

THE CORPORATION OF THE
TOWN OF WASAGA BEACH

BY-LAW NO. 96- 13

A BY-LAW FOR PROHIBITING OR REGULATING SIGNS AND
OTHER ADVERTISING DEVICES ON, PROJECTING OVER,
OVERHANGING OR ENCROACHING UPON HIGHWAYS
IN THE TOWN OF WASAGA BEACH.

WHEREAS it is provided by Section 210, Paragraphs 146, 148, and 149 of the Municipal Act, R.S.O. 1990, Chapter M45, as amended, that by-laws may be passed by the councils of local municipalities for prohibiting or regulating signs and other advertising devices or any class or classes thereof within any defined area or areas or on land abutting on any defined highway or part of a highway;

AND WHEREAS the Council of the Corporation of the Town of Wasaga Beach has enacted By-Law #85-12 as amended by #91-34 regulating signs and other advertising devices generally;

AND WHEREAS Council has deemed it advisable to rescind both By-Laws and pass a new by-law to prohibit or regulate signs and other advertising devices within the Town of Wasaga Beach;

NOW THEREFORE the Council of the Corporation of the Town of Wasaga Beach enacts as follows:

PART 1 TITLE AND SCOPE

1.1 This By-Law may be cited as the "Highway Sign By-Law".

1.2 Unless exempted by Section 1.4 of this By-Law, signs

- a) on or within any highway; or
 - b) on land abutting on any highway or part of a highway which project over, overhang, or encroach upon the highway;
- are prohibited.

1.3 DEFINED AREA

- a) The area to which this By-Law applies shall be the area which is encompassed by the municipal boundaries of the Corporation of the Town of Wasaga Beach.

1.4 EXEMPTIONS

Nothing in this By-Law shall prohibit any sign

- a) which is the subject of a permit issued under Part 4 of this By-Law; or
- b) of a class exempted by Part 6 of this By-Law.

PART 2 INTERPRETATION

In this By-Law,

2.1 *ADVERTISING DEVICE* includes any device, object or means of identification which directs attention to any land, building, structure, product or service and includes flags, banners, pennants, lights or any object intended for advertising purposes, and in this By-Law, any advertising device shall be deemed to be a sign.

2.2 *A-FRAME SIGN* is an advertising device which includes any device, object or means of identification which is constructed of two separate pieces of plywood that may be hinged at the top, and when standing up, shall resemble the alphabetical letter "A" from the side profile, and which names a business, resort, shopping or dining facility, or attraction for the vacationing public and which may also indicate the direction thereto.

- 2.3 *CORPORATION* means the Corporation of the Town of Wasaga Beach.
- 2.4 *DIRECTORY* means a frame or structure owned and installed by the Corporation to accommodate directory signs.
- 2.5 *DIRECTORY SIGN* is an advertising device which consists of an aluminium blade a maximum of 16cm (6") in height and 75cm (30") in length and includes a highway sign lettered upon, attached or affixed to, or displayed on a directory, which names a business, resort, shopping or dining facility, or attraction for the vacationing public, and which may also indicate the direction thereto by means of an arrow or other symbol, or by other means.
- 2.6 *HIGHWAY* includes a common and public highway, street, avenue, road, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles, whether or not all or any part of such allowance is travelled upon or assumed by the Corporation, including the area between the lateral property lines thereof, and including any municipal parking lot.
- 2.7 *HIGHWAY SIGN* includes a sign:
- a) on or within any highway; or
 - b) on land abutting on any highway or part of a highway which projects over, overhangs, or encroaches upon a highway.
- 2.8 *MUNICIPAL LAW ENFORCEMENT OFFICER* means the Municipal Law Enforcement Officer of the Corporation appointed by By-Law or any other official designated by Council from time to time to administer and enforce this By-Law.
- 2.9 *OWNER* includes a person:
- a) who applies for a permit under this By-Law;
 - b) upon whose behalf such application is made;
 - c) who is the owner of a sign;
 - d) who is the owner of the real property upon which the sign is located; or
 - e) who is the person for the time being receiving the rent of either the sign or the real property upon which the sign is located.
- 2.10 *PERSON* includes a man, woman or a corporation and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law.
- 2.11 *PUBLIC WORKS MANAGER* means the Public Works Manager of the Corporation.
- 2.12 *SIGN* means any medium, including its structure and other component parts, which is used or is capable of being used to attract attention to a specific subject matter for purposes of identification, information, or advertising, and for the purpose of this By-Law, includes an advertising device.

PART 3 ADMINISTRATION

3.1 MUNICIPAL LAW ENFORCEMENT OFFICER

The Municipal Law Enforcement Officer shall be responsible for the administration and enforcement of this By-Law.

3.2 FUNCTIONS

The Municipal Law Enforcement Officer shall perform the following functions:

- a) receive and review all permit applications under this By-Law;

- b) issue permits where applications conform to the provisions of this By-Law and all other by-laws of the Corporation or any Provincial or Federal Statutes;
- c) carry out such inspections as may be necessary to be satisfied that each highway sign and permit issued is in compliance with the provisions of the application and this By-Law;
- d) in the case of a Directory Sign, shall also obtain the Public Works Manager's approval.

PART 4 PERMITS

4.1 APPLICATION FOR PERMIT

- a) No owner or other person shall cause or permit any sign or advertising device to be erected, installed, constructed, maintained, relocated, repaired, or altered without first obtaining a permit to do so.

4.2 Application may be made by any owner who:

- a) holds a current and valid licence issued by the Corporation to carry on any trade, calling business or occupation within the boundaries of the Corporation, not including a home occupation; or
- b) occupies or uses land within the boundaries of the Corporation,

for a permit to construct, erect, display, alter or repair a highway sign other than by changing the message displayed, if such sign is for the purpose of guiding and directing traffic to a place within the Corporation where accommodation, goods, services, shopping or dining facilities, or an attraction for the vacationing public is available.

4.3 CONTENTS OF APPLICATION

The application shall contain

- a) full name, address and telephone number of each owner of the highway sign; and,
- b) such details and particulars as is necessary to establish that the highway sign will conform to the provisions of this By-Law and all other relevant by-laws of the Corporation, or any Provincial or Federal Statute.

4.4 ISSUE OF PERMIT

A permit may be issued if:

- a) the application discloses that the highway sign will be in conformity with the provisions of this By-Law and every other By-Law of the Corporation, the requirements of any applicable statutory authority and any regulations made thereunder;
- b) all fees due are paid in full; and
- c) in the case of a Directory Sign, if a space is available on an existing directory to accommodate the sign.

4.5 REFUSAL OF PERMIT

A permit may be refused if:

- a) the information submitted in the application is incomplete or incorrect;
- b) the completed application does not conform with the provisions of this By-Law and any other by-law of the Corporation or any Provincial or Federal Statute;
- c) all fees have not been paid in full when due;

- d) there are more than three Directory Signs existing or permits issued therefor with respect to any one applicant, or the trade, calling, occupation or business of such applicant;
- e) there are more than three A-Frame Signs existing or permits issued therefor with respect to any one applicant, or the trade, calling, occupation or business of such applicant.

4.6 REVOCATION OF PERMIT

A Permit which has been issued may be revoked if:

- a) six months has elapsed from the date of filing, unless such application has been diligently pursued;
- b) the work authorized by the permit has not been completed within six months of the date a permit was issued;
- c) a permit was issued as a result of false or misleading information, statements or undertakings;
- d) the sign does not conform to the provisions of this By-Law, or any other by-law of the Corporation or any Provincial or Federal Statute;
- e) all fees have not been paid, in full, when due.

4.7 NOTICE TO COMPLY

- a) Any owner or other person may be given notice to comply with the requirements of this By-Law if he/she:
 - i) has caused a highway sign to be erected, displayed, altered or repaired without first having obtained a permit under this By-Law to do so; or
 - ii) having obtained a permit, has caused a highway sign to be erected, displayed, altered or repaired contrary to the approved plans in respect of which the permit was issued;

and shall make such sign comply with this By-Law if it does not so comply, or shall remove such sign within the time period specified by the Municipal Law Enforcement Officer to do so.

- b) No owner or other person who has been served with a notice to comply shall fail or refuse to comply or remove any sign required to be removed by the Municipal Law Enforcement Officer.

4.8 RENEWAL OF PERMIT

- a) A permit shall be valid for the remainder of the year of issue and may be renewed annually for each year after the year of issue, subject to the approval of the Corporation, and upon payment of the fee therefor.

4.9 FEES

- a) Subject to all approvals as required by this By-Law, a permit, if issued, shall be in effect for each year or part of a year of issue.
- b) The fees for issue of a permit shall be:
 - i) ONE HUNDRED AND FIFTY (\$150.00) DOLLARS for each Directory Sign applied for;
 - ii) TWENTY-FIVE (\$25.00) DOLLARS for each A-Frame Sign and all other highway signs applied for;payable upon making the application.

- c) The fees for renewal of a permit shall be:
 - i) TWENTY-FIVE (\$25.00) DOLLARS for each approved Directory Sign;
 - ii) TWENTY-FIVE (\$25.00) DOLLARS for each approved A-Frame or other highway sign;
- payable in advance not later than the first day of January in each year.

PART 5 REQUIREMENTS

5.1 All Highway Signs shall comply with the following:

- a) not be an illuminated, flashing or animated sign, an electric sign, or a sign containing any electrical device;
- b) not swing, revolve, rotate or otherwise be capable of movement;
- c) be in good condition and of good appearance, and easily legible;
- d) be in a location approved by the Municipal Law Enforcement Officer and placed so as not to obstruct or interfere with:
 - (i) any other sign which is the subject of a permit issued under this By-Law;
 - (ii) the maintenance of the highway, including snow removal therefrom;
 - (iii) the normal and reasonably foreseeable public use of the highway;
 - (iv) any existing highway traffic sign, signal or device, or any sign of the Corporation, the Government of Canada, or the Government of the Province of Ontario;
 - (v) the use and enjoyment of the lands and premises abutting the highway; and
 - (vi) any electrical light, power, telephone or telegraph wires or their supports.
- e) not obstruct the visibility of the highway, or any regulatory or street name signs, traffic control devices;
- f) not be placed
 - (i) on that part of a highway which abuts lands occupied by a residential dwelling, so as to affect the character of any residential building, street, or neighborhood;
 - (ii) within 91.44 meters (300 ft) of the center point of any of the following intersections:
 - (A) Main Street and River Road West
 - (B) River Road West and Mosley Street
 - (C) Mosley Street and Sunnidale Road
 - (D) Mosley Street and 45th Street, and
 - (E) Mosley Street and Highway 26
 - (iii) within 1.22 meters (4 ft) of the paved travelled portion of a highway;
 - (iv) within 15.24 meters (50 ft) of a fire hydrant;

- (v) within 6.10 meters (20 ft) of a hydro-electric or telephone pole;
 - (vi) within 30.48 meters (100 ft) of a lawful highway device;
 - (vii) within a school zone;
 - (viii) so as to be on, projecting over, overhanging or encroaching upon land abutting the highway unless the applicant owns or occupies the said land;
 - (ix) within 30.48 metres (100 ft) of another advertising device;
 - (x) on any sidewalk or pedestrian walkway;
 - (xi) attached to any utility pole;
 - (xii) on any bridge;
 - (xiii) on any portion of Highway 26 within the Town Limits;
 - (xiv) on any paved shoulder of a road allowance.
- g) not by reason of its size, location, message, colouring or otherwise,
- (i) in any way endanger the safety of persons using or who might be expected to use the highway; or
 - (ii) be capable of being confused with or construed as an official traffic control sign, signal or device.

5.2 Directory Sign permit

- a) may be permitted to a maximum of three Directory Signs issued to any one business;
- b) shall only advertise the business for which the application has been received and approved by the Corporation;
- c) shall be owned, prepared and supplied by the Corporation and approved by the Municipal Law Enforcement Officer at the expense of the applicant.

5.3 A-Frame Sign permit

- a) may be permitted measuring not more than .60 metres by .91 metres (2 ft x 3 ft) and only one sign of this size may be placed in front of a sales office or place of business for which that sign is advertising;
- b) may be, notwithstanding subsection 5.3(a), eligible to builder of an approved subdivision or a developer two additional "A" Frame Signs, measuring not more than .6 metres by .91 metres (2 ft x 3 ft), to be located not further than 0.8 kilometers (1/2 mile) from a sales office or place of business for which that sign is advertising, subject first to the approval of the Municipal Law Enforcement Officer;
- c) shall not be within 30.48 meters (100 ft) of the center point of any intersection not named in section 5.1 (f)(ii);
- d) shall not be displayed for more than two consecutive days, then removed for five consecutive days;
- e) all signs approved on the application shall be displayed for the same two consecutive days as set out in Section 5.3 (d) above;
- f) shall be owned, prepared and supplied by the applicant and approved by the Municipal Law Enforcement Officer.

5.4 Existing Highway Sign permit

- a) A highway sign which has been in existence prior to 1984 may be altered or repaired by the owner, subject to sign permit issuance, however the height, size and dimensions of said highway sign may not be increased in any way.

PART 6 EXEMPTIONS

6.1 CLASSES EXEMPTED

Nothing in this By-Law shall prohibit any sign as set out in the following classes:

- a) signs of the Corporation including traffic signs;
- b) signs of the Governments of Canada and Province of Ontario;
- c) signs of public authorities;
- d) church directory signs, provided that none of the dimensions of any such sign exceeds 1.22 square metres (13.13 sq.ft);
- e) temporary construction signs which conform with the provisions of all other relevant By-Laws of the Corporation;
- f) temporary signs for civic functions within a period of time being two weeks prior to the event and two days after the event provided such period of time does not exceed three weeks in total;
- g) election signs of candidates for office in Municipal, Provincial or Federal Government;
- h) any election proclamation, notice or voters' list under the authority of any statute of Canada or of the Province of Ontario in that behalf;
- i) a temporary sign for garage or lawn sales as set out in Business Licence By-Law 81-6 Schedule A-29 as amended;
- j) one temporary sign of a real estate broker for an open house in respect of a property listed for sale with said broker for sale, for a period not exceeding 48 hours, provided that such sign has not previously been displayed within five days of the commencement of such period;
- k) a sign erected by a valid service club, which complies with the regulations of this By-Law and is of a size no larger than 1 metre x 1 metre;
- l) an existing business advertising sign that was erected prior to 1984, is not deemed to be an obstruction or will not interfere with a public use of the right of way, and is safe, well maintained and of good appearance and is adjacent to the business being advertised, may be exempted subject to Council approval;

PART 7 MAINTENANCE AND REMOVAL

7.1 MAINTENANCE

- a) Where the sign is located on land abutting any highway or part of a highway, the person who owns or leases such land, shall maintain or cause to be maintained such sign in a proper state of repair so that such sign shall not become damaged, deteriorated, dilapidated, unsafe or unsightly.
- b) Pursuant to Section 7.1(a) above, the Municipal Law Enforcement Officer shall have the authority to order the painting, repair, alteration, or removal of signs which have become deteriorated, dilapidated, unsafe or unsightly, at the expense of the owner.

- c) No owner or any other person who has been served with an order to comply shall fail or refuse to comply or remove any sign required to be removed by the Municipal Law Enforcement Officer.

7.2 REMOVAL OR REPAIR BY OWNER

The Municipal Law Enforcement Officer may require the owner of any advertising device to remove or repair the sign where:

- a) the sign has not been painted, repaired or altered pursuant to an order under Section 7.1 of this By-Law;
- b) the sign is abandoned or no longer correctly advertises a bona fide business, product, service or activity;
- c) the sign interferes with the use and enjoyment of the land abutting the highway; or,
- d) the sign does not conform to the requirements of this By-Law as may be amended from time to time.

7.3 REMOVAL BY THE CORPORATION

The Corporation may remove or cause to be removed any Highway sign, Directory sign or "A" Frame sign and destroy or otherwise dispose of that sign where:

- a) such sign has not been removed or repaired after expiry of the time specified in a notice under Section 4.7 or 7.2 of this By-Law;
- b) the owner of such sign cannot be located;
- c) such sign has been erected, displayed altered or repaired without a permit;
- d) such sign has been erected, displayed, altered or repaired contrary to the specifications, representations or undertakings contained in the application pursuant to which a permit was issued;
- e) the sign is abandoned or no longer correctly advertises a bona fide business, product, service or activity; or
- f) if the Corporation requires the highway for its purposes.

7.4 COST OF REMOVAL

The cost of repair, removal, transportation, and storage or any sign removed by the Corporation shall be a debt due and recoverable from the owner and in the event of non-payment shall be recoverable in like manner as municipal taxes.

PART 8 OFFENCES

- 8.1 Every owner or other person who contravenes any of the provisions of this By-Law is guilty of an offence and is liable to a fine of not more than \$5,000.00, exclusive of costs, for each such offence, and each day such violation is committed, caused or permitted to continue, shall constitute a separate offence and shall be punishable as such hereunder.

PART 9 GENERAL

9.1 LIABILITY FOR DAMAGES

The provisions of this By-Law shall not be construed as relieving or limiting the responsibility or liability of any person erecting or owning any sign for personal injury or property damage resulting from the placing of such sign or resulting from the negligence of willful 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 and nothing in this By-Law shall be construed as imposing upon the Corporation or its officers or employees any responsibility by reason of the approval of any sign, material or devices hereunder.

9.2 VARIANCES

The Council of the Corporation may, upon the application of any owner, authorize minor variances from the provisions of this By-Law, provided that in the opinion of Council, the general intent and purpose of this By-Law are maintained.

9.3 CONFLICT

In the event of a conflict between the provisions of this By-Law and any other by-law of the Corporation or Statute, the more restrictive law shall prevail.

9.4 VALIDITY

If any section, clause or provision of this By-Law is for any reason declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-Law as a whole or any part thereof other than the part so declared to be invalid, and it is hereby declared to be intended that all the remaining sections, clauses and provisions of this By-Law shall remain in full force and effect until repealed notwithstanding that one or more provisions hereof may have been declared to be invalid.

9.5 RESCIND BY-LAWS

By-Law 85-12, passed by Council on the 26th day of May, 1985, and By-Law 91-34, passed by Council on the 9th day of July, 1991, are hereby rescinded.

9.6 EFFECTIVE DATE

This By-Law shall come into force and effect immediately upon the final passing hereof.


Read a first and second time
this 26th day of March
1996.




MAYOR


CLERK-ADMINISTRATOR

Read a third time and finally
passed this 26th day of
March 1996.



MAYOR


CLERK-ADMINISTRATOR