

# CORPORATION OF THE UNITED COUNTIES OF PRESCOTT & RUSSELL

## BY-LAW NUMBER 2018-51

### **BEING A BY-LAW TO REGULATE AND GOVERN THE PLACEMENT OF SIGNS OR OTHER ADVERTISING DEVICES UPON OR ADJACENT TO COUNTY ROADS.**

**WHEREAS** the Municipal Act, 2001, S.O. 2001, c. 25, S.59 provides that an upper-tier municipality may prohibit or regulate the placing or erecting of any Sign, notice or advertising device within 400 metres of any limit of an upper-tier highway.

**AND WHEREAS** Section 8 (1) of the Act, as amended, further provides that Section 8 shall be interpreted broadly so as to confer broad authority on municipalities,

- a) To enable them to govern their affairs as they consider appropriate; and
- b) To enhance their ability to respond to municipal issues.

**AND WHEREAS** Section 11 (3) of the Act, as amended, authorises the Corporation of the United Counties of Prescott and Russell to pass by-laws respecting matters within the "Highway" sphere of jurisdiction;

**AND WHEREAS** Section 27 (1) of the Act, as amended, authorises the Corporation of the United Counties of Prescott and Russell to pass by-laws in respect of the highways under its jurisdiction;

**AND WHEREAS** Section 391(1) of the Act, as amended, provides that without limiting Sections 9, 10 and 11, those Sections authorise the Corporation of the United Counties of Prescott and Russell to impose fees or charges on person, for

- a) Services or activities provided or done by or on behalf of it;
- b) Costs payable by it for services or activities provided or done by or on behalf of any other municipality or any local board; and
- c) The use of its property including property under its control.

**AND WHEREAS** Section 446 of the Act provides that a municipality may recover the costs of bringing a property into compliance with a by-law and that such recovery may be 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 that a local municipality shall, upon the request of its upper-tier municipality, add the costs of the upper-tier municipality to the tax roll.

**NOW THEREFORE BE IT ENACTED** by the Council of the Corporation of the United Counties of Prescott and Russell that:

### **1. DEFINITIONS**

1.1 In this By-Law:

- a) "Director" means the Director of Public Works of the Corporation of the United Counties of Prescott and Russell appointed to administer and manage the provisions of this By-law and includes his authorized subordinates and assistants;
- b) "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) which is under the jurisdiction of the Counties;
- c) "County or Counties" means the Corporation of the United Counties of Prescott and Russell;

- d) "Owner" means any person described on the Sign, or whose name or address or telephone number appears on the Sign, or who installed the Sign, or who is in lawful control of the Sign, or who benefits from the message on the Sign, and for the purposes of this By-law there may be more than one Owner of a Sign.
- e) "Person" includes, but is not limited to, an individual, sole proprietorship, partnership, association or corporation.
- f) "Sign" shall include the Sign structure and shall mean any Sign or device having thereon letters, symbols, characters, illustrations or any combination thereof which identifies or advertises any person, place, business, enterprise, organization, project, product, service otherwise promote the sale of objects or identify objects for sale in such a way as to be visible from a highway under the jurisdiction of the Counties.

## 2. PROHIBITED SIGNS

- 2.1 Notwithstanding any other provisions of this By-law, no person shall erect, install, post, display, maintain or keep a Sign within the Road Allowance with the exception of those Signs specifically stated as exempt in this By-law. All exempt Signs must comply with Section 2.3 and Section 6 of this By-law.
- 2.2 Notwithstanding any other provisions of this By-law, no person shall erect, install, post, display or maintain a Sign within a four hundred (400) meter set-back distance measured from the center of the paved surface of the County road to the Sign's edge face closest to the road that does not comply with Section 6 of this By-law.
- 2.3 Notwithstanding any other provisions of this By-law, no person shall erect, install, post, display, maintain or keep any of the following Signs within the Road Allowance:
  - a) A Sign that may obstruct the flow of water in a drain, ditch or watercourse.
  - b) A Sign that impacts the function of the road by:
    - i. Creating a safety hazard;
    - ii. Impeding or obstructing 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;
    - v. Impairing or obstructing the visibility of vehicular or pedestrian traffic or a railway crossing; or
    - vi. Obscuring or detracting from the visibility or effectiveness of an official Sign or a traffic control signal;
  - c) A sign that resembles an official sign or a traffic control sign or device in colour, shape, wording, content or location;
  - d) A Sign affixed to a tree, utility pole, bridge structure or, painted or pasted on a rock surface.
  - e) A Sign which does 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 governmental regulation.
  - f) A Sign that contains or is accompanied with a device that creates noise or that resembles to an official light which is not used for its purpose of controlling the traffic or for the safety of workers under any Act. (ex: flashing beacon light attached or accompanying sign not used for traffic control).

- g) A Sign that is illuminated without the approval of the Director.
- h) A Sign that is obsolete and advertises an event that is over, a business or enterprise that is no longer conducted, or an activity, product, service or facility that is not in season or is no longer provided.
- i) A Sign which interferes with maintenance and the safe passage of vehicular or pedestrian traffic not in accordance with the Ontario Traffic Manual and United Counties of Prescott and Russell By-laws as amended
- j) A Sign which does not comply with the provisions of this By-law.
- k) A Sign which does not comply with any applicable By-law of the local municipality in which the Sign is located.

### 3. EXEMPTIONS

3.1 Signs promoting the following shall be permitted to be placed within the Road Allowance but must comply with Section 2.3 and Section 6 of this By-law.

- a) Signs erected or approved by the Crown or any municipal authority for the regulation, safety or guidance of traffic or to provide public information.
- b) Recognized service clubs and community groups
  - i. No additional advertising, sponsorship advertising or business identification will be allowed on these Signs.
  - ii. The number of recognized service clubs, community group Signs and Signs of similar nature shall be limited in built-up areas and placed on the same structure.
- c) Decorative Municipal Identification Display
  - i. A decorative municipal identification display shall be permitted within the Road Allowance but their location shall be subject to the approval of the Director. Size, location and Sign construction will be determined on a site specific basis.
- d) Local municipality commerce and tourism not bearing any advertising or specific business identification
- e) Neighborhood Community Watch Signs
  - i. The number of Neighborhood Community Watch Signs and Signs of similar nature shall be limited in built-up areas to one per direction.
- f) Event Signs
  - i. An event Sign is a Sign that advertises or provides directions to a community-sponsored event including, but not limited to, a parade, procession, ceremony, dance, car show, farmer's market, festival, carnival, fair and special event endorsed or sponsored by a municipality.
  - ii. An event sign that is obsolete and advertises an event or activity that is over will not be permitted. An event sign can only be installed for a reasonable period of time prior of the event and must be removed once the event is over.
- g) Signs erected for the purpose of identifying a sport and leisure trail such as snowmobiling, all-terrain vehicle (ATV) and cross country skiing.

- h) Signs erected for the purpose of traffic calming such as speed radar signs or other types of signs used as a traffic calming device.
- i) Signs erected in accordance with the local municipality's requirements concerning applications for amendments to its Official Plan or Zoning By-laws, minor variances and land severances.
- j) Election Signs
  - i. An election Sign which means a Sign advertising any person or political party participating in an election for public office or a Sign advertising a position on a plebiscite or municipal question.
  - ii. Save and except within the Township of Russell, Election Signs may be placed within the Road Allowance without approval of the Director in accordance with the requirements of the Federal, Provincial and Municipal Election Regulations.
  - iii. Election Signs may not be installed on any existing Signs or post.
- k) Information Signs
  - i. An information Sign is a Sign that is permanent in nature and provides useful information for motorists and emergency services. Civic Addressing and personal identification Signs will be considered as Information type Signs.
  - ii. Personal Identification Signs shall be allowed provided the Sign is not more than 0.20 square meters (2.25 sq.ft) and placed in a manner that will not restrict the visibility of the travelling public.
- l) Real Estate or For Sale Sign
  - i. A real estate or for sale Sign will be permitted as long as the Sign is located as near as practicable to the Road Allowance property line, that the Sign is exclusively for the property or item currently being listed for sale, that the Sign is removed as soon as practicable upon the sale of the property, item or the expiry of the listing.
  - ii. A real estate or for sale Sign shall be allowed provided the Sign is modest in size and not more than 0.55 square meters (6.0 sq.ft) and placed in a manner that will not restrict the visibility of the travelling public.

#### **4. PERMITS**

- 4.1 All exempt Signs under Section 3 of this By-Law, except for Signs types of Subsection 3.1 g) to l), may be located and erected in accordance with this By-law without a permit. For Sign types of Subsection 3.1 a) to f), a permit must be obtained and issued by the Director.
- 4.2 To obtain a Permit, the Applicant, shall file an application in writing by completing the prescribed application form available from the office of the Director (Application for Public Works Permit / Demande de permis de travaux publics), or from the United Counties of Prescott and Russell website [www.prescott-russell.on.ca](http://www.prescott-russell.on.ca) and shall supply any other information relating to the application as required by the Director.
- 4.3 Every applicant shall furnish sufficient information with each application for a permit to enable the Director to determine whether or not the proposed work will conform with this By-law or any other applicable law.
- 4.4 No fees will be required for the approval of such permit.

- 4.5 After the issuance of a permit under this By-law, notice of any material change to a plan, specification, document or other information on the basis of which the permit was issued, must be given in writing, to the Director together with the details of such change, such change is not be made without the Director's written authorization.

## **5. GENERAL PROVISIONS**

- 5.1 All Signs and related materials are to be supplied by the person seeking to install the Sign and installed by that person at their sole cost.
- 5.2 Notwithstanding any other provision of this By-law, the Director may enter into an encroachment agreement on behalf of the County with a person that allows a Sign to remain within a County road allowance or to be constructed within a County Road allowance.
- 5.3 The encroachment agreement shall be in a form that is satisfactory to the Director and the County Solicitor when the encroachment agreement expires, the Person shall remove the permanent Sign at its own cost, upon written notice that the County requires the land for road widening or other municipal or public purposes or sooner for any other reason at the Counties sole discretion.

## **6. CONTENTS OF SIGNS**

- 6.1 The message, logos, graphics displayed on any Sign must not promote violence, hatred and 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.
- 6.2 The message, logos, graphics displayed on any Sign must not be disrespectful and contain profanity or obscenity.
- 6.3 The message, logos, graphics displayed on any Sign must not promote unlawful activity.

## **7. CONDITION OF SIGNS**

- 7.1 All Signs which are permitted by this By-law shall at all times, be maintained Sign in a state of good repair. The condition of any Sign located within the County and its need for repair or replacement shall be determined by the Director. When such need is determined the Owner of the Sign or the Owner of the property upon which the Sign is located shall be advised in accordance with this By-law.

## **8. EXISTING SIGNS**

- 8.1 All exempt signs identified in Section 3.1 b) of this By-law, will continue to exist at the date of passing of this By-law as non-conforming subject to being removed by November 30, 2018.
- 8.2 Any person who maintains a non-conforming Sign is subject to all requirements of this By-law regarding safety, maintenance and repair.
- 8.3 If the Sign suffers more than fifty (50) percent damage or deterioration, based on an appraisal, the Owner shall bring the Sign into conformity with this By-law or the Sign shall be removed.

## **9. ADMINISTRATION AND ENFORCEMENT**

- 9.1 This by-law shall be administered and enforced by the Director.
- 9.2 The Director may enter upon any land at any reasonable time to inspect all Signs

for the purpose of determining or effecting compliance with this By-law.

- 9.3 If after an inspection, the Director is of the opinion that a Sign has been erected in contravention of any of the provisions of this By-law or of other conditions of a permit issued pursuant to this By-law, or that a Sign has not been maintained in accordance with this By-law or has been found abandoned, the Director may issue an Order requiring the Owner to remedy such contraventions as may be outlined in the Order.
- 9.4 An Order issued under Subsection 9.3 shall contain:
- a) The municipal address and/or the legal description of the property on which the non-complying Sign was erected;
  - b) A description of the By-law and/or permit provisions that have not been complied with;
  - c) A statement that the Sign must be brought into compliance with the provisions of this By-law and/or the conditions of the permit issued for the Sign or to remove the Sign within the time specified; and
  - d) A statement that if the Order is not complied with, the Sign may be removed and disposed of by the Municipality at the expense of the owner.
- 9.5 An Order issued under Subsection 9.3 shall be served personally on the property owner or by prepaid registered mail to the last known address of the property owner as shown on the municipal tax roll.
- 9.6 Any costs incurred by the Counties under this Section may be recovered in like manner and with the same priority as municipal taxes, through a request by the Counties to the applicable local municipality to add the costs to the tax roll.
- 9.7 Any Sign erected contrary to any provision of this By-law, or on property owned by the Counties or property managed by a public utility or local board without the consent of the Counties, public utility or local board, may be removed and disposed of by the Counties without prior notice at the expense of the Owner of the sign or property.
- 9.8 No person shall obstruct the Director while he/she is carrying out his/her duties under this By-law.
- 9.9 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 under the Provincial Offences Act.

## **10. INDEMNIFICATION**

- 10.1 Signs in compliance with this By-law are permitted subject to the condition that the Sign Owner shall indemnify the Counties and each of its officers, agents, servants and workmen from all causes of action, loss, costs or damages arising from the execution, non-execution or imperfect execution of any work authorized by this By-law whether with or without negligence on the part of the Sign Owner or the officers, agents, servants or workmen of the Sign Owner.

## **11. VALIDITY**

- 11.1 If a court of competent jurisdiction declares any provision, or any part of a provision, of this By-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this By-law that each and every provision of this bylaw authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.

## **12. EFFECTIVE DATE**

12.1 This By-Law shall come into effect on the passing thereof.

## **13. SHORT TITLE**

13.1 This By-law may be cited as the "Sign By-Law".

**14.** By-Law Number 2014-02 and 2015-31 are hereby repealed.

ENACTED AND PASSED in open Council this 27th day of June 2018.

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**François St-Amour, Warden**

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**Andrée Latreille, Clerk**