

A BY-LAW TO PROHIBIT AND REGULATE THE
PLACING OR ERECTION OF SIGNS, NOTICES
AND ADVERTISING DEVICES WITHIN OR
ADJACENT TO REGIONAL ROADS

WHEREAS by virtue of Section 76 of The Regional Municipality of Niagara Act, R.S.O 1970, Chapter 406, the Regional Council is authorized, by by-law to prohibit or regulate the placing or erecting of any sign, notice or advertising device within four hundred (400 m) metres of any limit of a regional road

AND WHEREAS it is the desire of the Regional Council to provide for such prohibition or regulation of signs, notice and advertising devices

THEREFORE, the Council of The Regional Municipality of Niagara enacts as follows:

SECTION ONE - TITLE

1 1 SHORT TITLE

1 1 1 This by-law may be cited as the "Sign By-law"

SECTION TWO - DEFINITIONS

2 1 In this by-law, unless the context otherwise requires,

- (a) "advertising device" includes a structure or display used or intended to be used for the purpose of giving information or notice about, or attracting attention to, an object, product, place, activity, person, service, institution, organization or business
- (b) "area municipality" means an area municipality as defined in the Regional Municipality of Niagara Act
- (c) "canopy" means an overhanging cover, shelter or shade which is attached to or projects from the wall of a building
- (d) "centreline" shall mean the centreline of construction of the travelled roadway or, if none, then the centreline of road allowance
- (e) "Chief of Police" means the Chief of The Niagara Regional Police Force or his authorized agent
- (f) "directional sign" means a sign for the public safety and convenience, regulating, guiding or warning traffic on private property, identifying a functional subdivision of premises such as wash-rooms or telephone, or denoting sections of a building such as office, shipping dock, lubrication bay, etc and containing no commercial advertising

- (g) "Director of Engineering" means the Director of Engineering for the Regional Municipality of Niagara, or such person(s) as he may designate to act as his agent
- (h) "facia sign" means a single-faced sign which is attached directly to the wall of a building and is parallel to and extends not more than 45 0 cm from the face of such wall. For the purposes of this by-law a canopy shall not be considered to be part of the building wall to which it is attached
- (i) "flashing light" means an illuminated device that operates in an alternating on-off, rotating, or pulsating manner
- (j) "illuminating device" means any device employing artificial lighting which is intended to illuminate a sign or to draw attention to any object or place. This shall include artificial lighting devices used to illuminate parking areas and areas upon which goods are displayed whether for sale or for display purposes only
- (k) "interior sign" means a sign erected within the interior of a building
- (l) "person" includes a partnership or corporation
- (m) "portable ground sign" means a sign situated on the ground but not permanently affixed thereto and without restricting the generality of the foregoing is deemed to include signs that may be moved from place to place on wheels
- (n) "projecting sign" means a sign attached at one end to a building or other support and projecting outwards therefrom
- (o) "Region" means the Regional Municipality of Niagara
- (p) "Regional Council" means the Council of the Regional Municipality of Niagara
- (q) "Regional Road" means any road or part thereof forming part of the Regional Road System, and includes the entire right-of-way of such road
- (r) "sign" includes any representation of a name, identification, description or symbol, and any display, illustration or advertising device, illuminated or otherwise, and any flashing light directing attention to an object, product, place, activity, person, service, institution, organization or business

- (s) "temporary sign" means a sign intended to be on display for a definable and specific limited period of time in connection with public holidays, public events, charitable organizations or similar functions or events.
- (t) "traffic sign" means a sign, marking or device, other than a traffic signal light, lawfully placed for the purpose of informing, guiding, regulating or prohibiting traffic
- (u) "traffic signal light" means any lawful illuminated device manually, electrically or mechanically operated for the regulation of traffic

SECTION THREE - PERMITS

3 1 PERMIT REQUIRED

3 1 1 Except as provided in subsection 3 3 1, no person shall erect, place, maintain or display any sign within twenty metres (20 0 m) of the centreline of a regional road without first having obtained a permit therefore from the Director of Engineering

3 2 APPLICATION FOR PERMIT

3 2 1 Every application for a permit under this by-law shall be submitted to the Director of Engineering on the form provided by the said Director and such application shall be accompanied by plans, drawings and specifications sufficient to disclose full particulars of the design and location of the proposed sign.

3 2 2 In the case of alteration of an existing sign for which a permit has already been obtained, the applicant shall supply such additional information as may be required in lieu of the provisions of subsection 3 2.1

3 2 3 The applicant for a permit to alter or erect a sign shall, at the time of submitting the application, pay the fee prescribed in Schedule "A" The permit fee shall not be refunded for any cause after the permit has been issued but shall be refunded in full if the permit is not approved

3 3 PERMIT EXEMPTIONS

3 3 1 Notwithstanding the provisions of subsection 3 1 1 of this by-law, no permit shall be required for the following signs provided such signs comply with all other provisions of this by-law:

- (a) Any directional sign not over five-tenths (0.50) of a square metre in area.
- (b) Any sign supporting a candidate in a municipal, provincial or federal election
- (c) Any sign of the federal, provincial or regional governments or any area municipal governments or other public authority
- (d) A sign not exceeding six-tenths (0.60) of a square metre in area identifying a property for sale, lease or rent provided such sign is located upon the property referred to
- (e) A sign not exceeding two-tenths (0.20) of a square metre identifying the name, address and profession of the resident or occupant
- (f) A temporary sign
- (g) A sign no larger than six-tenths (0.60) of a square metre identifying an office or business use.
- (h) Any sign on a bench, newspaper box, refuse container or bus shelter located on a regional road allowance where the placement of such object has been licensed, franchised or otherwise approved by the Region
- (i) Planning, development and information signs erected at the direction of an area municipality or in compliance with a provincial statute
- (j) Seasonal signs not exceeding three (3.0) square metres in area per sign face, advertising edible farm produce grown on the same premises and available for sale. Such signs shall be limited to one (1) double-faced or two (2) single-faced signs per premises and shall be removed within ten (10) days of the date when the advertised produce ceases to be available for sale
- (k) An interior sign
- (l) Signs giving notice that trespassing is prohibited

3 4 LIFE OF PERMIT

3 4 1 Subject to the provisions of Section 3 5 1, a permit shall be valid for the life of the sign

3 5 PERMIT VOID

- 3 5 1 Every permit issued under this by-law shall automatically expire and become null and void.
- (a) If the sign authorized by such permit is not erected within six months of the date of issue of such permit
 - (b) If the sign is erected in contravention of the conditions of the permit or of any applicable provisions of this by-law.
 - (c) If the erection or display of the subject sign or signs is contrary to the provisions of any other by-law of the Regional Municipality or to a more restricting by-law of an area municipality, or to the provisions of any federal or provincial statute or regulation

SECTION FOUR - PROHIBITED SIGNS

- 4 1 No person shall erect, place, maintain or display any of the following types of signs:
- (a) Any sign, including an interior sign, containing a flashing light or lights within 20 metres (20 m) of any limit of a regional road and visible from such road
 - (b) Signs or illuminating devices which by reason of size, location, content, colouring or manner of illumination obstruct the vision of drivers entering or leaving a regional roadway from another roadway or driveway or which obstruct, detract from or interfere with the visibility or effectiveness of any traffic sign or traffic signal light on any regional road.
 - (c) Within 20 metres of a regional road and visible from such road, signs which make use of such words as "Stop", "Look", "One-Way", "Danger", "Yield" or any similar words or phrases, symbols, lights or characters in such a manner as may tend to interfere with, mislead or confuse drivers
 - (d) Except as otherwise provided herein, any sign which is located so that any portion of such sign or its supporting structure is located within the limits of a regional road

SECTION FIVE - BANNER SIGNS

5 1 DEFINITION

5 1.1 In this section the words "banner sign" shall mean a canvas or similar fabric advertising sign bearing subject matter relating to a charitable, community, philanthropic or municipal matter or undertaking, and erected, placed or suspended or intended or proposed to be erected, placed or suspended over or across a regional road or part of a regional road

5 2 PERMITS

5 2.1 The Director of Engineering may issue permits for banner signs

5 2.2 Permits for banner signs shall be valid for a period of sixty (60) days or such lesser time as may be determined by the Director of Engineering

5 3 APPLICATION

5 3.1 The applicant for a banner permit shall be responsible for first obtaining the consent of the area municipality and permission from the owner of such poles, buildings or other structures proposed to be used to support the sign. Written proof that such consent and permission have been granted must accompany the application

5 4 RESTRICTIONS

5 4.1 No banner sign may be erected within sixty metres (60 m) of a traffic control signal or in any location where it may adversely affect any traffic control device contrary to subsection 4.1(b) of this by-law

5 5 CONSTRUCTION AND ERECTION

5 5.1 Every banner sign shall be made, constructed, erected, maintained and used in accordance with the terms and conditions following, namely:

(a) The fabrication of every banner sign, together with the method and means of erection and securing in position, removal thereof and all materials of which same is constructed, shall be in accordance with such requirements and conditions as may be deemed necessary by the Director of Engineering

(b) Every such sign shall be suspended by galvanized wire cables and no electrical display of any kind shall be attached thereto

5.6 INSURANCE

5 6 1 No banner permit shall be issued unless the applicant has first filed with the Region proof of insurance, in the form satisfactory to the Regional Solicitor, in the amount of \$250,000 indemnifying the Region from and against all loss, costs, damages and expenses which may be incurred by the Region from any claim or action arising from the placement of the banner over or upon a regional road

SECTION SIX - FACIA AND PROJECTING SIGNS

- 6 1 Notwithstanding any other provisions of this by-law the Director of Engineering may issue permits for facia signs which project not more than forty-five centimetres (45 cm) into a regional road allowance in business or commercial areas where the building setback is insufficient to permit such signs to be contained within private property
- 6 1 1 In addition to conforming with all other applicable provisions of this by-law facia signs must be erected a minimum of two and one-half (2.5) metres above the adjacent surface of the sidewalk or ground
- 6 1 2 Notwithstanding any other provisions of this by-law the Director of Engineering may issue permits for projecting signs which overhang the regional road allowance on any regional road or part thereof described in Schedule "B" to this by-law
- 6.1.3 No projecting sign shall be erected so that:
- (a) Any portion of such sign including cables, guys or other appurtenances is within one and twenty-five one hundredths (1.25) metres of any electrical wire or cable or any street light or pole or other municipally-owned utility plant or fixture
 - (b) The bottom of the sign is less than three (3 0) metres above the adjacent sidewalk or ground
 - (c) (i) Where there is no shoulder, any part of the sign is nearer than one (1.0) metre to the vertical projection of the curb or edge of roadway or
(ii) Where there is a shoulder, any part of the sign is nearer than one (1.0) metre to the vertical projection of the edge of the shoulder remote from the roadway

SECTION SEVEN - PORTABLE GROUND SIGNS7 1 RESIRICIIONS

- 7 1.1 No portable ground sign may be placed, located, maintained or displayed closer to any limit of a regional road than as follows:
- (a) One (1.0) metre if such sign is at least forty (40 0) metres from the nearest limit of any intersecting street or private driveway.
 - (b) Two (2.0) metres if such sign is at least twenty (20 0) metres from the nearest limit of any intersecting street or private driveway
 - (c) Three (3 0) metres if such sign is within twenty (20.0) metres from the nearest limit of any intersecting street or private driveway.

SECTION EIGHT - GENERAL PROVISIONS8 1 SIGNS ON REGIONAL ROAD ALLOWANCES

- 8 1 1 The provisions of this by-law shall not apply to:
- (a) Any sign, traffic sign, traffic signal light or other traffic control device erected, placed, maintained or displayed by The Regional Municipality of Niagara within or adjacent to any regional road
 - (b) Any sign or other device lawfully erected, placed, maintained or displayed therein or adjacent thereto by the Chief of Police under the authority of The Highway Traffic Act or any other act or by-law for the temporary control or regulation of traffic
- 8 1 2 The Director of Engineering may authorize the placement of street name signs, guide signs or any other necessary signs on a regional road allowance by any local, provincial or federal government agency, subject to the approval of the said Director as to the number, construction, placement and purpose of such signs. No permit will be required for signs installed under the authority of this subsection

8.2 NON-CONFORMING SIGNS

- 8 2 1 Any sign, excluding a temporary or portable ground sign, which does not comply with this by-law but was lawfully erected or displayed on the day this by-law comes into force shall be:
- (a) Made to comply with this by-law, or
 - (b) Removed by the owner thereof on or before the expiration of five (5) years from the day this by-law comes into force

8 3 ALTERING SIGNS

8 3 1 No sign shall be relocated, redirected or altered in any manner except in compliance with the provisions of this by-law, provided that this section shall not prohibit any necessary maintenance work required for the purpose of keeping in good repair within the prescribed five year period any sign falling within the provisions of Section 8 2 1 of this by-law

8 3 2 Notwithstanding anything contained herein a change in the message displayed by a sign does not in itself constitute an alteration so as to require a new permit

8 4 REMOVAL OF SIGNS

8 4 1 Every temporary sign erected in compliance with this by-law shall be removed within 48 hours after the date of the function or event. In the event of failure to remove such sign as aforesaid, the Director of Engineering may arrange for the removal and disposal of such sign and its supporting structure without giving notice to the owner thereof and the owner shall be liable for all expenses incurred in such removal

8 4 2 Subject to Section 8 2 1 hereof, any sign and its supporting structure erected, re-erected, relocated, altered, placed, maintained or displayed in contravention of this by-law or contrary to the approved plans in respect of which a permit was issued shall be removed immediately by the owner upon the direction of the Director of Engineering. In the event of failure to so remove, the Director of Engineering may cause the removal and disposal of such sign and the owner shall be liable for all expenses incurred in such removal

8 5 OTHER PERMITS OR APPROVALS REQUIRED

8 5 1 The granting of a permit under this by-law does not in any way relieve the owner of a sign from complying with all applicable requirements of the area municipality in which the sign is located or of any other provincial or federal statute or regulation

8 6 CONFLICTS WITH AREA MUNICIPAL BY-LAWS

8 6 1 In the event that there is a conflict between the provisions of this by-law and the provisions of any by-law of an area municipality, the provisions of this by-law shall prevail, provided that this shall not prevent or hinder in any way the enforcement by an area municipality of those provisions of any by-law of such area municipality which exceed the requirements of or are more restrictive than the provisions of this by-law

SECTION NINE - ADMINISTRATION

9 1 The Director of Engineering is hereby appointed to administer this by-law

9 1 1 When deemed necessary to enforce or administer this by-law the Director of Engineering shall have the authority to enter any building or premises at any reasonable time

9 2 PENALTIES

9 2 1 Every person who violates any provision of this by-law shall be guilty of an offence and for each offence shall incur a penalty of not more than \$1,000 exclusive of costs, and such penalty shall be recoverable under the provisions of The Municipal Act and The Provincial Offences Act, 1979. For the purposes of this section a separate violation shall be deemed to have been committed for each and every day during which any such violation continues, and conviction in respect of a violation shall not operate as a bar to further prosecution if such violation continues.

9 3 VALIDITY

9 3 1 In the event that any part or provision of this by-law is held to be illegal or void, this shall not have the effect of making illegal or void any of the other parts or provisions thereof, which may or shall be determined to be legal

9 4 EFFECT

9 4 1 This by-law shall come into force and take effect on the day upon which it is finally passed

THE REGIONAL MUNICIPALITY OF NIAGARA

[Signature]

(Chairman)

[Signature]

(Clerk)

Read a first time: November 20, 1980
Read a second time: November 20, 1980
Read a third time

BY-LAW NO.
(Sign By-law)

SCHEDULE "A"

SIGN PERMIT FEES
(SECTION 3.2.3)

Fee for all Signs except
PORTABLE GROUND SIGNS \$ 5 00

Fee for Portable Ground Signs \$ 3 00

Bill 2665

BY-LAW NO.
(Sign By-law)

SCHEDULE "B"

REGIONAL ROADS EXEMPTED FROM PROHIBITION AGAINST
SIGNS OVERHANGING ROAD ALLOWANCE
(SECTION 6.1.2)

<u>Regional Road</u>	<u>From</u>	<u>To</u>
Regional Road 39 (Clifton Hill)	Regional Road 51 (Victoria Avenue)	Niagara Parkway
Regional Road 51 (Victoria Avenue)	Ellen Street	Roberts Street