

THE CORPORATION OF THE TOWN OF DEEP RIVER

BY-LAW NUMBER 25-2015

**A BY-LAW TO REGULATE THE USE OF SIGNS AND ADVERTISING DEVICES
WITHIN THE TOWN OF DEEP RIVER**

WHEREAS Section 11(1) of the Municipal Act, S.O. 2001, Chapter 25, as amended, authorizes lower-tier municipalities to provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS Section 99 of the Municipal Act, S.O. 2001, Chapter 25, as amended, authorizes municipalities to recover costs and charges incurred for the removal, care and storage of an advertising device that is erected or displayed in contravention of a municipal by-law;

AND WHEREAS Section 425 of the Municipal Act, S.O. 2001, Chapter 25, as amended, authorizes municipalities to pass by-laws that provide for a person who contravenes a by-law, of the municipality passed under the Act, is guilty of an offence;

AND WHEREAS Council deems it advisable to regulate the use of signs within the Municipality;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Town of Deep River enacts as follows:

1. Definitions

In this by-law:

“Building frontage” means the width of a building on a side facing a street or a parking lot.

“Sign” means any identification or advertising device, including electronic visible from any public street, lane, path or waterway, which directs attention to a business, service, person or institution.

“Portable Sign” means any sign not permanently attached to the ground or any other permanent structure and includes, but is not limited to, signs designed to be transported by means of wheels; signs converted to “A” or “T” frames; menu and sandwich board signs; balloons used as signs; umbrellas used as advertising; and signs attached to or painted on vehicles parked and visible from a public street, unless said vehicle is used in the normal day to day operations of the business.

“Temporary Sign” means any sign not permanently attached to the ground or any other permanent structure and having a message applicable for a defined and specific period of time, including construction signs, election signs, event signs, and real estate signs.

“Window Sign” means any sign attached to or installed on the interior surface of a window for purposes of viewing from outside the premises. This does not include merchandise located in the window.

“Sign Height” means the vertical distance from the grade of the nearest street or highway to the highest point of the sign.

“Sign Size” means the area of one face of a sign upon which the message of the sign is displayed and includes any border or frame, but excludes any support structure.

“Street line” means the dividing line between a lot and a street.

“Zone” has the same meaning as stated in the Zoning By-law with force and effect for the Town of Deep River, as amended.

The following zones exist at the time of writing this By-law:

Residential: R1, R2, R3, R4

Estate Residential: R5

Recreational Residential: RR

Central Area: C1, C2

Business Park: BP

Waterfront Development: WD

Extractive Industrial: ME

Industrial: M1, M2, M3

Institutional: IN

Open Space: OS1, OS2, OS3

Environmental Protection: EP

Rural: RU

Undeveloped: U

Waste Disposal: WTD

2. General Provisions

The following provisions apply in all zones:

2.1 A temporary sign, not larger than 3.0 square metres, is permitted in connection with a construction project as long as the work is in progress. Municipal, Provincial and Federal construction projects are exempt from this By-law.

2.2 A temporary sign, not larger than 1.5 square metres in residential zones and not larger than 3.0 square metres in all other zones, is permitted in connection with Federal, Provincial or Municipal elections, or in connection with civic events.

2.2.1 Election signs may be erected not sooner than the first Monday following Nomination Day for a Municipal Election and not sooner than the call of a Federal or Provincial Election. Candidates not eligible to be elected in the Town of Deep River shall not erect, nor permit his/her election signs to be erected within the geographic boundaries of the Town of Deep River.

2.2.2 Such signs shall not be erected more than six weeks prior to the date of the civic event.

2.2.3 Election signs and event signs shall be removed within five days after the election or event.

2.2.4 Election signs and event signs shall not be erected on private property without the consent of the owner(s).

2.3 A banner may be placed above Deep River Road or on the Community Centre property to advertise a civic event.

2.3.1 Permission to place such a banner shall be obtained from the CAO/Clerk or his/her designate.

2.3.2 Such banner shall be in place no longer than 30 days.

2.3.3 Any other site than mentioned in clause 2.3 shall require the prior approval of Deep River Council.

2.4 A temporary sign, not larger than 1.5 square metres for a single-family residence and not larger than 3.0 square metres in other cases, is permitted on the property of a premise being offered for sale or lease or rent.

2.4.1 Such sign may be on the municipal road allowance adjacent to the premises, but not closer than 1.5 metres to the travelled portion of a street.

2.4.2 An open house real estate sign directing attention to an open house at another location is permitted. Such sign shall not be larger than 0.5 square metres. Such signs are permitted on the road allowance but not on a sidewalk. Such signs shall be removed when the open house is concluded.

2.5 Signs indicating the direction to any public building or community facility, such as a beach, church, hospital, Legion, marina, recreational facility or school, are permitted in

any zone once prior approval has been given by Council. Such signs may be mounted on the road allowance in a location approved by the Director of Public Works.

2.6 When external lights are used to illuminate signs, such lights shall be directed away from any adjacent residential premises and from the path of vehicle traffic.

2.7 Signs that emit flashing or intermittent illumination are prohibited. Strings of light bulbs of low intensity, such as Christmas decorations, are excluded from this provision.

3. Additional Provisions for Residential Zones

The following provisions, in addition to those in Section 2, apply in residential zones, R1, R2, R3, R4, R5, RR.

3.1 An identification sign, not larger than 0.2 square metres is permitted.

3.2 A "bed and breakfast" sign, not larger than 0.2 square metres is permitted.

3.3 For a home occupation or a bed and breakfast establishment in a residential property abutting and with direct access to Highway 17, a single sign not larger than 1.5 square metres is permitted.

3.4 Signs, not larger than 0.2 square metres, indicating entrances, exits and parking areas are permitted for the following: apartment dwellings, rooming houses, boarding houses and group housing projects.

3.5 For apartment buildings in an R3 or R4 zone, one sign, either free standing or mounted on a wall, not exceeding 1.5 square metres in area is permitted for the general identification of the premises. Additional identification signs, not larger than 0.2 square metres, are permitted.

3.6 For a day care centre, in an R4-E1 zone, one sign, either free standing or mounted on a wall, not exceeding 1.5 square metres in area is permitted for the general identification of the premises.

3.7 For an artisan shop, in an R5-E1 zone, one sign, either free standing or mounted on a wall, not exceeding 1.5 square metres in area is permitted for the general identification of the premises.

4. Additional Provisions for Commercial and Industrial Zones

The following provisions, in addition to those in Section 2, apply in commercial and industrial zones, BP, C1, C2, ME, MI, M2, M3 and WD.

4.1 A sign shall advertise only the business or service conducted on the premises where the sign is located.

4.2 Wall signs may be erected for each commercial and/or industrial business located in the premises and shall be located on a wall facing a street.

4.2.1 Should a commercial and/or industrial business occupy a portion of a building with frontage on more than one street, or with frontage on a parking lot, wall signs shall be permitted on each wall fronting on a street and each wall fronting on a parking lot.

4.2.2 The total permitted sign area of all wall signs on any one wall shall not exceed one square metre for each metre of building frontage for that wall.

4.2.3 Where letters, figures or symbols are fixed to a wall separately then the area contained within a line surrounding all the letters, figures or symbols shall be deemed the signed area.

4.2.4 No wall sign shall project more than 0.5 metres from the face of the wall to which it is attached, nor shall it project beyond either end of the wall.

4.2.5 No wall sign shall project more than 1.0 metre above the parapet wall or eaves around the roof of the building.

4.3 Notwithstanding clause 4.2, one unlit wall sign not exceeding 1.0 square metre in area may be erected on a side or rear wall of a building where such wall abuts a loading area or lane.

4.4 A business may erect canopy signs in lieu of wall signs, where a canopy forms part of the commercial and/or industrial development.

4.4.1 The total permitted sign area of the canopy signs shall not exceed 1.0 square metre for each metre of canopy adjacent to the business.

4.4.2 No canopy sign shall project more than 0.5 metres below the canopy, provided the sign is at least 3.0 metres above grade.

4.4.3 No canopy sign shall project more than 1.0 metre above the canopy.

4.5 A business may place window signs in one or all of its windows.

4.6 A business may place a portable sign on its premises for a period not to exceed 120 calendar days in any one calendar year. Only one portable sign is permitted on any one lot at the same time. The maximum sign size for a portable sign is 4.0 square metres.

4.6.1 Such signs may not be placed on a public sidewalk; within 1.5 metres from a street line or any interior property line; or within 10.0 metres of a corner formed by the intersection of two streets.

4.7 In the BP, ME, M1, M2, M3 zones, one freestanding sign shall be permitted anywhere on the premises.

4.7.1 The maximum sign size shall not exceed 6.0 square metres.

4.7.2 The sign height shall not exceed 6.0 metres.

4.7.3 No part of the sign shall be located closer than 1.5 metres from a street line or any interior property line.

4.7.4 No guy wires shall be used for the sign. The support structure shall form an integral part of the design.

4.8 In the C1, C2 and WD zones, and where the building is set back from the front lot line, one free-standing sign is permitted in the front yard of such property.

4.8.1 The maximum sign size shall not exceed 1.5 square metres.

4.8.2 The sign height shall not exceed 2.0 metres.

4.8.3 No part of the sign shall be located closer than 1.5 metres from a street line or any interior property line.

5. Additional Provisions for Rural Zones

The following provisions, in addition to those in Section 2, apply in rural zones, RU.

5.1 For residential and boarding house uses, any sign shall conform to the regulations set out in Sections 3.1, 3.2, 3.3 and 3.4.

5.2 For commercial uses, a single sign not larger than 1.5 square metres is permitted.

5.3 One off-premise sign directing attention to a business or service conducted elsewhere than on the premises where the sign is located is permitted on any property in the RU zone not containing a residence.

5.3.1 The maximum sign size shall not exceed 3.0 square metres if within 10.0 metres of the travelled portion of Highway 17; shall not exceed 6.0 square metres if between 10.0 and 20.0 metres of the travelled portion of Highway 17; shall not exceed 9.0 square metres otherwise.

5.3.2 The sign height shall not exceed 6.0 metres.

5.3.3 No part of the sign shall be located closer than 1.5 metres from a street line or any interior property line.

5.3.4 No guy wires shall be used for the sign. The support structure shall form an integral part of the design.

5.3.5 The sign shall have the approval of the Ministry of Transportation.

6. Additional Provisions for Institutional and Open Space Zones

The following provisions, in addition to those in Section 2, apply in institutional, open space, environmental protection and undeveloped zones, IN, OS1, OS2, OS3, EP, U.

6.1 One identification sign, not exceeding 10.0 square metres is permitted on the premises of an assembly hall, boarding stable, cemetery, church, clinic, community centre, funeral home, golf course, government office, home for the aged, hospital, kennel, long term care facility, marina, nursing home, private club, recreational facility or school.

6.2 One off-premise sign, directing attention to the commercial areas of Deep River, is permitted at the marina in the WD zone.

6.3 Notwithstanding Section 2, no sign shall be erected in OS2, OS3 and EP zones, except for signs placed by the municipality.

7. Prohibited Signs

No person shall erect, place or display or cause the erection, placement or display of:

7.1 Any sign that contravenes any requirement of this By-law or the Ontario Building Code or any other applicable regulations, as amended from time to time.

7.2 Any sign that is declared by the Municipal Law Enforcement Officer to be unsafe, or a danger to public safety by reason of its location or inadequate or improper construction or maintenance.

7.3 Any sign that is located so as to interfere in any way with the free use of any fire escape, fire exit, door, window, skylight, flue, air intake or exhaust, or parking space.

7.4 Any sign that is located so as to obstruct the view of any pedestrian or motor vehicle driver so as to cause an unsafe condition.

7.5 Any sign that is attached or secured to a tree, fence post, fence, utility or amenity pole on municipal property unless expressly authorized by this By-law or approved by Deep River Council.

7.6 Any sign that may confuse passing motorists or interfere with the safe movement of traffic, or within 4.0 metres of a traffic sign or municipally owned sign.

7.7 Any sign located within a visibility triangle at intersecting streets.

7.8 Any sign that obstructs a required parking space and prevents a space from being utilized as such.

7.9 Any obsolete sign which no longer advertises a business conducted, or a product sold at the sign location.

7.10 Any sign, except sandwich board signs in accordance with this By-law shall be erected so as to extend over publicly owned lands.

7.11 Any sign or advertisement on a vehicle or trailer which is parked or located for the primary purpose of displaying said sign or advertisement.

8. Administration and Enforcement

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

8.2 Signs in Violation:

8.2.1 Any sign erected or displayed in contravention of the provisions of this By-law, shall be removed immediately without notice, if located on, over, partly on, or partly over, property owned by the Municipality.

8.2.2 When a sign is erected or displayed in contravention of the provisions of this By-law, and such sign is located on private property, the Municipal Law Enforcement Officer or designate may give a written Order as outlined in Appendix "A" to this By-law to the owner or person in possession of the lot upon which a sign is located, to remove or repair such sign where it is not in compliance with the By-law within fourteen (14) days from issuance of such notice.

8.2.2.1 The Municipal Law Enforcement Officer also has the discretion to issue an Informal Notice as outlined in Appendix "B" to this By-law to the property owner. If the property owner does not comply with the Informal Notice, the Municipal Law Enforcement Officer shall issue a written Order as outlined in Appendix "A".

8.2.3 Where the repair, alteration, change or removal is a matter of safety, the Municipal Law Enforcement Officer may give the notice verbally and may reduce the period within which such owner or tenant shall take action to a period which, in the Municipal Law Enforcement Officer's opinion is adequate taking into account the circumstances at the time the notice was given.

8.2.4 Refusal to comply with the requirements of notice as noted in Section 8.2 will permit the Town to remove the non-compliant sign at the owner's expense and the provision of Section 9 to this By-law shall apply with respect to the recovery of expenses by the municipality.

8.3 Any sign specified in a Site Plan Agreement and approved by by-law by the Municipality is exempt from the provisions of this By-law. The owner of any property that is subject to Site Plan Control shall be constrained by the conditions of the Site Plan Agreement as it relates to signage. The owner of any property that is subject to Site Plan Control may seek an amendment to their Site Plan Agreement by proposing an amendment to the Site Plan Agreement with the Town of Deep River to Council.

8.4 The owner of any property containing a single-family residence and not subject to Site Plan Control may seek relief to the provisions of this By-law by application to the Council of the Town of Deep River.

8.5 Any sign, other than a portable sign, that was lawfully erected on or before the day this By-law came into force is exempt from the provisions of the By-law, providing the sign is in a state of good repair. When the sign is replaced it shall conform to the provisions of this By-law.

9. Recovery of Expenses

9.1 A copy of an invoice for any charges for removal of a sign together with a certificate by the Town Clerk stating that:

- (a) the invoice has been sent to the person(s) liable to pay the same;
- (b) no payment or insufficient payment has been received for the invoice; and
- (c) payment of the invoice is overdue;

shall be sufficient authority to enter the amount of the unpaid balance of the invoice on the Collector's Roll. The outstanding amount of such an invoice shall then be collectable by the Treasurer in a like manner as municipal taxes. Should the offending person not be a registered owner of property, said invoice may be forwarded to the Town Solicitor for legal action without further notice.

10. Penalty

10.1 Every person who contravenes any provision of this By-law is guilty of an offence and shall, upon conviction be subject to such fine as may be provided for pursuant to the provisions of the *Provincial Offences Act*, R.S.O. 1990, c.P.40, as amended.

10.2 If the owner or person in control of a property fails to repair, alter or remove a sign, as the case may be, upon the order of the Municipal Law Enforcement Officer, the Corporation of the Town of Deep River in addition to all other remedies:

(a) shall have the right to repair, alter or remove the sign and for the purpose with its servants and agents from time to time, to enter into and upon the property where the sign is situate;

(b) shall not be liable to compensate the owner, the person in control or any other person having an interest in the property by reason of anything done by or on behalf of the Corporation under the provision of this section; and

(c) shall have the right to recover its expenses in carrying out any repair, alteration or removal contemplated by this section by action, or such expenses may be recovered in like manner as municipal taxes.

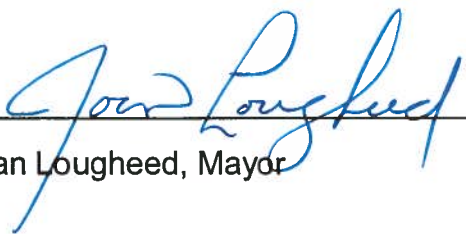
11. Severability/Effective Date


11.1 Should any part, section, subsection or portion of this By-law be repealed or declared by a court of competent jurisdiction to be illegal the same shall not affect the validity of this By-law as a whole or in part thereof, except for that which was declared to be invalid.

11.2 By-law 39-2012 is hereby repealed.

11.3. This by-law comes into force upon passing of the Council of the Corporation of the Town of Deep River.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 20th DAY OF MAY, 2015.


Joan Lougheed, Mayor


Richard McGee, Clerk

CORPORATION OF THE TOWN OF DEEP RIVER

BY-LAW NUMBER 25-2015

APPENDIX "A"

- ORDER -

Issued pursuant to Section 8 of The Town of Deep River Sign By-law 25-2015 as amended

ORDER NUMBER: _____

DATE: _____

ISSUED TO: (owner's name and mailing address)

REGARDING: (property address and legal description)

ROLL NUMBER: _____

WHEREAS, the property described above is owned by you or in which you have an interest, was inspected by the Municipal Law Enforcement Officer on (date of inspection).

AND WHEREAS, the inspection revealed that in some respects the property does not conform with the Standards prescribed by the Town of Deep River Sign By-law 25-2015, as amended.

YOU ARE HEREBY ORDERED to carry out the repairs necessary to correct the defects as set out in Schedule "A" attached hereto. This **ORDER** shall be complied with and the sign brought into compliance with the prescribed standards, on or before the re-inspection date of (date of re-inspection).

WHERE it has been determined that the necessary repairs or removal of the sign has not been completed in accordance with this **ORDER** as confirmed or modified, in addition to any possible court action, the Town of Deep River may cause the sign to be repaired or removed and the costs of such action may be registered as a lien on the land and shall be deemed to be municipal real property taxes and may be added by the Clerk of the municipality to the assessment roll and collected in the same manner and with the same priorities as municipal real property taxes.

Sincerely,

Municipal Law Enforcement Officer

SCHEDULE "A" (of ORDER) to ORDER Dated () the Town of Deep River, County of Renfrew, Province of Ontario.

REGARDING: (property address)

ROLL NUMBER: (roll number)

PARTICULARS OF NON-CONFORMITY

BY-LAW SECTION AND DESCRIPTION OF NON-CONFORMITY

SIGN BY-LAW 25-2015

(insert sections of by-law)

ACTION REQUIRED:

1. (insert description of work required to conform with Sign By-law)
2. (insert description of work required to conform with Sign By-law)

ALL REQUIRED WORK MUST BE COMPLETED BY THE RE-INSPECTION DATE, OTHERWISE FAILURE TO COMPLY WITH OR ACKNOWLEDGE THIS ORDER MAY RESULT IN THE TOWN OF DEEP RIVER HAVING THE WORK COMPLETED TO SATISFY THIS ORDER AND THE RESULTING COSTS CHARGED TO THE OWNER AS TAXES.

CORPORATION OF THE TOWN OF DEEP RIVER
BY-LAW NUMBER 25-2015
APPENDIX "B"
INFORMAL NOTICE

Date: _____

Owners name and address

Dear Sir/Madam:

RE: (Property Address)

BE ADVISED THAT on (Date of Inspection) an inspection of your property, as noted above, revealed violations of the Municipal Sign By-law Number 25-2015

Schedule "A", attached hereto, sets out the work required to remedy such violations and to bring the property into compliance with the By-law.

BE ADVISED THAT By-Law Number 25-2015 gives the Municipality the authority to issue an **ORDER TO COMPLY** pursuant to Section 8 of the Sign By-law.

It is desired that you will comply with this informal notice and that the aforementioned procedural step will not be necessary.

A re-inspection of this property will take place on or about (Date of Re-inspection) to ascertain compliance.

Should you require further information pertaining to this matter please do not hesitate to contact the undersigned during normal business hours.

Sincerely,

Municipal Law Enforcement Officer

SCHEDULE "A" (of Informal Notice) to Informal Notice Dated () the Town of Deep River,
County of Renfrew, Province of Ontario.

REGARDING: (property address)

ROLL NUMBER: (roll number)

PARTICULARS OF NON-CONFORMITY

BY-LAW SECTION AND DESCRIPTION OF NON-CONFORMITY

SIGN BY-LAW 25-2015

(insert sections of by-law)

ACTION REQUIRED:

1. (insert description of work required to conform with Sign By-law)
2. (insert description of work required to conform with Sign By-law)