THE CORPORATION OF THE TOWNSHIP OF CARLING

By-Law No. 2019-16

Being a By-law to control, regulate and prohibit signs in the Township of Carling

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WHEREAS Council deems it advisable to control, regulate and prohibit signs and advertising devices within the Township;

AND WHEREAS sections 8, 9 and 10 of the Municipal Act, 2001 authorizes the Township of Carling to pass by-laws necessary or desirable for municipal purposes, and in particular paragraph 10 of subsection 10(2) which authorizes by-laws respecting signs;

AND WHEREAS section 425 of the Municipal Act, 2001, authorizes the Township of Carling to pass by-laws providing that a person who contravenes a by-law of the Township of Carling passed under that Act is guilty of an offence;

AND WHEREAS the Municipal Act, 2001 further authorizes the Township of Carling, amongst other things, to delegate its authority, to impose fees or changes on persons for services or activities provided or done by or on behalf of it, to provide for inspections and inspection orders, and to make orders to discontinue activity or to do work;

NOW THEREFORE the Council of the Corporation of the Township of Carling enacts as follows:

1. DEFINITIONS

1.1 **ALTER** means, when used in reference to a sign or sign structure to change any one or more external dimensions and/or construct material, but shall not include the replacement of the plastic face, painting, repainting, cleaning or other normal maintenance and repair of a sign not involving structural changes.

1.2 **BACKLIT SIGN** is a type of illuminated sign in which the lighting is within or behind the sign with the light shining through the sign.

1.3 **BANNER** means a sign composed of lightweight, flexible material such as cloth, plastic, canvas or other similar material, and which is mounted at each end so as to allow movement by atmospheric conditions.

1.4 **ELECTION SIGN** means any sign:

a) advertising or promoting a candidate in a federal, provincial or municipal election or by-election;
b) or other advertising device, including without limitation, posters, placards, bulletins, banners, notices, pictures or any combination thereof which promote or relates to any federal, provincial or municipal election, including an election of a local board or commission;
c) or that uses words, pictures or graphics or any combination thereof intended to influence persons to vote for or against any question or by-law submitted to electors under section 8 of the Municipal Elections Act, 1996.

1.5 **ERECT** includes the placing or the installation of, arranging for, the placing of or installation of, the renting or the leasing of a sign.

1.6 **GROUND SIGN** means any sign supported by uprights or braces which is not attached to any part of a building, and including a pylon sign, or signs commonly known as spanner, or spreader-type signs attached to, or forming part of, light standards or other similar devices located on unprotected gas pump island aprons for a motor vehicle use.

1.7 **HIGHWAY** means a common and public highway and includes a street and a bridge forming part of a highway on, over or across which the highway passes.

1.8 **LEGAL NON-CONFORMING** shall apply to a sign or advertising device that is lawfully erected or displayed on the day the by-law comes into force but does not comply with the requirement of this by-law.

1.9 **LOT FRONTAGE** means that side or limit of the lot that abuts directly to the public on the premises.

1.10 **MUNICIPAL ADVERTISING SIGN** means the display area erected by the Township in designated areas for purpose of business advertising opportunities.

1.11 **POSTER SIGN** means a large printed bill or placard posted for advertising.

1.12 **PUBLIC EVENT SIGN** means any sign used to promote events being held at a publicly owned facility or being organized by a community based group.

1.13 **REAL ESTATE SIGN** means a sign which advertises real property for sale, lease or development.

1.14 **RESIDENTIAL** means any lands other than those zoned industrial or commercial, but does not include lands owned by a utility or railroad.

1.15 **ROOF SIGN** means any sign which is located on or above any roof of a building or located on the top of, or above the parapet of a building. A roof sign shall not include any sign erected on the wall of a penthouse or other like structure which projects above the roof of the building.

1.16 **SANDWICH BOARD SIGN** shall mean a temporary shelf supporting sign which stands by means of spreading the two sides to form an "A" shape not to exceed a size of 1 metre wide X 1.25 metres high.

1.17 **SIGHT TRIANGLE** means on a corner lot, the triangular space formed by the street lines and a line drawn from a point in one street line to a point in the other street line, each such point being 9 metres measured along the street line from the point of intersection of the street lines. Where the two street lines do not intersect a point, the point of intersection of the street lines shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents to the street lines.

1.18 **SIGN** includes any device: a) located outside of any building which is to be used for the purpose of identifying, advertising or attracting attention to any business, enterprise, organization or project, product or service, including all parts of such devices including frames, but excluding supporting sign structure; or b) located on any premises by means of painting on or attracting bills, letters, numerals, pictorial matters or electric or other devices in such a way as to be visible to the public. A sign also includes any inflatable device in such a way as to be visible to the public. A sign also includes any inflatable device tethered to any building, structure, vehicle or other anchor and an announcement, notice, directional matter, name, declaration, demonstration, display, illustration or insignia.

1.19 **SIGN AREA** means the area within the entire outer perimeter, including cut-outs, if any, and including all visible faces used for sign purposes, but not including the thickness of the sign where it is 40 centimetres or less and is not used for message purpose. Where a sign is not bound or enclosed within a distinct area and/or frame, the area shall be that of a rectangular, circle or other simple geometrical shape containing all letters, symbols and devices on the sign.

1.20 **SIGN PERMIT** means a permit issued by the Manager of By-law Enforcement, or designate, pursuant to the provisions of this by-law.

1.21 **SIGN STRUCTURE** means the supports, uprights, bracing and/or framework of a sign.

1.22 **STREET** means a street, highway, road, or other public right-of-way, but does not include a private lane.

1.23 **TEMPORARY SIGN** means a sign not permanently constructed at one place in the ground or affixed to any other sign structure.

1.24 **TOWNSHIP** means the Corporation of the Township of Carling.

1.25 **VACANT LOT** means a parcel of land separately assessed that has no building thereon, but does not include any improved land.

1.26 **WALL SIGN** means any sign attached to and supported by a wall of a building, or attached to and supported by the face of a parapet of a building, and includes a sign painted or mounted on a canopy or awning. Wall signs also include those signs located on a gas pump island apron which is located under a gas island canopy of a motor vehicle dispensing use.

1.27 **WAYFINDER SIGN** means any sign that identifies a residence and is located at the intersection of a municipal or private road.

1.28 **ZONE** means an area designated for particular land uses as determined by zoning by-laws and/or regulations as may be applicable in the Township.

2. GENERAL PROHIBITIONS

2.1 No person shall erect or permit to be erected, or allow to remain on land or buildings owned, rented or leased or occupied by them, any sign in the Township other than in accordance with the provisions of this by-law.

2.2 No person shall paint, or otherwise affix or permit to be painted or affixed, or allow to remain on any lands owned, rented or leased or occupied by them, any sign on any rock or rock cut unless such sign is an aid to navigation, such as an island number, name or channel marker.

2.3 Signs, painted directly on any building or structure, are prohibited.

2.4 No person shall place on, or attach to, or cause to be placed on, or attached to, any tree or bridge structure situated on a public street highway, or thoroughfare within the limits of the Township, or any pole, post or other object which is used for the purpose of carrying the transmission lines of any electric power company or any other utility situated on any public street, highway or thoroughfare within the limits of the Township. This includes but is not limited to any real estate, point of sale or election sign.

2.5 No sign shall be erected at the intersection of streets in such a manner as to obstruct the free and clear view at such an intersection, as determined by the Manager of By-law Enforcement.

2.6 Nothing herein prevents the posting of any lawful sign or signal erected by the Township or other road authority for the direction or control of traffic nor any signor signal erected by or on behalf of Her Majesty the Queen in the right of Canada.

2.7 Nothing herein prevents the posting of any election proclamation or notice under any Election Act, nor the display of election signs on private property during the election campaign.

2.8 No person shall install a sign on a utility pole unless permission in writing from the owner of the utility.

2.9 Nothing in this by-law shall be applicable to any sign erected under the authority of a permit issued by the Ministry of Transportation of Ontario.

2.10 Backlit signs are not permitted in the Township unless located in a commercial or industrial zone.

2.11 No sign shall be lit from lights located at or near the bottom of the sign and shining upwards, except signs located in a commercial zone or industrial zone.

2.12 Council may, upon application of any person, authorize minor variances from this by-law if, in the opinion of Council, the general intent and purpose of the by-law is maintained.

2.13 No sign shall be located so as to obstruct or impede any flue or air intake or exhaust, fire escape, fire exit, door, window, scuttle, or skylight so as to prevent or impede the free access of emergency personnel to any part of a building.

2.14 The erection of signs on lands used or zoned exclusively for residential purposes is prohibited other than those signs specifically permitted under section 4.3 and 4.4.

2.15 A trailer or vehicle shall not be used as a sign.

2.16 Signs are prohibited on vacant land.

2.17 No poster sign or banner shall be affixed to a fence on private property adjacent to any municipal or provincial highway. The regulation shall not apply to:

a) Signs affixed or painted on boarding erected around a construction site

2.18 These regulations do not apply to real estate signs. All such signs shall be removed within seven (7) days of the real estate sale.

2.19 No sign shall contain any explicit or offensive content. The Manager of By-law Enforcement may remove signs at his or her discretion if they determine it is of this nature.

2.20 Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction, is liable to the fine and other penalties under the Provincial Offenses Act R.S.O. 1990, cP33. Every such fine shall be recoverable under the Provincial Offences Act.

3. ADMINISTRATION

3.1 Unless exempted by sub-section 4.3 and 4.4, no person shall erect, cause to be erected or structurally alter a sign or advertising device on with the Township regardless of the size or location of said sign, without first obtaining a permit from the Manager of By-law Enforcement.

3.2 The application form for a sign permit shall include the information specified in Schedule "A" to this By-law for any signs located on township property.

3.3 A sign permit fee is due at the time of application, per the fee schedule attached as Schedule "N" of the Township's Fees By-Law.

3.4 Any application for a sign which does not meet the requirements set out herein may be approved by resolution of The Township of Carling Council, notwithstanding the provisions of the by-law. In the absence of such approval by resolution, no sign permit shall be issued.

3.5 The Manager of By-Law Enforcement for the Township shall be responsible for the administration of this by-law.

3.6 The Manager of By-law Enforcement is authorized to take down or remove any sign or other advertising device that is erected or displayed in contravention of this by-law and the owner shall pay for any costs or expenses of the Township as per the Township's Fees By-law.

3.7 Except as provided in Section 4.3 and 4.4, no person shall erect or structurally alter a sign until such time as a sign permit for such erection or structural alteration has been issued by the Manager of By-Law Enforcement.

3.8 Where a sign has been lawfully erected prior to this by-law coming into force, such a sign shall be permitted, provided that it has a permit.

3.9 The Manager of By-Law Enforcement may revoke a permit issued under this by-law,

a) Where it was issued on mistaken, false or incorrect information; or
b) Where after six(6) months after its issuance, the erection of the sign, for which the permit was issued has not been seriously commenced; or
c) Where erection of the sign is substantially suspended or discontinued for a period of more than one (1) year; or
d) Where it was issued in error; or
e) Where the permit holder or property owner or his agent requests in writing that it be revoked.
f) Prior to revoking a permit in accordance with this by-law, the Manager of By-law Enforcement shall give written notice of intention to revoke to the permit holder at his or her last known address and, if on the expiration of thirty (30) days from the date of such notice, the grounds for revocation continues to exist, the permit shall be revoked without further notice and all submitted plans and other information may be disposed of or, at the request of the permit holder, returned to the applicant.

3.10 Any employee of the Township is authorized to enter land and pull down or remove any sign at the expense of the owner of the sign if it is erected or displayed in contravention of this by-law.

3.11 Any sign pulled down or removed under this section may be destroyed or otherwise disposed of by the Township without notice or compensation to any person who has an interest in the sign and the cost of any disposal shall be included in the expense charged to the owner pursuant to the Townships Fees by-law.

3.12 If any portion of this by-law shall be found by a court of competent jurisdiction to be invalid for any reason, the said portion shall be deleted here from and the remaining portions in this by-law shall remain in full force.

3.13 This by-law shall come into effect on passage by Council.

3.14 By-law 93-11 is hereby repealed.

4. REGULATIONS RESPECTING SIZE, TYPE, AND LOCATION

4.1 GROUND SIGNS

4.1.1 Ground Signs are only permitted in commercial and industrial zones.

4.1.2 No Ground Signs shall have a sign area greater than 3 square metres.

4.1.3 The minimum setback from the centre line of a traveled road shall be 10 metres.

4.1.4 The minimum setback the intersections of a traveled road shall be 100 metres.

4.1.5 The sign shall be adequately supported and firmly anchored to the ground. All signs are to meet the Ontario Building Code requirements including but not limited to structural requirements under Part 4. Exception: Incidental signs or other signs subject to municipal approval.

4.1.6 Sandwich Board Signs are permitted on public road allowances, but cannot obstruct vehicular or pedestrian traffic or be within the sight triangle of an intersection. Such signs must be a minimum of 15 metres apart.

4.1.7 Landscaping may be required by the Township as part of the sign application.

4.2 WALL SIGNS

4.2.1 Wall signs are only permitted in commercial and industrial zones.

4.2.2 The total sign area of all wall signs on any one architectural elevation shall not exceed 10% of the area of the architectural elevation on which it is erected regardless of lot size or frontage. Roof structures as shown on architectural elevations are not included in the calculation of elevation area.

4.2.3 No backlit wall sign located in an industrial or commercial zone, with the exception of motor vehicle fuel dispensing uses, shall be located closer than 15 metres to any residential zone boundary.

4.3 HOME OCCUPATION/HOME INDUSTRY SIGNS

4.3.1 Permits for Home Occupation/Home Industry Signs and home owners identification signs shall be required and subject to the following conditions:

4.3.1.1 The dimensions of the sign and markings thereon shall be no greater than 1.25 metres in height by 1.25 metres in length

4.3.1.2 The sign may contain logos, background colour, and text.

4.3.1.3 Only one sign is permitted per property.

4.4 WAYFINDER SIGNS

4.4.1 Wayfinder signs can have a maximum length of 50cm and a maximum height of 12cm.

4.4.2 Wayfinder signs will be located only in the locations listed in Schedule "B" to this By-Law.

4.5 PUBLIC EVENT SIGN

4.5.1 Advertising signs for public events sanctioned by the Township of Carling Council are exempt from these regulations provided that the size and location of the signs are approved in advance by the Manager of By-law Enforcement.

4.6 MUNICIPAL ADVERTISING BOARD

4.6.1 Opportunities for business and services will be provided by the municipality in designated areas as outlined in Schedule "C" to this By-law.

READ and **FINALLY PASSED** in **OPEN COUNCIL** this **4h** day of **February**, **2019**.

THE CORPORATION OF THE TOWNSHIP OF CARLING

Mike Konoval, Mayor

Kevin McLlwain, CAO/Clerk

"Schedule A"

Township Of Carling Sign Permit Application

Applicant Name _____ Phone _____

Address_____ Email _____

Application For:

_____ 1. Ground Sign-$125.00
_____ 2. Municipal Advertising Sign- $250.00
_____ 3. Public Event Sign - No Fee Required
$ _____ **Total Fees Owed**

Sign Location: Civic address:_____
_____
_____

Additional Items to be Included:

_____ A drawing showing the location of the sign in relation to the street lines and other property boundaries.
_____ A scaled drawing illustrating the wording, symbols or pictures on the sign

Sign Description:

Width _____ Height: _____ Surface Area: _____

For Ground Signs and Wall Signs please include detailed design of all structural elements of sign support structure including type, species, grade and actual size of material to be used for post, back boards, all lateral bracing, fastener, size, type, grade, spacing etc. type depth, method of foundation system. Type of material thickness of actual sign including size, spacing, method and type of fasteners used to secure the sign to support structure.

Setback from centre line of travelled road: _____
Setback from intersection of travelled road: _____
Setback from Field Advertising Signs: _____

_____ _____
Signature of Applicant Signature of Landlord (if applicable)

This Section is for Office Use Only

Date Application Received _____
Property Roll No. _____
Date Approved _____ Sign Permit No. _____

THIS PERMIT EXPIRES _____

_____
Signature of By-Law Enforcement Manager

Township of Carling

Sign By-law

Schedule B – Permitted Locations of Wayfarer Signs

Dillon Rd and Worsley Lane

Wawanaisa Rd and Hi-Lin Rd

All Intersections on Sand Bay Rd

All Intersections on Jackknife Rd

All Intersections on Fitzgerald Bay Rd

All intersections on Remy Bay Rd

All intersections on Snug Haven Rd

Pengally Bay Rd and Beech Avenue

Beech Avenue and Donna Drive

Pengally Bay Rd and Linda Lane

Blind Bay Rd and Wards Lane

"Schedule C"

Opportunities for Business and Service Signs in the Township of Carling.

Sign dimensions:

30 cm x 60 cm

Length of Rental:

January 01 to December 31.

Locations Available:

Killbear Waste Site

Carling Transfer Site