

The Corporation of the County of Peterborough

By-law No. 2019 - 04

A By-law to amend County Sign By-law No. 2007-55, being a by-law to prohibit the issuance of sign permits for Bush Country Signs for a period of twelve (12) months and to repeal By-law No. 2018-08 (Amendment #4)

Whereas Section 5.(3) of the Municipal Act, S.O. 2001, c. 25 (hereinafter referred to as the "Act") provides that a municipal power, including a municipality's capacity, rights, powers and privileges under Section 9, shall be exercised by by-law, unless the municipality is specifically authorized to do otherwise;

And Whereas Section 8.(1) of the Act, provides that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate and to enhance their ability to respond to municipal issues;

And Whereas Section 9 of the Act provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

And Whereas Section 27.(1) of the Act provides that a municipality may pass by-laws in respect of a highway only if it has jurisdiction over the highway;

And Whereas Section 58.(1) of the Act provides that an upper-tier municipality has, in respect of land lying within 45 metres from any limit of an upper-tier highway, all the powers conferred on a local municipality under section 34 of the Planning Act for prohibiting the erecting or locating of buildings and other structures within that area;

And Whereas Section 59 of the Act provides that an upper-tier municipality may prohibit or regulate the placing or erecting of any sign, notice or advertising device within 400 metres of any limit of an upper-tier highway;

And Whereas at the County Council Meeting of August 1, 2007, County Council passed By-law No. 2007-55, being a by-law to regulate the placing, erecting or altering of signs upon or adjacent to County Roads;

And Whereas at the County Council Meeting of January 20, 2016, County Council passed By-law No. 2016-05, being a by-law to amend County Sign By-law No. 2007-55 to prohibit the issuance of sign permits for Bush Country Signs for a period of twelve (12) months to allow for the completion of consultation and further research (Amendment No. 1);

And Whereas at the County Council Meeting of February 1, 2017, County Council passed By-law No. 2017-08, being a by-law to amend County Sign By-law No. 2007-55 to prohibit the issuance of sign permits for Bush Country Signs for an additional period of twelve (12) months to allow for the completion of consultation and further research (Amendment No. 2);

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And Whereas at the County Council Meeting of February 7, 2018 County Council passed By-law No. 2018-08, being a by-law to amend County Sign By-law No. 2007-55 to prohibit the issuance of sign permits for Bush Country Signs for a period of twelve (12) months (Amendment No. 3) and to repeal By-law No. 2017-08;

And Whereas at the County Council Meeting of January 3rd, 2019 County Council accepted the recommendation of the Acting Director of Public Works contained in the Manager, Engineering & Designs' report "Review of Sign By-law No. 2007-55 – Bush Country Signs" wherein he recommended:

"Be it resolved that the Clerk be directed to prepare a By-law to amend County of Peterborough Sign By-law No. 2007-55 to prohibit the issuance of permits for Bush Country Signs for a period of twelve (12) months from the date of passage of the By-law amendment to allow for the completion of consultation and research and repeal By-law No. 2018-08 and further;

That the Clerk be directed to notify area municipalities within the County of Peterborough of the amendment to Sign By-law No. 2007-55.";

Now Therefore the Council of the Corporation of the County of Peterborough in Session duly assembled enacts as follows, that:

1. By-law No. 2007-55 is amended by adding the following Section 8.6 to Section 8 – Sign Permit

"8.6 No sign permits shall be issued for Bush Country Signs as defined in Section 4 of By-law No. 2007-55. This prohibition shall be in force and effect for a period of twelve (12) months from the date of passing of this By-law in order to permit the opportunity for the Sign By-law Working Committee to complete its mandate that includes:

The mandate of the Sign By-law Working Committee (Committee) is to provide strategic advice to the County of Peterborough Council (Council) on aspects of the sections of Sign By-law No. 2007-55 (By-law) related to Bush Country Signs and of the benefits and/or disadvantages of third party advertising billboard signage placed within and adjacent to County of Peterborough road allowances with consideration for development of equitable solutions."

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2. Enforcement:
 - a. Every person who contravenes the provisions of this by-law is guilty of an offense and on summary conviction is liable to a fine of not less than \$50.00 and not more than \$300.00 exclusive of costs.
 - b. Each day of default by the owner to comply with any of the provisions of this by-law shall constitute a separate offense.
 - c. Provided always that in default of the work being done by the person directed or required to do it, such matter or thing shall be done by the Corporation at the owner's expense and the Corporation may recover the expense incurred in doing it by action and the Corporation may provide that the expense incurred by it, with interest, shall be payable within one year.
3. By-law No. 2018-08 passed by County Council on February 7, 2018, be and is hereby repealed.
4. This By-law shall come into force and effect on the date of final passing.
5. This By-law shall be commonly called the "Bush Country Signs - Prohibit Issuance of Sign Permits (Amendment No. 4)" By-law.

Read a first, second and third time and passed in Open Council this 3rd day of January, 2019.

J. Murray Jones

Warden

Lynn Fawn

Acting Clerk