

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. 122-2013

SIGN BY-LAW

WHEREAS Section 11 of the *Municipal Act*, 2001, S.O. 2001, c. 25, authorizes the Regional Municipality of Niagara to pass by-laws respecting Regional roads;

AND WHEREAS Section 4(7)(i) of *Municipal Act*, 2001, S.O. 2001, c. 25, authorizes the Regional Municipality of Niagara to prohibit or regulate the placement or erection of any sign or advertising device within 400 metres of the limit of a Regional road;

NOW THEREFORE THE COUNCIL OF THE REGIONAL MUNICIPALITY OF NIAGARA ENACTS AS FOLLOWS:

**PART I – DEFINITIONS**

1. The following terms are defined for the purposes of this By-law:
  - a) “Area municipality” means any one of the municipality or corporation of the Town of Fort Erie, Town of Grimsby, Town of Lincoln, City of Niagara Falls, Town of Niagara-on-the-Lake, Town of Pelham, City of Port Colborne, City of St. Catharines, City of Thorold, Township of Wainfleet, City of Welland, or Township of West Lincoln;
  - b) “Awning” means a light detachable structure with a skin of flexible material, which is entirely supported from a building;
  - c) “Banner sign” means a sign made of cloth, plastic or similar light weight non-rigid material containing copy relating to a charitable, community or municipal matter or event and placed within the limits of a Regional road with the approval of the Commissioner;
  - d) “Billboard sign” means an outdoor sign placed and maintained on a property by a person engaged in the sale or rental of the space on the sign to a client, upon which space is displayed copy that advertises a business, goods, products, or services not necessarily sold or offered or conducted on the property, but does not include a temporary sign;
  - e) “Canopy” means a rigid roof-like structure which is entirely supported from a building;

- f) “Commissioner” means the Commissioner of Public Works or his/her designate;
- g) “Copy” means the wording, letters, numerals, symbols, graphics, images and artwork on a sign;
- h) “Driveway” means that portion of a lot designed to provide vehicles access from the lot to the travelled portion of a Regional road;
- i) “Election sign” means a sign advertising any person or political party participating in an election for public office;
- j) “Electronic sign” means a sign that displays and changes copy by electronic means;
- k) “Facia sign” means a sign attached to or affixed to the wall of a building or structure and includes a sign attached to or affixed to the surface of an awning or canopy;
- l) “Grade” means the elevation of the ground directly beneath a sign;
- m) “Ground sign” means a sign permanently affixed to the ground by structure;
- n) “Interior sign” means a sign placed inside a building or on a lot or building and is not visible from or intended to be visible from the Regional road;
- o) “Lot” means a parcel of land having specific boundaries, which is capable of legal transfer;
- p) “Municipal law enforcement officer” means a by-law enforcement officer appointed by the Region or an area municipality;
- q) “Official sign” means a sign placed:
  - i. By or under the jurisdiction of the Commissioner; or
  - ii. Under the authority of a statute, by-law, or provincial or federal authority to regulate or prohibit the movement of pedestrians, cyclists or vehicles or to warn or guide pedestrians, cyclists, or the drivers of vehicles;
- r) “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;

- s) "Person" includes but is not limited to an individual, sole proprietorship, partnership, association or corporation;
- t) "Place" when used as a verb means to attach, install, erect, locate, build, construct, reconstruct, move, display, paint, inscribe or affix;
- u) "Premises" means a lot or building;
- v) "Projecting sign" means a sign attached at one end to a building or structure and generally extending perpendicular outward there from, but shall not be a facia sign;
- w) "Region" means The Regional Municipality of Niagara;
- x) "Regional road" means a road under the jurisdiction of the Region;
- y) "Road" includes but is not limited to a common and public highway or street, 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 property lines thereof;
- z) "Sign" means any device, object or thing that is designed to convey a message that is placed for the purposes of advertising, identifying, announcing, directing or promoting any idea, event, activity, product, service or facility, identifying any business or enterprise, or conveying any other type of message;
- aa) "Street line" means the boundary of a lot dividing the lot from a Regional road or a road under the jurisdiction of an area municipality;
- bb) "Temporary sign" means a sign displayed for a specific limited period of time on the untraveled portion of a Regional road.

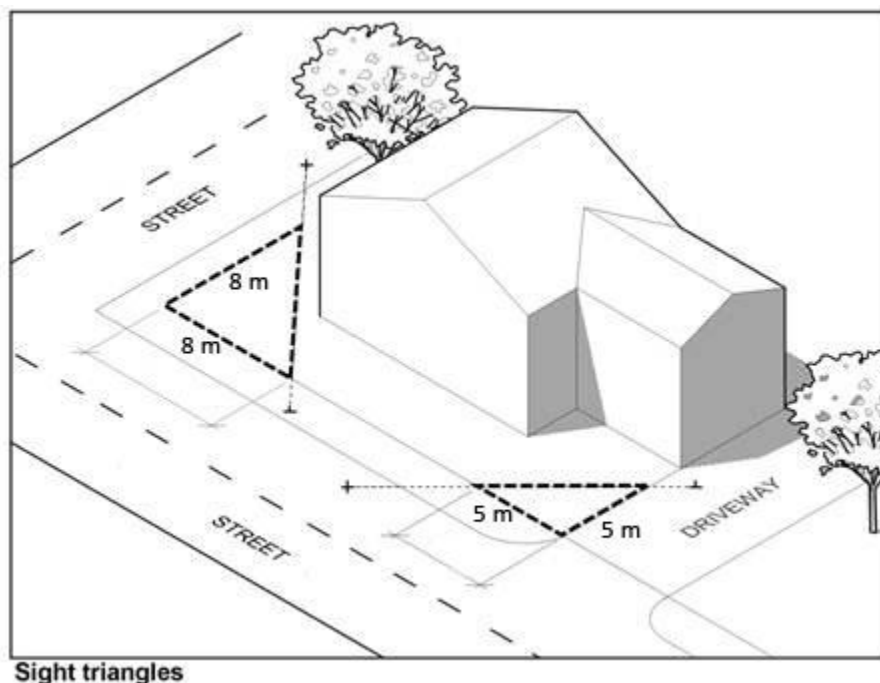
## **Part II**

- 2. No person shall place or permit to be placed on a Regional road a sign other than an official sign or a sign permitted by this By-law.
- 3. No person shall place or permit to be placed on a Regional road a sign that is not an official sign and that:
  - a) Has any part of the sign located within a roadway, shoulder, median, planning bed, drain, ditch or watercourse;

- b) Resembles an official sign or a traffic control signal or device in colour, shape, wording, content, operation, or location;
  - c) Impacts the function of the 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;
    - v. Impairing or obstructing the visibility of vehicular or pedestrian traffic or a railway crossing;
    - vi. Obscuring or detracting from the visibility or effectiveness of an official sign or a traffic control signal;
  - d) Is painted onto, affixed by an adhesive, tape or wire 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. A transit shelter or any other piece of street furniture;
    - iv. An official sign;
    - v. The support of a luminaire, official sign, or any other traffic control device.
4. No person shall place or allow an election sign to be placed on a Regional road.
5. On a lot adjacent to a Regional road, no person shall place a ground sign within 1.0 metre of the street line.
6. On a lot adjacent to a Regional road, no person shall place a sign within a visibility triangle determined as follows:
- a) In the case of a driveway, the visibility triangle shall be the area enclosed by a line along the limits of the driveway and the street line measured to a

point 5.0 metres back from the intersection of the street line and the limit of the driveway;

- b) Notwithstanding section 6.(a), a sign that does not exceed 1.2 metres in height may be placed in the visibility triangle provided it is placed a minimum distance of 2.0 metres from the street line;
- c) In the case of an intersection of a road with a Regional road, the visibility triangle shall be the area enclosed by each of the street lines measured to a point 8.0 metres back from the intersection of the street lines.



### Part III – Signs Requiring Permits

- 7. Except as provided in Part IV of this By-law, no person shall place a sign on a Regional road or within 20.0 metres of the centre line of a Regional road without first having obtained a permit for the sign from the Commissioner.
- 8. Every application for a permit under this By-law shall be made on the form provided by the Commissioner and shall be accompanied by any plans, drawings and other information as the form may prescribe.
- 9. Every person applying for a permit shall pay the application fee approved by Regional Council.

10. Banner Sign

- a) The Commissioner may issue a permit for a banner sign provided the sign:
  - i. Does not in any way obstruct or adversely affect the visibility or operation of a traffic control device;
  - ii. Is mounted and placed securely in accordance with any requirements and conditions the Commissioner may require.
- b) The Commissioner may issue a permit for a banner sign that contains an expiry date for the permit, after which time the banner must be removed.
- c) The applicant for a permit for a banner sign shall satisfy the insurance and liability requirements of the Region.

11. Billboard Sign

- a) The Commissioner may issue a permit for a billboard provided it is placed a minimum distance of 10.0 metres from the street line.

12. Electronic Sign

- a) The Commissioner may issue a permit for an electronic sign provided:
  - i. The individual copy is displayed by the sign for a minimum of 15 seconds without any change in the copy and the sign displays the copy without any motion, animation or other visual effect that creates the illusion of motion;
  - ii. The sign incorporates a sensor linked to the software controlling the sign's electronic display in order that the brightness of the sign is automatically adjusted in relation to ambient light conditions;
  - iii. The luminance from the sign shall not exceed 0.3 foot candles (3 lux) above the ambient light level as measured when the sign display goes to dark or black.

13. Projecting Sign

- a) The Commissioner may issue a permit for a projecting sign provided:
  - i. The projecting sign maintains a minimum vertical clearance of 2.5 metres from grade to the lowest part of the sign;

- ii. The owner of the sign satisfies the insurance and liability requirements of the Region.

#### **Part IV – Signs Exempt from Permits**

14. No person shall require a permit to place the following signs provided all other provisions of this By-law are complied with:
- a) A sign not exceeding 0.2 square metres in area that identifies the name, address and profession of the occupant ;
  - b) An interior sign;
  - c) A fascia sign that does not project more than 45 centimetres into a Regional road;
  - d) A temporary sign placed on a public sidewalk on a Regional road provided the following requirements are satisfied:
    - i. The size of the temporary sign is a maximum height of 0.9 metres and a maximum of 0.6 metres in width;
    - ii. The setback of the building containing the business the temporary sign from the street line is not greater than 0.6 metres;
    - iii. The temporary sign is only placed on the sidewalk in front of the premises where the business it is advertising operates;
    - iv. The temporary sign is placed on the sidewalk only during the actual hours of operation of the business it is advertising;
    - v. The temporary sign is not placed in a manner that restricts the free and safe movement for any pedestrian, vehicle or other conveyance on the sidewalk, or in any manner impedes vision and in no case shall less than 1.2 metres width of unobstructed sidewalk be maintained.
  - e) A sign advertising or providing directions to the on-farm sale of produce or any other thing grown on the farm provided such sign is in compliance with the applicable area municipality's sign by-law and is not placed on the Regional road;
  - f) A sign advertising the sale or lease of premises provided such sign is in compliance with the applicable area municipality's by-law and is not placed on the Regional road.

## **Part V – Existing Signs**

15. Nothing in this by-law applies to an existing sign that is lawfully placed on the day this by-law comes into force, so long as the sign is not in any way altered.
16. The maintenance and repair of the sign or change in copy shall not be deemed to constitute an alteration.

## **Part VI - Conflicts with Area Municipality By-laws**

17. In the event there is a conflict between any provision of this by-law and the provision of any by-law of an area municipality, the provisions of this by-law shall prevail, provided however, that no area municipality shall be prevented in any way from enforcement of those provisions of its by-law which exceed the requirements of this by-law or are more restrictive than the provisions of this by-law.

## **Part VII – Removal**

18. Any person or owner who places or permits to be placed a sign that does not comply with this By-law is required to 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 Commissioner.
19. If the person or owner required to modify or remove a sign under section 18 of this By-law fails to do so, then the Commissioner, a municipal law enforcement officer, or a police officer may immediately remove it, without notice or compensation to and at the risk of its owner.
20. If the person or owner required to restore a sign location under section 18 of this By-law fails to do so, then the Commissioner may restore the location.
21. The Region and a local municipality may recover the expense for the removal, transportation and disposal of a sign and for the restoration of the sign location from the owner under section 18 of this By-law by court action or in like manner as municipal taxes.

## **Part VIII – Penalty**

22. 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.

## **Part IX – Administration and Enforcement**

23. The Commissioner is responsible for the administration of this By-law.



24. Regional Council may authorize a minor variance from the requirements of this By-law.
25. This By-law may be enforced by the Commissioner, a municipal law enforcement officer or a police officer.
26. Nothing in this by-law exempts a person from complying with any other by-law or requirement of a municipality, government or agency having the authority to deal with a matter related to a sign.
27. If any provision of this By-law is declared invalid for any reason by a court of competent jurisdiction, only that invalid portion of the By-law shall be severed and the remainder of this By-law shall be deemed to be separate and independent and shall continue in full force.
28. The short title of this By-law is the "Sign By-law".
29. This By-law shall come into force and effect on the date of passage by Regional Council.
30. By-law Number 2705-80 of the Region shall be repealed effective on the coming into force of this By-law.

THE REGIONAL MUNICIPALITY OF NIAGARA

*Original Signed By:*

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(Gary Burroughs, Regional Chair)

*Original Signed By:*

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(Janet Pilon, Regional Clerk)

Passed: October 10, 2013