

The Corporation of the United Townships of Dysart, Dudley, Harcourt, Guilford, Harburn, Bruton, Havelock, Eyre and Clyde

By-Law no. 2022-39

Being a by-law to regulate signs and other advertising devices within the Municipality of Dysart et al

Whereas Section 11. (3) 7. of the *Municipal Act, 2001, as amended* authorizes the Municipality to pass by-laws respecting signs;

And Whereas the Council of the Corporation of the United Townships of Dysart et al deems it advisable to pass a by-law to regulate advertising devices and signs;

And Whereas Section 99. (1) of the *Municipal Act, 2001, as amended* provides that the by-law does not apply to any advertising devices, including signs that were lawfully erected or displayed on the day this by-law comes into force and are not substantially altered;

And Whereas the Council of the Corporation of the United Townships of Dysart et al has given public notice of its intention to pass this by-law in accordance with the Municipal Act;

Now Therefore the Council of the Corporation of the United Townships of Dysart et al enacts as follows:

Section 1 – Short Title

1.1 The short title of this By-Law is “Sign Regulation By-Law”

Section 2 - Definitions

- 2.1 **Alter** - means to make any change or addition to a sign structure but does not include a change to the message or normal repair and maintenance.
- 2.2 **Contractor’s Sign** - means a temporary sign used to identify the name or names of contractors doing construction on a lot or a sign posted by someone providing materials for a construction project.
- 2.3 **Council** - means the Council of the Corporation of the United Townships of Dysart, Dudley, Harcourt, Guilford, Harburn, Bruton, Havelock, Eyre and Clyde.
- 2.4 **County** - shall mean The Corporation of the County of Haliburton;
- 2.5 **County Road** - shall mean a road under the jurisdiction of the Corporation of the County of Haliburton;
- 2.6 **Erect** - means to erect, install, post, and display or alter a sign.
- 2.7 **Municipality** - means the Corporation of the United Townships of Dysart, Dudley, Harcourt, Guilford, Harburn, Bruton, Havelock, Eyre and Clyde.
- 2.8 **Sign** - includes any device or medium including its structural and other parts, used or capable of being used to identify, explain or promote any business, product, enterprise, organization or event in such a manner as to be visible to the public and includes banners or any advertising device. A sign also may be any inflatable device or vehicle parked in such a way as to act as a sign. Types of Signs include:
- A) **Banner** - means a sign composed of lightweight material so as to allow movement created by atmospheric conditions, and are considered temporary.
 - B) **Backlit Sign** – means a sign that has a means of lighting the sign face with a light located inside the sign;

- C) **Billboard Sign or Field Advertising Sign** - means a *sign* that contains advertising which is not related to the property that the sign is located on.
 - D) **Election Sign** - means an advertising device which by the use of words, pictures or graphics or any combination thereof is intended to influence persons to vote for a candidate at an election held in accordance with the Canada Election Act, The Elections Act or The Municipal Elections Act;
 - E) **Fascia Sign** - means a sign attached to, marked, inscribed or painted onto the exterior wall of a building.
 - F) **Free Standing Sign** - means a sign permanently affixed to the ground and visually separated from a building.
 - G) **Incidental Sign** - means a sign of minor consequence and size. Without limiting the foregoing, incidental signs shall normally include; any sign which is part of equipment or display; signs affixed to or painted on boarding around a construction site; a banner sign advertising a special event erected on fencing adjacent to a street by a charitable organization and having permission of the property owner on which the fence is situated; flags; park bench; mailbox; newspaper box; bus shelter signs; corner stone; holiday decorations; metal plaques; garage / yard sale signs and community gateway signs.
 - H) **Location Sign** - means any *sign* that is located on a private property and identifies the property, the occupants, the owners, the businesses and/or advertises the products or services on the property;
 - I) **Mobile Sign** - means a sign which is designed or intended to be moved readily from one location to another and is not attached to a building or fixed to the ground and includes signs transported by means of wheels, inflatable signs and signs attached to vehicles.
 - J) **Portable Sign** - means a sign intended to be moved from one location to another, which is not permanently affixed to the ground. A portable sign shall have a maximum of 2 sides. Portable signs include sandwich boards, 'A' frame signs and inverted 'T' signs.
 - K) **Official Sign** - means a sign required under any statute, regulation, and by-law of any federal, provincial or municipal agency or board.
 - L) **Read-O-Graph Sign** – means any part of a sign which is designed so that any identification or advertisement is readily interchangeable by manual or electronic means and includes an electronically controlled message centre;
 - M) **Special events sign** - means a temporary sign that advertises a community event.
 - N) **Window Sign** - a sign mounted in the window visible from the outside
- 2.9 **Sign Area** - means the surface area of the sign face provided that, if a sign consists of more than one sign, section or module, all areas visible from any one direction will be included in calculating the sign area. Where letters, figures or symbols are affixed to a wall separately to constitute a sign, the area shall be deemed to be the smallest rectangle, triangle or circle which encloses the letters.
- 2.10 **Sign Committee** - means a Committee appointed by Council to grant permission for relief from the provisions of this by-law.
- 2.11 **Zone** - means the zone classifications assigned to a property by the Municipality's Comprehensive Zoning By-law 2005-120, as amended.

Section 3 - General Provisions

- 3.1 No person shall *erect* or *alter* or cause to be *erected* or *altered* a *sign* except in accordance with the provisions of this by-law unless site specific provisions for signs have been negotiated in a site plan agreement, pursuant to the Planning Act;
- 3.2 No person shall *erect* or *alter* a *sign* used to identify, explain or promote any business, enterprise or organization on any property unless such business, enterprise or organization conducts its business or activities on that property unless expressly permitted by this by-law.
- 3.3 No person shall erect, locate, or display a sign which is not in accordance with the approved plans.
- 3.4 Any *sign* that is *erected* or *altered* in contravention of this by-law shall be removed by the Municipality at the owner's expense and all expenses incurred by the Municipality in connection with the enforcement of this By-Law shall be paid within Thirty (30) days of their billing date, and in the event of failure to pay the entire amount within said thirty (30) days, at the discretion of the Municipality, the outstanding balance of the invoice may thereafter be added to the tax roll as of the year in which the Expenses were billed.
- 3.5 Expenses incurred by the Municipality shall include the actual cost of labour, equipment and an administrative fee of twenty five percent (25%) plus an additional one and one quarter Percent (1.25%) interest rate per month for any amounts outstanding.
- 3.6 This by-law shall be enforced by a Municipal Law Enforcement Officer;
- 3.7 Should any section, subsection, clause or provision of this by-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this by-law as a whole or any part thereof, other than the part so declared to be invalid;
- 3.8 Where any provision(s) of this by-law conflicts with any statute or any other by-law or regulation the provision that establishes the more restrictive standard shall prevail.

Section 4 - Prohibited Signs

No person shall *erect* or *alter*, place or display or cause the *erection alteration* or placement or display of:

- 4.1 A *sign* on or overhanging municipal property unless expressly permitted by the by-law;
- 4.2 A *sign* that is located so as to obstruct the movement or view of pedestrians or motor vehicles or to cause an unsafe condition;
- 4.3 A flashing *sign* or *signs* that contain lights that vary in intensity at lapsed intervals;
- 4.4 A *sign* that is mounted on a roof or the face of a building which extends above the roof level;
- 4.5 *Backlit Signs* are not permitted in Area 1.
- 4.6 Any *sign* that contravenes the Ontario Building Code Regulations;
- 4.7 Any obsolete *sign* which advertises a business no longer in business or product that is not available;

Section 5 - No Sign Permit Required

No permit is required to erect a *sign* if it complies with one or more of the following provisions:

- 5.1 An unlit *sign* used to advertise a home business, home industry or bed and breakfast, located on the owner's property that is not more than 1 sq. meter in *sign area* if readable from one side or 0.5 sq. meter in *sign area* if readable from two sides.
- 5.2 A *contractor's sign* not exceeding 1 sq. meter in *sign area* with not more than two such *signs* per site, posted when a building is under construction, provided it is removed within one year after it is posted or when the project is complete whichever is sooner;
- 5.3 Real estate *signs* with a maximum *sign area* of less than 1 sq. meter for a residential sign and 3 sq. meters for a commercial sign erected on a property that is currently for sale, and/or a *sign* with a maximum *sign area* of 0.5 sq. meters used to direct buyers to a property that is for sale, provided the *signs* are removed once the property is sold;
- 5.4 Election campaign *signs* in accordance with any by-law or act that regulates such *signs*, provided they are removed within two weeks after the election;
- 5.5 An *official sign*;
- 5.6 *Personal signs* located on the owner's property with a *sign area* of less than 0.2 sq. meters;
- 5.7 A *special event sign* provided the community event has been approved by Council;
- 5.8 A *sign* located inside a building including a *window sign* (if it complies with Section 6.5);
- 5.9 Any *sign* or *signs* that are erected in accordance the provisions of a Site Plan Agreement.

Section 6 - Application for Sign Permits

- 6.1 No person shall install a *sign* unless they obtain a sign permit in accordance with this by-law;
- 6.2 An application for a sign permit must be submitted on the application provided by the *Municipality*, as set out in Schedule "B"
- 6.3 All required fields on the application must be completed and the application must be signed;
- 6.4 The applicant must provide a neatly drawn site plan referenced to a copy of the survey that shows the dimensions of the lot, the location of all buildings, structures, driveways, hydro lines and poles, septic systems (in the case of a free standing *sign*), roads and the location of the *sign* and distances to the lot lines;
- 6.5 The application must include a complete plan of the *sign* showing the size, shape, supporting structure, height and its location on a building if applicable;
- 6.6 The application must include a signed authorization from the owner of the property if the applicant is not the owner of the property on which the *sign* is being erected;
- 6.7 The required fee of \$30.00 must be submitted before a permit is issued;

- 6.8 When the owner of a property is unable to comply with the provisions and regulations of this by-law they may apply to the *Sign Committee* for relief from the provisions of this by-law.
- 6.9 Applications requesting relief from the provisions of this by-law to the Sign Committee must include:
- all the required information for a sign application in accordance with Sections 6.4-6.7 of this by-law;
 - a letter addressed to the Sign Committee stating why the applicant is unable to comply with this by-law; and
 - The required fee of \$100.00.
- 6.10 Where an applicant wishes to erect a sign on a County Road or Provincial Highway, the applicant is also required to apply and obtain a County and/or Provincial Permit.

Section 7 - Regulations

All *signs* must comply with the following:

7.1 **Areas**

For the purposes of this by-law the *Municipality* shall be divided into two areas as follows:

- Area 1 is the area as depicted on Schedule “C” - Haliburton Village Area attached to and forming part of this by-law;
- Area 2 is the remainder of the Municipality;

7.2 **Fascia Sign**

Where Permitted:

Area 1 - All Commercial Zones
All Institutional Zones

Area 2 - All Commercial Zones
All Institutional Zones
All Industrial Zones

Regulations:

- Maximum Number – one *fascia sign* for each storefront or business;
- Maximum total *sign area*: 1 sq. meter for every meter of the building width facing the street;
- All *Fascia Signs* in Area 1 shall ;
 - a) within adjacent facades or within the same building *storefront* shall be at the same height and located between pilasters or columns, where possible; and,
 - b) Multiple *storefronts* within a continuous building block shall strive to maintain the same location height.
 - c) Shall not be backlit;
 - d) *signs* shall be made of a material that will withstand the weather such as wood, metal or plastic and shall be maintained in good condition;
 - e) *signs* shall be mounted on a solid background and the business name in raised lettering, a minimum of 1 cm above the background, and other information contained on the *sign* does not have to be raised; or; business name shall consist of individual raised letters mounted directly on the building;
- In the case of a multi-tenant property where all businesses do not face a street one extra *fascia sign* is permitted for directional purposes only, provided the *sign* does not exceed 1 sq. meter in *sign area*.
- In the case of a building that abuts more than one street, one extra *Fascia sign* is permitted on each side that abuts a street provided the *sign area* of

each sign does not exceed the *sign area* of the *sign* on the *storefront* side of the building.

7.3 **Free Standing Sign**

Where Permitted:

Area 1 - All Commercial Zones
All Institutional Zones

Area 2 - All Commercial Zones
All Institutional Zones
All Industrial Zones

Regulations:

- All *Free Standing Sign and Location Signs* in Area 1 shall conform to the following:
 - *signs* shall not be backlit;
 - *signs* shall be made of a material that will withstand the weather such as wood, metal or plastic and shall be maintained in good condition;
 - *signs* shall be mounted on a solid background and the business name in raised lettering, a minimum of 1 cm above the background, and other information contained on the *sign* does not have to be raised; or; business name shall consist of individual raised letters mounted directly on the building;
- Maximum Number of signs per property = one (1);
- Maximum Height = 3 meters to the top of the *Free Standing Sign* in Area 1 and 6 meters in Area 2;
- Minimum Setbacks to all property lines = 1.5 meters
- May face in any direction as seen suitable.
- Signs shall not be affixed to a tree, public utility pole or painted or pasted upon a rock face or placed within, or allowed to overhang a day lightning area, or placed in any manner that is considered to cause a hazard to traffic.

7.4 **Portable Sign**

Where Permitted:

Area 1 - All Commercial Zones
All Institutional Zones

Regulations:

- Maximum *sign area* = 1 sq. meters
- Minimum Height = 0.8 meter
- Maximum Height = 1.22 meters
- Maximum Number per business = one (1);
- *Portable Signs* are permitted on the municipal road allowance provided they are located a minimum of 2 meters from the traveled part of the road, and on a sidewalk, including on a sidewalk owned by the *Municipality* provided they are located adjacent to the building which houses the advertised business and provide a minimum 1.8 meters clear path for pedestrians.
- *Portable Signs* must be removed to an indoor location no later than the time of closing of the business in each day and not replaced until the opening of the business the next day.

Where Permitted:

Area 2 - all Commercial Zones
All Institutional Zones
All Industrial Zones

Regulations:

- Maximum *sign area* = 1.5 sq. meters
- Minimum Height = 0.8 meter
- Maximum Height = 1.22 meters
- Maximum Number per business = one (1);
- *Portable Signs* are permitted on the municipal road allowance provided they are located a minimum of 2 meters from the traveled part of the road.
- *Portable Signs* must be removed to an indoor location no later than the time of closing of the business in each day and not replaced until the opening of the business the next day.

7.5 **Window Sign**

Where Permitted:

Area 1 - all Commercial Zones
All Institutional Zones

Area 2 - all Commercial Zones
All Institutional Zones
All Industrial Zones

Regulations:

- Shall not cover more than 50% of the window area.

7.6 **Mobile Sign**

Where Permitted:

Area 1 - all Commercial Zones
All Institutional Zones

Area 2 - all Commercial Zones
All Institutional Zones
All Industrial Zones

Regulations:

- *Mobile signs* are permitted for special sales or functions only with written permission from the *Sign Committee* and are permitted on a temporary basis for a period not to exceed 7 days and shall not be permitted for more than 30 days in a calendar year.

7.7 **Billboard Sign or Field Advertising Sign**

Where Permitted:

- *Billboard Signs* are permitted adjacent to County Roads and Provincial Highways, only in accordance with a permit issued by the authority having jurisdiction.

7.8 **Banner Sign**

Where Permitted:

Area 1 - all Commercial Zones
All Institutional Zones

Area 2 - all Commercial Zones
All Institutional Zones
All Industrial Zones

Regulations:

- A banner cannot be larger than 2.8 square meters.
- A total of 3 banners signs will be permitted.
- A banner projecting over a sidewalk shall have a minimum vertical clearance of 2.75.m between the grade and the lowest part of the sign face.
- A banner projecting over any portion of a road shall have a minimum vertical clearance of 4.8m between the road surface and the lowest part of the sign face.
- A banner shall not be installed on poles supporting traffic control signals or stop/yield signs.
- A banner shall not obstruct the visibility of traffic signs, traffic signals or other traffic control devices.
- A banner shall not resemble images or text that imitates any official parking or traffic control signal, sign or device.

7.9 Site Plan Agreement

- Where Council has negotiated the conditions for signs in a site plan agreement, the provisions of the site plan agreement will apply.

Section 8 – Enforcement Provisions

8.1 This By-Law shall be enforced by an Officer.

Section 9 – Administrative Penalties

9.1 An Officer who finds that a person has contravened any provision of the By-Law may issue a penalty notice addressed to that person.

9.2 Any person who contravenes any provision of this By-Law shall, upon issuance of a penalty notice pursuant to Section 9.3, be liable to pay the Municipality an administrative penalty in the amount of \$100.00 dollars.

9.3 The penalty notice shall be given to the person to whom or to which it is addressed as soon as is reasonably practicable and shall include the following information:

A) Particulars of the contravention, including to which property it applies;

B) The amount of the administrative penalty; and

C) A statement advising that an administrative penalty will constitute a debt to the Municipality.

9.4 A person who has been issued a penalty notice shall pay the administrative penalty within fifteen (15) days from the date the notice was issued.

9.5 An administrative penalty that is deemed to be confirmed constitutes a debt to the Municipality and may be added to the tax roll of the owner's property.

Section 10 – Service of Documents

10.1 The Municipality may serve any document under this By-law, including but not limited to a penalty notice, personally to the person named on the notice, by registered or regular mail addressed to the person to whom the document is to be given at the person's last known address.

10.2 Service by registered or regular mail under subsection 10.1 shall be deemed to have been made on the fifth day after the day of mailing.

10.3 A person's last known address includes the address provided by the person to the Municipality as identified in the property tax file.

Section 11 – Offence & Penalty Provisions

- 11.1 Every person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.
- 11.2 If this By-law is contravened and a conviction entered, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.
- 11.3 Any person who contravenes any section or provision of this By-Law shall be guilty of an offence, as set out in Schedule “A”.
- 11.4 Every person who hinders or obstructs a person lawfully carrying out the enforcement of this By-Law is guilty of an offence.

Section 12 – Severability

- 12.1 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 not be construed as having persuaded or influenced Council to pass the remainder of the By-law and it is hereby declared that the remainder of the By-law shall be valid and shall remain in force.

Section 13 – Implementation

- 13.1 This By-law shall come into full force and effect after adoption.

Section 14 – Repeal

- 14.1 By-law No. 2007-90, 2008-61, 2008-75, 2009-77, and 2010-29 are hereby repealed.

READ a first, second and third time, passed, signed and the Corporate Seal attached hereto, this 26 day of April, 2022.

Mayor: Andrea Roberts

CLERK: Mallory Bishop

**THE CORPORATION OF THE UNITED TOWNSHIPS OF DYSART, DUDLEY,
HARCOURT, GUILFORD, HARBURN, BRUTON, HAVELOCK, EYRE AND CLYDE**

PART 1 Provincial Offences Act

By-law 2022-39: Sign Regulation By-law

Schedule "A" – Set Fines

<u>ITEM</u>	<u>COLUMN 1</u> Short Form Wording	<u>COLUMN 2</u> Provision Creating or Defining Offence	<u>COLUMN 3</u> Set Fine
1.	Erect , locate, or display a sign not in accordance with approved plans	Section 3.3	\$150.00
2.	Erect, locate, or display a prohibited sign	Section 4	\$150.00
3.	Erect, locate or display a sign without a permit	Section 6.1	\$150.00
4.	Hinder or obstruct any person exercising lawful power or duty under this By-Law	Section 11.4	\$150.00

NOTE: The penalty provision for the offences indicated above is Section 11.1 of By-Law 2022-39, a certified copy of which has been filed.

Schedule "B" – Sign Permit Application

Municipality of Dysart et al
By-Law Department
Box 389
Haliburton, Ontario
K0M 1S0
Tel.: (705) 457-1740
Fax: (705) 457-1964
Website: www.dysartetal.ca



"The Heart of the Highlands"

Karl Korpela, CBCO
Chief Building Official
Municipal Law Enforcement Officer
e-mail: kkorpela@dysartetal.ca

Robert Mascia
Municipal Law Enforcement Officer
e-mail: rmascia@dysartetal.ca

Application for a Sign Permit

Name of Applicant: _____
Mailing Address: _____
Phone Number: _____
Project Information:
911 Address: _____
Concession _____ (PT) Lot _____ Plan _____ Block _____ Parcel _____
Township _____ Roll No. _____
Width of Building Facing the Street _____

Type of Sign Proposed (check one):

- Fascia Sign Free Standing Sign Portable Sign Mobile Sign
 Other: (Specify) _____

List all existing Signs on the property including the dimensions of each sign:

Signature of Applicant _____ Date: _____

The following **must** be included with the application:

- 1) The application fee of \$30.00
- 2) A neatly drawn site plan referenced to a copy of the survey that must show the dimensions of the lot, location of all buildings and structures, driveways, right of ways, hydro lines, septic systems, roads, the location of all signs on the property and the location of the proposed sign including the setbacks to property lines.
- 3) A plan of the proposed sign showing the size, height, shape, supporting structure or location on the building, type of lighting and an indication of what material the sign is made of.
- 4) A dated and signed letter of authorization from the owner of the property if the applicant is not the owner.
- 5) If the sign will be on a County or Provincial Highway a permit must also be granted by the County or Province.
- 6) If applicant is unable to comply with By-law No. 2021-XX, the applicant must contact the By-law Department for further instructions.

Schedule "C" – Haliburton Village Area

