

CORPORATION OF THE COUNTY OF PETERBOROUGH

BY-LAW NO. 2007 – 55

A BY-LAW TO REGULATE THE PLACING, ERECTING OR ALTERING OF SIGNS UPON OR ADJACENT TO COUNTY ROADS.

WHEREAS the Municipal Act, 2001, c. 25, s. 59 (as amended) 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 the Council of the Corporation of the County of Peterborough deems it advisable to pass this By-law to regulate the placing, erecting or altering of signs upon or adjacent to county roads;

NOW THEREFORE the Council of the Corporation of the County of Peterborough hereby enacts as follows:

SECTION 1 – PURPOSE AND TITLE

1.1 The primary purpose of the County Road system is to carry traffic between destinations points within the County. County Roads are therefore typically designed to accommodate large volumes of traffic travelling at normal highway speeds of 80 km per hour. Motorist safety is therefore a prime concern.

Peterborough County also prides itself on its pristine natural beauty and recognizes that the preservation of this natural beauty is important to the economic health and vitality of the County. Preservation of the natural beauty of our County is also a prime concern.

Finally, the County acknowledges that a healthy commercial and tourism industry within the County is something that we wish to support. Commerce and tourism provide jobs to our residents and prosper our County. These two sectors of our economy rely heavily on outdoor advertising to attract and direct customers to their place of business. The County agrees that outdoor signage is necessary to ensure the health of our businesses.

The purpose of this by-law is to provide a set of guidelines and regulations to control outdoor signs. The by-law attempts to balance the three areas of concern expressed in the preceding paragraphs in order that all interests within the County can be best served.

1.2 The short title of this By-law is the "County of Peterborough Sign By-law".

SECTION 2 – DEFINITIONS

2.1 The following terms shall for the purpose of this By-law have the meanings stated below:

- a) "Applicant" means a person who is applying for a sign permit under the terms of this By-law.

- b) "Bush Country" means that part of the County containing the County Roads identified in Schedule "A" which is annexed hereto and forms part of this By-law.
- c) "County" means the Corporation of the County of Peterborough.
- d) Directional signage means a sign that contains only the name of the business or enterprise, the logo and an arrow or other form of directional indicator and shall not exceed 3 square metres (32.3 sq. ft.) in size.
- e) "Erect" means attach, display, alter, build, construct, reconstruct, enlarge or move, but does not include any change in the message displayed on a sign or any act performed to maintain a sign.
- f) "Maintain" means to permit a sign or sign structure to continue or to refurbish a sign or sign structure.
- g) "Person" includes an individual, sole proprietorship, partnership, unincorporated association, unincorporated syndicate, unincorporated organization, trust, body corporate, and a natural person in his capacity as trustee, executor, administrator or other legal representative.
- h) "Portable or relocatable sign" means any sign that is designed to be readily moved from one location to another and which is not supported by a fixed foundation.
- i) "Road Authority" means The Corporation of the County of Peterborough
- j) "Sign" means any identification, description, illustration or device illuminated or non-illuminated including any supporting structure that is visible from any public place or located on private property and exposed to the public which directs attention to a product, service, place, activity, person, institution, business or solicitation. Without limiting the generality of the foregoing, a sign includes any banner, pennant, placard or temporary sign designed to advertise, identify or convey information or any portable or relocatable sign but sign does not include window displays and flags or emblems of patriotic, civic, educational, religious organizations or private clubs.
- k) "third party advertising" means a sign erected on or at a business premise (excluding farmland) intended to advertise a business that is conducted at another location.
- l) "two side sign" means a sign erected in a "V" shape designed to be seen from both directions but shall not mean a back lit sign visible from both directions.

SECTION 3 – PROHIBITIONS

- 3.1 No person shall place, erect, display or use any sign within the County road allowance.
- 3.2 No person shall place, erect, display or use any sign within 400 metres (1,312 ft.) of the road allowance of any road under the jurisdiction of the County of Peterborough, unless such person has obtained a permit to do so from with the Road Authority.
- 3.3 Notwithstanding Paragraph 3.1 of Section 3 of this By-law, signs may be erected within the road allowance of any road under the jurisdiction of the County of Peterborough identified as being in the Bush Country area and in accordance with the conditions set out in Section 4 - Bush Country.

- 3.4 No third party advertising shall be permitted anywhere within the County road allowance. .
- 3.5 Notwithstanding Paragraph 3.1 of Section 3 of this By-law, election signs measuring not more than 0.3716 square metres (6 square feet) may be placed upon the County road allowance in accordance with the provisions set out in Paragraph 6.1 (j) of Section 6 – Exempted Signs.
- 3.6 Signs may not overhang a County road allowance except for those erected in accordance with Section 4 – Bush Country and those located in urban areas as prescribed in Section 7 – Urban and Built-up Areas.
- 3.7 No sign shall be placed in such a way that, in the opinion of the Road Authority, it interferes with the safe movement of traffic i.e.: obstruction of sight lines at intersections, at changes in road alignment or road grade, or snow removal operations.
- 3.8 The prohibitions hereinbefore contained shall not extend to or affect the right of the Road Authority to place, erect, alter or display any sign on the road allowance or within 400 metres (1,312 ft.) of the road allowance of any road under the jurisdiction of the County of Peterborough.

SECTION 4 – BUSH COUNTRY

- 4.1 Signs may be erected within the road allowance of any road under the jurisdiction of the County of Peterborough identified as being in Bush Country subject to the following conditions:
- a) All signs erected shall be placed as close to the fence line as possible.
 - b) No signs will be allowed to be erected between the edge of the pavement and the centre-line of the ditch or in such a manner as to impede drainage.
 - c) Any person wishing to erect a sign on the County Road allowance shall enter into an agreement with the County, said agreement to include but not be limited to the following:
 - i) Provisions for the removal of said sign at their cost within 15 days of receiving written notice from the Road Authority.
 - ii) Provisions for the indemnification and holding the County harmless from all legal action that may arise as a result of the erection of said sign.
 - iii) Provisions for the maintenance of adequate insurance protection by the applicant, said proof to be provided to the County annually.
 - d) An annual fee as prescribed in Schedule “B” shall be paid to the Road Authority on or before March 15th of each year. Said fee to constitute a leasing cost for use of County property and to cover the cost of maintenance of the grounds around the sign.
 - e) The annual fee shall apply only for that calendar year in which it is issued. For applications received partially through the year the fee shall be pro-rated. The annual fee shall become renewable on March 15th in any year.

SECTION 5 - ILLUMINATION

- 5.1 Signs shall not be illuminated without first having the approval of the road authority in writing.
- 5.2 Illumination shall be limited to spot lights or back lighting. Signs shall not be illuminated with flashing or moving lights, nor shall reader boards with moving messages be permitted. Programmable reader boards are permitted provided the message appears immediately and is static for longer than 60 seconds per message.

SECTION 6 - EXEMPTED SIGNS

- 6.1 Notwithstanding any other provisions of this By-law, the following signs are exempted from the fees, permit and set back provisions of this by-law unless otherwise noted. Unless otherwise permitted, no exempted signs are permitted to be erected on the County road allowance.
- a) Street signs bearing only property numbers, street addresses, 9-1-1 emergency response addresses, mailbox numbers, estate names or names of occupants of the premises.
 - b) Directional Signs directing and guiding traffic, parking and public safety, but bearing no advertising matter (example: "entrance", "exit", "one way", etc.) subject to the following conditions:
 - i) all directional signage must obtain a permit and pay the requisite fee.
 - ii) sign may not exceed 3 square metres (32.3 sq. ft.).
 - iii) sign may not include any other information other than the name of the business, the business logo, a directional arrow or other form of pointer and a distance measure.
 - iv) sign may not be erected closer than 45 metres (150 ft.) to the intersection and no further than 100 metres (328 ft.) from the intersection.
 - c) Real estate signs not exceeding 0.5574 square metres (6 square feet) that are erected on private property to advertise the sale, rent or lease of the private property. Real Estate Signs larger than .5574 square metres (6 square feet) do not require a permit but must comply with the set-back provisions of this by-law.
 - d) "No Trespassing" signs or other such directional signs regulating the use of a property.
 - e) Memorial or commemorative signs or tablets, ground mounted or permanently attached or architecturally integrated to a building.
 - f) Signs erected by a government or municipal agency or under the direction of such agency body, and bearing no advertising such as traffic signs and signals, turtle crossing signs, railroad crossing signs, safety signs and signs identifying public schools and facilities.
 - g) Signs erected on or over the road allowance by the Road Authority, Municipal, Provincial or Federal Governments or their agents, to assist in the promotion of Recreation and Tourism subject to approval of the Road Authority.

- h) Signs erected upon commercial and/or industrial premises which designate whether the business is "open" or "closed", providing that the total area of the sign does not exceed 0.3716 square metres (4 square feet) and the number of signs does not exceed one per business establishment.
- i) Signs erected on a building face or roof that advertises the commercial operation being undertaken at that location. No third party advertising signs are permitted on buildings.
- j) Election proclamations or notices under any legislation pertaining to elections or any voters list under a statute in that behalf, and election signs on private property during any election campaign; all such signs are to be removed within one week after event. Election signs not exceeding .5574 square metres (6 sq. ft.) are permitted within the road allowance; however, they shall be erected as close to the fence line as practicable and shall not be erected between the edge of the pavement and the centre-line of the ditch. Election signs shall not be erected within 45 metres (150 ft.) of an intersection.
- k) Signs that are used in conjunction with special events that are sponsored by patriotic, religious or charitable organizations. All such signs to be removed within one week of the conclusion of the special event.
- l) Signs that are used to advertise the sale of fresh farm products provided the total area of the sign does not exceed 1.5 square metres (16 sq. ft.).
- m) Signs erected on own premises to advertise a business conducted upon said premises. Said signs are subject to the set-back provisions of this by-law as set out in Schedule "C" attached hereto and forming part of this by-law

SECTION 7 – URBAN AND BUILT-UP AREAS

- 7.1 All signs erected in urban or built-up areas where the posted speed limit is 50 kilometres per hour or less are exempted from the provisions of this by-law, save and except the following:
- a) All signs, including portable or re-locatable signs, erected along the County road allowance must be in compliance with the by-laws or policies of the local municipality.
 - b) The owner of any sign over-hanging or encroaching onto the road allowance must obtain an encroachment agreement from the County of Peterborough and agree to hold the County harmless from all actions arising out of the use of said sign.
 - c) An application for an encroachment agreement shall be made to the Director of Public Works.

SECTION 8 – SIGN PERMIT

- 8.1 All persons seeking a permit under Paragraph 3.2 of Section 3 of this By-law shall submit a written application for such permit to the Corporation of the County of Peterborough together with:
- a) plans of the sign or signs to be erected depicting:

- i) the dimensions and height of the sign; and
 - ii) the colours used on the sign; and
 - iii) the message or wording displayed; and
 - iv) the method and extent of illumination of the sign; and
 - v) the structure upon which the sign is to be affixed and the method by which the sign is to be affixed to such structure or the mobile conveyance which is to support a portable sign;
- b) a plan depicting:
- i) the shape and dimensions of the lands on which the sign is to be erected;
 - ii) the location of the sign relative to the property line and any buildings or structures situated on said lands;
 - iii) the position, height and dimensions of all existing signs on the said premises and the proposed sign;
- c) an agreement executed by the applicant, by the owner of the sign and by the owner of the lands on which the sign will be situated stating that all such persons shall hold harmless and indemnify the Corporation of the County of Peterborough from any and all claims arising from negligence in or nuisance caused by the erection or maintenance of the sign;
- d) the applicable fee set out in Schedule "B" which is annexed hereto and forms part of this By-law.

8.2 Where a proposed sign conforms in all respects with the provisions of this By-law, the Ontario Building Code and all other applicable By-laws and legislation, the Road Authority shall issue a permit.

8.3 If, upon inspection, it is apparent that a person:

- a) has erected, displayed or used a sign without first having obtained a permit to do so; or
- b) has erected, displayed or used a sign that does not conform in all respects with the application and supporting material furnished in order to obtain a permit for the sign; or
- c) has erected, displayed or used a sign that constitutes a danger to the public or that interferes with vehicular traffic; or
- d) has erected, displayed or used a sign that fails to conform to the provisions of this By-law, the Ontario Building Code and all other applicable By-laws and legislation, the Road Authority may:
 - i) require such person to make such alterations to the sign or to its supporting structure or to the mobile conveyance to which this sign is attached as are required to bring the sign into conformity with the application, applicable By-laws and applicable legislation; or
 - ii) give written notice to such person requiring such person to remove such sign within a period of seven (7) days; or
 - iii) authorize the sign to be dismantled and removed at such person's expense.
- e) The cost of such removal may be recovered by action as a debt or may be collected in the same manner as municipal taxes on real property upon the

County making application to the local municipality in which the property is situate.

- 8.5 Where any approved sign is to be moved from one location to another, a permit shall be obtained for the new proposed location and the applicant for the permit shall comply with the provisions of this by-law.

SECTION 9 – SIGN MAINTENANCE

- 9.1 Where a permit is issued, the onus shall be on the owner to maintain the sign in good structural condition and in neat and presentable condition.
- 9.2 Signs shall be painted and kept in proper repair. If, in the opinion of the Road Authority, any sign or signs are not kept in a proper condition, the owner shall repair, repaint or remove them within thirty days of having received a written request from the Road Authority.

SECTION 10 – SIGN HEIGHT, SIZE AND LOCATION

- 10.1 No sign for which a permit has been issued shall be erected, displayed, altered or repaired except in compliance with the provisions of Schedule "C" which is annexed hereto and forms part of this By-law.

SECTION 11 – MINOR VARIANCE PROCEDURE

- 11.1 A person who wishes to erect a sign that is not in accordance with this by-law may apply for a minor variance to this by-law.
- 11.2 An application for a minor variance shall be made to the Director of Public Works and shall be accompanied by the fee as set out in Schedule "B" to this by-law.
- 11.3 In the event that the Director of Public Works is in agreement that the variance is indeed minor, he/she may approve the variance and issue the permit.
- 11.4 In the event that the Director of Public Works does not agree that the variance requested is minor, the applicant may request that the matter be referred to County Council or a Committee of County Council.
- 11.5 In rendering its decision regarding the application, Council or Committee shall give consideration as to whether the relief being requested is truly minor in nature and shall apply the principles as set out in the purpose section of this by-law namely:
- a) traffic safety.
 - b) aesthetics.
 - c) the need for commerce to advertise.

Council shall have due regard to the circumstances surrounding the request and the precedent that granting or denying the request may have on future applications.

SECTION 12 – PENALTY AND EFFECTIVE DATE

- 12.1 Any person violating any provision of this By-law shall be guilty of an offence and shall be liable upon conviction to a penalty not exceeding ONE THOUSAND DOLLARS (\$1,000.00), exclusive of costs, at the discretion of the Magistrate or Justice of the Peace. Any such penalty shall be recoverable pursuant to the provisions of the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended from time to time. In addition to any other remedy and to any penalty imposed by this By-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted pursuant to the provisions of Section 429 of the Municipal Act, 2006, c. 32, Schedule A, s. 184, as amended from time to time.
- 12.2 If any section of this By-law is for any reason held to be invalid, the remaining sections shall remain in effect until repealed.
- 12.3 By-law No. 71-1999, being a by-law to regulate the placing, erecting or altering of signs upon or adjacent to County Roads, passed by County Council on the 3rd day of December, 1999 be and it is hereby repealed.
- 12.4 If any provision of this By-law is in conflict with other previous By-law provisions, the provisions of this By-law shall prevail.
- 12.5 The provisions of this By-law shall take effect upon the date of passing hereof.

SECTION 13 - LEGAL NON-CONFORMING

- 13.1 Any permanent sign that was lawfully erected on the day this By-law comes into force but which would no longer comply with the provisions of this by-law is continued as a Legal Non-conforming sign.
- 13.2 Routine maintenance such as painting and minor repairs will not be deemed to affect the legal non-conforming nature of a sign.
- 13.3 Any change in the size of the sign, the structure upon which it is erected or the nature of the illumination will constitute a new sign which must then conform to the provisions of this by-law.

READ A FIRST, SECOND AND THIRD TIME AND PASSED IN OPEN COUNCIL THIS 1ST DAY OF AUGUST, 2007.

Ronald Gerow, Warden

Lynn Clark, Clerk

SCHEDULE “A”

COUNTY ROADS IN BUSH COUNTRY

County Road	Description
37	County Road 16 to County Road 23/36
36	Hwy. 28 to Bobcaygeon
504	Hwy. 28 to County Road 620 at Glen Alda
507	County Road 36 to the Peterborough/Haliburton County boundary
620	Hwy. 28 to County Road 504 at Glen Alda
46	County Road 44 north
54	County Road 620 east
49	Bobcaygeon to County Road 121
503	Kinmount east
121	County Road 649 to Kinmount
44	County Road 46 north
47	County Road 46 to County Road 44
56	Hwy 28 to County Road 6
52	County Road 504 south
23	County Road 37 south to the south side of bridge in Buckhorn

SCHEDULE "B"

FEES

1. An administrative application fee of \$150.00 for each sign permit shall be paid to the road authority at the time of application, said fee being returnable in case of a refusal. A two sided sign shall be considered as one permit, however the application fee shall be \$200.00.
2. An annual fee of \$100.00 shall be paid to the road authority for each sign located on the road allowance in Bush Country upon application and by the 15th day of March every year thereafter.
3. An administrative fee of \$100.00 for each application for a Minor Variance under the provisions of this by-law, said fee is non-refundable.
4. An annual fee of \$100.00 for all portable signs shall be payable on upon application and by the 15th day of March in each year thereafter. Portable signs erected by registered charities and non-profit organizations are exempt from the annual fee provided said sign is not erected for longer than 30 days.

SCHEDULE "C"

SIGN HEIGHT, SIZE AND LOCATION REQUIREMENTS

1. The length of a sign shall not exceed 15 metres (49 ft.) and it shall not be more than 8 metres (26 ft.) high measured from the ground and the bottom shall not be less than 1 metre (3.3 ft.) off the ground.
2. Signs greater than 60.39 square metres (650 sq. ft.) will not be permitted within 400 metres (1,312 ft.) of the road allowance.
3. Signs greater than 5.9 square metres (64 sq. ft.) will not be permitted on the road allowance in Bush Country.
4. Signs located on the business premise of the applicant shall not be erected closer to the property line of the road allowance than is shown in the following table:

Sign size	Height off Ground	Minimum distance from property line
0 to 4 sq. m. (0 to 43 sq. ft.)	2 metres (6.56 ft.)	0 metres
4 sq. m. to 8 sq. m. (43 sq. ft. to 86 sq. ft.)	1 metre (3.28 ft.)	3 metres (9.84 ft.)
8 sq. m. to 11.9 sq. m. (86 sq. ft. to 128 sq. ft.)	1 metre (3.28 ft.)	23 metres (75 ft.)
11.9 sq. m. to 18.6 sq. m. (128 sq. ft. to 200 sq. ft.)	1 metre (3.28 ft.)	30 metres (98.4 ft.)
18.6 sq. m. to 30.19 sq. m. (200 sq. ft. to 325 sq. ft.)	1 metre (3.28 ft.)	46 metres (150 ft.)
30.19 sq. m. to 60.39 sq. m. (325 sq. ft. to 650 sq. ft.)	1 metre (3.28 ft.)	84 metres (275 ft.)

5. Signs located on a private property other than business premise of the applicant shall not be erected closer to the property line of the road allowance than is shown in the following table:

Sign size	Height off Ground	Minimum distance from property line
0 to 5.9 sq. m (0 to 64 sq. ft.)	1 metre (3.28 ft.)	15 metres (49.2 ft.)
5.9 sq. m. to 11.9 sq. m. (64 sq. ft. to 128 sq. ft.)	1 metre (3.28 ft.)	23 metres (75 ft.)
11.9 sq. m. to 18.6 sq. m. (128 sq. ft. to 200 sq. ft.)	1 metre (3.28 ft.)	30 metres (98.4 ft.)
18.6 sq. m. to 30.19 sq. m. (200 sq. ft. to 325 sq. ft.)	1 metre (3.28 ft.)	46 metres (150 ft.)
30.19 sq. m. to 60.39 sq. m. (325 sq. ft. to 650 sq. ft.)	1 metre (3.28 ft.)	84 metres (275 ft.)

6. All signs shall be erected on a firm foundation firmly secured into or on the ground to the satisfaction of the Director of Public Works.

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7. Signs on property other than business premise shall not be erected closer than 300 metres (984 ft.) to each other.
8. Signs shall not be erected within 91 metres (298 ft.) of the limit of a road or railway that intersects a County Road.
9. Every sign shall show thereon the name of either the person or owner of the sign responsible for the erection and maintenance thereof and for the payment of fees.