

THE CORPORATION OF THE UNITED COUNTIES
OF STORMONT, DUNDAS AND GLENGARRY
BY-LAW NUMBER NO. 5304

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

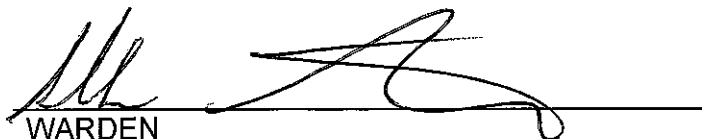
WHEREAS Section 5 (3) of the *Municipal Act, 2001 S. O. 2001*, provides that a municipal power, including a municipality's capacity, rights, powers and privileges shall be exercised by by-law unless the municipality is specifically authorized to do otherwise.

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.

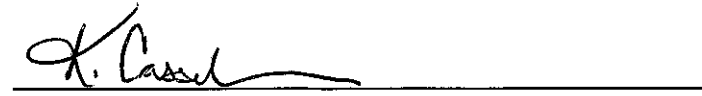
NOW THEREFORE THE COUNCIL FOR THE UNITED COUNTIES OF STORMONT, DUNDAS AND GLENGARRY ENACTS AS FOLLOWS:

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 That By-law No. 5264 is hereby repealed in its entirety.

READ and passed in Open Council, signed and sealed this 19th day of July 2021.



WARDEN



CLERK

Schedule 'A' to By-law No. 5304 Signage Requirements

Section 1: Definitions

“Billboard Sign”

means any existing or proposed sign with a display area greater than 11m²

“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.

“Complex Visual Animation”

means an animation which shows a series of images creating the illusion of movement (e.g. video clips etc. as would typically be displayed on television screens or computer monitors). Complex visual animation does not include basic animations typically shown on scrolling LED signboards.

“Digital Sign”

means an existing or proposed electronic sign used to convey images and information through the use of incandescent lamps, neon halogen or any other gas based light sources, LCD, LED, or illuminated projection screens and technology.

“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 Transportation 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.

“Residential Area(s)”

means any area that is zoned under a local municipal zoning by-law which permits residential uses.

“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.

“Sign” or “Signs”

means any existing or proposed 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. For the purpose of this By-law a ‘sign’ includes either the display face, posts, foundation, supporting members or a combination of any or all of the above elements (the “Sign Elements”). A Sign shall include any attachment to any of the Sign Elements.

“Temporary Sign” or “Temporary Signs”

means an existing or proposed sign that is less than 3m², freestanding, and mounted on light breakaway support systems.

“Transportation Department”

means the County Engineer or designate.

“Visual Nuisance”

means a visual display of any type, existing or proposed, which is causing intrusive impact, abnormal lighting conditions, an unreasonable inconvenience, annoyance or discomfort, to a third party, as determined in the sole discretion of the County Engineer.

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 Transportation Department. No advertising, sponsorship or business identification will be allowed on permanent Signs. Those erecting permanent Signs 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. Signs identifying recognized service clubs and community groups
 - ii. event Signs (i.e. community functions)
 - iii. election Signs
 - iv. commercial Signs
 - v. real estate Signs

All Temporary Signs located within the County right-of-way is installed at the Owner’s risk and is subject to be removed without notice by the County.

- c) Privately owned Signs with a valid encroachment permit issued by the County (including partial/ full encroachments aerial or otherwise within the right-of-way). The cost to install privately owned Signs within the right-of-way will be borne by the individual or agency requiring the Sign.

2.2 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) Resemble an Official Sign or a traffic control signal.
- c) Be illuminated, reflectorized, create direct or indirect glare, or display electronic messaging in a manner which is deemed to be a safety hazard in the sole discretion of the Transportation Department.
- d) Be permitted when they do not comply with the provisions of a local Zoning By-law, Building Code, Electrical Safety Code, the Occupational Health and Safety Act, the Construction Safety Act, or any other applicable government regulation.
- e) Promote violence, hatred or discrimination on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, religion, 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.

2.3 Temporary Signs shall not:

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

- c) Obscure or detract from the visibility or effectiveness of an Official Sign or a traffic control signal.
- d) Be powered with electrical wiring.
- e) 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.

2.4 Digital Signs shall not:

- a) Have a dwell time of less than 30 seconds, display complex visual animations or have transitions which are distracting, all as determined in the sole discretion of the Transportation Department.
- b) Fail to eliminate any Visual Nuisances associated with the Digital Sign.
- c) Fail to be turned off between 8:00 p.m. and 7:00 a.m. when they are within direct sightline of a Residential Area so as to eliminate any Visual Nuisances associated with the Sign.
- d) Fail to be dimmed to one quarter of the usual day time lux of the Digital Sign in question, between sunset and 8:00 p.m., if applicable, when they are within direct sightline of a Residential Area.
- e) Fail to be dimmed or turned off when directed by an official of the Transportation Department acting in accordance with the requirements of subsection 2.4.
- f) Section 2.4 (a) to (e) applies to all electronic displays except for animated displays located within storefronts that are intended for pedestrians and that cannot easily be seen by passing vehicles or Residential Areas.

Section 3: Existing Signs

- 3.1 Every person who erects, displays, alters or repairs a Sign within the County, and every Owner of a place upon which a Sign is erected, displayed, altered or repaired, shall ensure that such Sign is erected, displayed, altered, or repaired in compliance with the provisions of this By-law.

3.2 Interpretation and Exception

- a) Without limiting the generality of section 3.1, section 3.1 shall be interpreted as requiring every Owner of a place upon which a Sign was erected or displayed prior to the coming into force of this By-law to ensure that such Sign is and operates in compliance with the provisions of this By-law or bring the Sign into compliance with the provisions of this By-law within 15 days of the coming into force of this By-law.
- b) The only exception to subsection 3.2(a) is with respect to an existing Billboard Sign that has all its governmental permits and is lawfully placed that contravenes, at the time of this By-law coming into force, subsection 4.2 iii.

Section 4: New Signage Requirements – Size, Location and Orientation

4.1 Signs within 45m of the centreline of a County Road shall require a permit. Signs greater than 45m from the centreline of the road and Temporary Signs do not require a permit provided the Owner complies with the provisions of Section 2 and Section 4 as applicable.

4.2 All Signs installed in rural areas shall not:

- i. exceed 7.5m in height above the ground;
- ii. exceed 30m² in display area (per side);
- iii. (if a billboard) 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 Transportation Department will constitute any other hazard to vehicular traffic.

4.3 All Signs installed in urban areas shall not:

- i. exceed 7.5m in height;
- ii. exceed 30m² 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 Transportation 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.

Section 5: Administration

- 5.1 The Transportation 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 Transportation Department, and shall be accompanied by any plans, drawings, and other information prescribed on the application, including local Municipal sign-off, which confirms that they have no objections to the proposed Sign.
- 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, Signs installed as part of an approved Community Improvement Project, when Signs are being refaced or undergoing minor repairs or modifications (in the sole discretion of the County Engineer) or for Signs installed between 30m to 45m from the centreline of a County Road.
- 5.4 Signs must be installed within 6 months of the date of issuance of the permit or the permit will have deemed to expire and a new application is required.
- 5.5 A Sign permit may be revoked by the County Engineer, or when directed by County Council, if the Sign is not being or has not been installed in accordance with the approved permit or when the Sign is operating contrary to the provisions of this By-law.
- 5.6 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.
- 5.7 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 Transportation Department, a municipal by-law enforcement officer, or a police officer.
- 6.2 Any Owner who operates, places, or permits to be placed or operated, a Sign that does not comply with this By-law is required, upon receipt of an order of the Transportation Department or notice of revocation of their permit, to either 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 Transportation Department.
- 6.3 If the Owner is required, by order of the Transportation Department, to modify or remove a Sign and fails to do so, then the Transportation Department, a municipal

by-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 any Signs, and may at any time, when acting under authority of this By-law, remove, relocate, dismantle or destroy any Sign or Temporary Sign without notice. The County has no obligation to maintain non-compliant Signs, nor has any obligation to return non-compliant Signs 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 or Temporary Sign, and for the restoration of any Sign location from the Owner by court action, or in like manner as municipal taxes.