

# **THE CORPORATION OF THE MUNICIPALITY OF FRENCH RIVER**

## **BY-LAW 2015-20**

**\*as amended by By-law 2018-18, March 21, 2018**

BEING A BY-LAW TO REGULATE AND PROHIBIT THE PLACEMENT OF SIGNS AND OTHER ADVERTISING DEVICES IN THE MUNICIPALITY OF FRENCH RIVER

**WHEREAS** pursuant to Section 10 (2) 10. of the Municipal Act, R.S.O. 2001, S.O. 2001, c. 25, as amended, authorizes a municipal council to pass a By-Law to regulate or prohibit signs and other advertising devices within the municipality.

**NOW THEREFORE** the Council of the Municipality of French River enacts as follows:

### **SECTION 1 – SHORT TITLE:**

1.1. This By-Law may be cited as the “Sign By-Law”

### **SECTION II - DEFINITIONS AND INTERPRETATION**

2.1 In this By-Law,

**“Abandoned sign”** means a sign located on property which becomes vacant and unoccupied for a period of ninety (90) days or more, or any sign which pertains to a time, event or purpose which no longer applies;

**“B.I.A.”** means a Business Improvement Area established under the Municipal Act;

**“By-law Enforcement Officer”** means a by-law enforcement officer appointed by the Council of the Corporation of the Municipality of French River;

**“Candidate”** means shall have the same meaning as in the Canada Elections Act, the Election Act Ontario or the Municipal Elections Act 1996, as amended, as applicable and shall be deemed to include a person seeking to influence other persons to vote for or against any question or by law submitted in accordance with the Municipal Elections Act 1996, as amended;

**“Council”** means the elected council for the Municipality;

**“Election” sign means:**

- i. any sign advertising or promoting a candidate in a federal, provincial or municipal election including an election for a local board or commission;
- ii. any sign intended to influence persons to vote for or against any candidate or any question or by-law submitted to the electors in accordance with the Municipal Elections Act, 1996; or
- iii. a vehicle where a large or predominant portion of the vehicle is used for purposes of campaigning;

**“Highway”** includes a common and public highway, street, avenue, 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 and includes the area between the lateral lines thereof;

**“Municipal Property”** means land or buildings owned or leased by the Municipality of French River, or a local board as defined in the Municipal Act, 2001, as amended;

**“Municipality”** means The Corporation of the Municipality of French River;

**“Officer”** means anyone appointed by the Corporation of The Municipality of French River to enforce the provisions of this By-Law;

**“Official Sign”** means a sign required by or erected under any statute or By-Law or other directive of any Federal, Provincial or Municipal Government or agency thereof or any board or commission and shall include a permanent sign erected on a public road allowance to inform the public of the location of Business Improvement Areas, public buildings, hospitals, public libraries, institutions, places of worship, parks, recreational or educational facilities;

**“Person”** means an individual, business, firm, corporation, association or partnership;

**“Portable Sign”** means a sign not permanently affixed to the ground and designed in such a manner as to be capable of being moved from place to place but does not include a sidewalk sign;

**“Property”** means a parcel of land having specific boundaries which is capable of legal transfer;

**“Public Property”** means property, land, or buildings owned by the Municipality, Region, or a local board as defined in the Municipal Affairs Act, as amended or owned by the Federal or Provincial government(s);

**“Real Estate Sign”** means a temporary non-illuminated sign installed, erected or displayed on a property for the notification that a building, premises or portion thereof is offered for sale, rent or lease;

**“Repair and Maintain”** means anything done to preserve the condition of a sign or to prevent the deterioration of the sign and includes the restoration of a sign by removing or replacing worn out, missing, damaged or broken parts;

**“Road allowance”** means the part of the highway located between the shoulder of the highway and the lateral property line of the abutting property;

**“Sign”** means any surface, structure and other component parts, which are used or capable of being used as a visual medium to attract attention to a specific subject matter for identification, information or advertising purposes and includes an advertising device or notice;

**“Sign Face”** means the entire area of the surface of a sign including the border or frame together with any material forming an integral part of the background of the display or used to differentiate the sign from the backdrop or building against which it is erected. Where a sign is composed of individually installed letters, numerals or shapes, the sign face shall mean the area of the smallest polygon containing a maximum of eight (8) right angle sides that enclose the groupings of letters, numerals or shapes;

**“Sign Owner”** means the owner or lessee of a sign, or his agent. Where there is no owner, lessee or agent for a sign or such person cannot be determined with certainty, the sign owner shall be deemed to be the person or business having the use or major benefit of the sign, or if such person or business is unknown, the sign owner shall be deemed to be the registered owner of the land upon which the sign is situated;

**“Street”** means any public highway but does not include a Provincial highway;

**“Third Party Advertiser”** means individuals, corporations or trade union that are not a political party, candidate or constituency association, and that engages in political advertising. Third parties include corporations, partnerships, unincorporated businesses and associations, and many other groups.

**“Third Party Advertisement”** is a message in any medium that has the purpose of promoting or supporting or opposing a candidate (s) or a ‘yes’ or ‘no’ to a question on the ballot. Third party advertising does not include issues-based advertising so groups that do public outreach can continue their issued-based advocacy work throughout the municipal election period. Advertising that does not cost money to post or broadcast, such as comments made on social media, will not be considered to be third party advertising.

**“Unsafe”** when used with respect to a sign or sign structure means a condition which is structurally inadequate or faulty, or could be hazardous to a pedestrian or motorist;

**“Voting Location”** means the entire property where an election occurs and all boundaries associated with it when such voting location is located within public premises and shall mean all the common elements when the voting location is located on private premises.

**“Zone”** means the area of a defined land use zone in the Municipality's Zoning By-Laws passed under The Planning Act, 1990, R.S.O. 1990, Chapter P.13, or any predecessor or successor thereof.

### **SECTION III - ELECTION SIGNS**

- 3.1 No person or third party advertiser shall affix, erect, display, repair or alter or cause or permit to be affixed, erected, displayed, repaired or altered an election sign on any lands or buildings or structures within the Municipality, except in accordance with the provisions of this by-law;

- 3.2 Notwithstanding any other provision of this by-law no person or third party advertiser shall affix, erect or otherwise display an election sign or permit an election sign to be affixed, erected or otherwise displayed:
- a. on any official sign or official sign structure;
  - b. within a sight triangle;
  - c. on the land or buildings situated on or in or on a vehicle that is parked at any voting location or on the road allowance in front of the voting location or within fifty (50) metres of the voting location;
  - d. at any location where the election sign:
    - i. obstructs the view of any pedestrian or driver of a motor vehicle, or obstruct the visibility of any traffic sign or device, or where it could interfere with vehicular traffic so that it could endanger any person;
    - ii. obstructs openings required for light, ventilation, ingress, egress or firefighting;
    - iii. constitutes a danger or hazard to the general public;
    - iv. impedes or hinders or prevents parking by vehicles on private or public lands or on a public highway or eliminates a public parking space required by law;
    - v. impedes or hinders a view of a public highway or a railway crossing;
    - vi. is located on any municipal, provincial, federal or school property;
    - vii. is attached to a tree, bush, stone or other natural object;
    - viii. is attached to any utility pole or any other municipal infrastructure.
  - e. No person or third party advertiser shall deface, move, or willfully cause damage to a lawfully erected election sign.
  - f. No person or third party advertiser shall use the Municipal logo, crest or seal on any advertisement.
  - g. No person or third party advertiser shall leave an abandoned sign on a property.
- 3.3 No person shall affix, erect or otherwise display an election sign or permit or cause an election sign to be erected, affixed, or otherwise displayed until after the Clerk has certified the Nomination Papers on the Monday following Nomination Day. Candidates will be notified once the Clerk posts the List of Certified Candidates as per the Clerk's Procedures.
- 3.4 Election signs shall not exceed a maximum sign area of 1.5 square metres with the exception of those placed on billboard signs.
- 3.5 Election signs may only be erected with the consent of the owner or the tenant on the lot.
- 3.6 Election signs shall be removed no later than seven (7) days following Election Day.
- 3.7 Candidates to whom the election sign relates shall be responsible for compliance with this by-law, signage by-laws and regulations of the Province of Ontario (MTO) and Hydro One, as the case may be.
- 3.8 Where an election sign has been affixed, erected or otherwise displayed in contravention of any provision of this By-Law, the Officer may cause the sign to be removed immediately without notice and/or take any further action as provided in Section 8 of this By-Law.

## **SECTION IV – PORTABLE SIGNS**

- 4.1. A portable sign shall be located completely on private property.
- 4.2. A maximum of one portable sign may be erected along each street line of a property.
- 4.3. A portable sign shall:
  - (a) contain no more than two (2) sign faces, and each sign face shall have a maximum area of 5 m<sup>2</sup> (53.8 sq. ft.);
  - (b) not exceed 2.5 m in height above grade and 3.05m width;
  - (c) not be located within 3m of a driveway entrance or exit or a side property line;
  - (d) be located on private property and not be closer than 1.0 m from a municipal sidewalk;
- 4.4. Where a portable sign has been affixed, erected or otherwise displayed in contravention of any provision of this By-Law, the Officer may:
  - (a) notify or order the owner to:
    - i. repair the portable sign;
    - ii. pull down or remove the portable sign;
    - iii. make the portable sign comply with the provisions of this Bylaw.
  - (b) pull down or remove such sign and charge the owner of the sign, a fee in accordance with Section 8 of this By-Law.

## **SECTION V – REAL ESTATE SIGNS**

- 5.1. One (1) real estate sign shall be permitted for each street line of the property on which the sign is erected.
- 5.2. The sign face of a real estate sign shall not exceed 1 m<sup>2</sup> if erected on a property zoned residential and shall not exceed 4 m<sup>2</sup> if erected on a property zoned industrial or commercial.
- 5.3. Where a real estate sign has been affixed, erected or otherwise displayed in contravention of any provision of this By-Law, the Officer may:
  - a. notify or order the owner to:
    - i. repair the real estate sign;
    - ii. pull down or remove the real estate sign;
    - iii. make the real estate sign comply with the provisions of this Bylaw.
  - b. pull down or remove such sign and charge the owner of the sign, a fee in accordance with Section 8 of this By-Law.

## **SECTION VI – SIGNS ON RIGHT-OF-WAYS**

- 6.1. Any sign located on Ministry of Transportation governed properties shall meet the requirements of the Ministry of Transportation Corridor Signing Policy.
- 6.2. Any sign located on Hydro One governed properties shall meet the requirements of the Electricity Act, 1998, S.O. 1998, c. 15, Sched. A.

## **SECTION VII - MAINTENANCE OF SIGNS**

- 7.1. The owner of any sign, shall maintain or cause such sign to be maintained in a proper state of repair, so that such sign remains completely operative at all times and does not become unsafe, defective or dangerous.
- 7.2. Maintenance or repairs using materials identical to the materials of the component being maintained or repaired does not constitute an alteration.

## **SECTION VIII - PENALTIES AND ENFORCEMENT**

- 8.1. Every person who contravenes any provision of this By-Law is guilty of an offence and on conviction is liable to a fine and any other penalties imposed pursuant to the Provincial Offences Act. R.S.O. 1990,c. P-33, as amended.
- 8.2. Where a sign is affixed, erected or otherwise displayed in contravention of this By-Law, in addition to any other action that the Officer may take under this By-Law, the Officer may:
  - (a) immediately remove such sign at the expense of the sign owner or any other person responsible for the erection or display of such sign without notice if:
    - i. the sign constitutes a safety hazard or concern; or
    - ii. the sign or a portion of the sign is located on public property; and/or
  - (b) issue a notice to the owner or any other person responsible for the erection or display of such sign to remove, repair or replace the sign, or otherwise make the sign comply with the provisions of the By-Law. Failure to comply with the notice by the time and date as stipulated may result in the removal of such sign by the Municipality at the expense of the sign owner or such other person responsible for the erection or display of the sign.
- 8.3. Any expense incurred by the Municipality as a result of the work conducted by the Municipality pursuant to subsection 8.2 may be recovered by action or by adding the costs to the tax roll and collecting them in the same manner as taxes.
- 8.4. Any sign removed by the Municipality pursuant to this By-Law shall be stored for thirty (30) days, unless:
  - (a) the sign is redeemed by the owner of the sign or his agent pursuant to subsection 8.5; or
  - (b) the size of the sign is 1.0m<sup>2</sup> (10 sq. ft.) or less, in which case the Officer may direct that the sign be destroyed or disposed of in any manner he deems fit at any time without further notice; or
  - (c) the sign is a banner, in which case the Officer may direct that the sign be destroyed or disposed of in any manner he deems fit at any time without further notice.
- 8.5. Except for a sign described in subsections 8.4.(b) and 8.4.(c), the owner of a sign or his agent may redeem a sign that has been removed and stored by the Municipality by:
  - (a) completing a signed acknowledgement and release on the prescribed form; and
  - (b) paying the applicable removal and storage fee.

- 8.6. Except for an election sign less than 1m<sup>2</sup> the fee for the removal of a sign under this By-Law is \$50.00 per sign or the Municipalities actual cost of removing the sign, whichever is greater.
- 8.7. Any sign that is stored by the Municipality for more than thirty (30) days and not redeemed by the owner of the sign or his agent within that period of time may be destroyed or otherwise disposed of by the Officer without further notice.
- 8.8. The owner of any sign which is placed on private property shall:
  - a. have written consent from the owner of the property on which the sign is placed; and,
  - b. provide the written consent upon request from the Municipality at any time without notice.

#### **SECTION IX – SEVERABILITY**

- 9.1. Should a court of competent jurisdiction declare a part or whole of any provision of this By-Law to be invalid or of no force and effect, the provision or part is deemed severable from this By-Law, and it is the intention of Council that the remainder survive and be applied and enforced in accordance with its terms to the extent possible under law.

#### **SECTION X – AUTHORITY**

- 10.1. That any By-law inconsistent with this By-law is hereby repealed.
- 10.2. This By-Law shall come into force and take effect on the day it is passed.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED  
THIS 13<sup>th</sup> DAY OF MAY, 2015.**