obscenity, or promote unlawful activity.

## Section 5: Administration

5.1 The Roads Department is responsible for the administration of this By-law.

5.2 Every application for a permit under this By-law shall be made on the form provided by the Roads Department, and shall be accompanied by any plans, drawings, and other information prescribed on the application.

5.3 Every person applying for a permit shall pay the application fee approved by County Council. Sign permit application fees are in accordance with the County's User Fee By-law, as amended from time to time. There shall be no permit fee for signs installed onto existing buildings, or for signs installed between 30m to 45m from the centreline of a County Road.

5.4 County Council may authorize a minor variance from the requirements of this By-law. The fee to make a request for a sign minor variance shall be in accordance with the County's User Fee By-law, as amended from time to time.

5.5 Nothing in this by-law exempts a person from complying with any other by-law or requirement of a local municipality, government, or agency having the authority to deal with a matter related to a sign.

## **Section 6: Enforcement**

- 6.1 This By-law may be enforced by the Roads Department, a municipal by-law enforcement officer, or a police officer.
- 6.2 Any owner who places, or permits to be placed, a sign that does not comply with this By-law is required to modify the sign to comply with the By-law, or remove the sign forthwith and restore the sign location to a condition satisfactory to the Roads Department.
- 6.3 If the owner is required to modify or remove a sign and fails to do so, then the Roads Department, a municipal law enforcement officer, or a police officer may immediately remove it, without notice or compensation to and at the risk of its owner.
- 6.4 The County assumes no liability for the signage, and may at any time remove, relocate, dismantle or destroy any temporary signage without notice. The County has no obligation to maintain non-compliant signage, nor has any obligation to return non-compliant signage to the owner if removed.
- 6.5 Every person or owner who contravenes a provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.
- 6.6 The County and a local municipality may recover expenses for the removal, transportation and disposal of a sign, and for the restoration of the sign location from the owner by court action, or in like manner as municipal taxes.