

Memo

Infrastructure Services Department

To: Sign By-law Working Committee
From: Peter Nielsen
Date: August 27, 2019
Re: Signs on Private Property – By-Law and Building Code Enforcement -
Revised

Background

The Sign By-law Working Committee (Committee) has been reviewing the scope of by-law enforcement activities performed by the County on private property in relation to County Sign By-law 2007-55 (By-law).

It is recognized that the County does not have a by-law enforcement officer on staff and that enforcement of the By-law on private property is not occurring.

The option of eliminating the components of the By-law related to administration of third-party advertising signs on private property adjacent to County roads was considered by the Committee.

Elimination of this section would establish the scope of By-law to apply to County road allowances only.

For the installation of third-party advertising signs on private properties, lower tier municipalities would need to determine their interest in regulating signs installed on private property.

Several mechanisms that are already in place at the lower tier municipalities were identified to the Committee that would support the administration and enforcement of third-party advertising signs on private property.

Research related to the requirements of the Professional Engineers Act in relation to signs installed on private property identified that signs exceeding 1.8 metres in height require the design and review by a Professional Engineer.

Discussion on this topic ensued and, at the June 19, 2019, meeting, the following motion was endorsed by the Committee:

That the Committee recommends that the enforcement of the Peterborough County Sign By-law on County Roads remain with the County of Peterborough and that there be further investigation into private properties signage on County Roads in consultation with the lower-tier municipalities.

Analysis

The Committee recognized that there is currently no by-law enforcement in place at the County to enforce provisions of the County Sign By-law for signs on private property.

County staff do not have the authority required to enter onto private properties for by-law enforcement and administration purposes of the Provincial Offences Act.

It was identified that County staff maintain the authority to regulate any installations on County property.

In the memo dated May 23, 2019, concerning Sign By-law Enforcement Costs, staff highlighted Section 3.2 of County Sign By-law 2007-55 (By-law) that includes the following prohibitions:

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.

The cost analysis presented in the May 23, 2019, memo identified that an increase in the annual fee collected (\$100.00 to \$493.00) through the issuance of Bush Country Sign permits on County roadways would be sufficient to allow for the hiring of a 0.5 full-time equivalent By-law Enforcement Officer (or contract).

Signs of Private Property - Building Permit Requirements

County Sign By-law 2007-55 Section 8.2 notes that:

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.

Reference may be made to Attachment 1 – Region of Waterloo Building Officials, being interpretation of provisions of the Professional Engineers Act related to the design and review of free standing/ground mounted signs exceeding 1.8 metres in height.

As free standing/ground mounted signs must be designed in conformance with the provisions of 4.1.1.4.(1) of Div. B of the Ontario Building Code, it is demonstrated that issuance of a building permit may be considered by municipalities in support of the installation of a sign greater than 1.8 metres in height.

As noted in the attached communication prepared by Brian Raymond, Chief Building Official with the Municipality of Trent Lakes (Attachment 2), many municipalities use the determination for Architect/Engineer outlined in the Building Code as the criteria to require a building permit in addition to a regular sign permit for signs on private property.

For signs installed on County property, the County accepts the design of signs submitted by an applicant as part of a sign permit application.

Signs on Private Property - Municipal Property Tax Assessment

For signs installed on private properties, issuance of a building permit authorizes the installation of a permanent structure on real property that is placed on the land for the foreseeable future and is affixed to the ground.

The ability to assess the net impact of a private sign on the assessed value of a private property is to be determined (ie. increased property assessment).

Signs on Private Property - Income Generated by Private Signs

The Income Tax Act requires that all income generated through the exchange of goods and services is reported to the Canada Revenue Agency (CRA).

The installation of a third-party owned sign on a private property has the potential to generate income for the owner of the private property and that income is required to be reported to the CRA.

Summary

The Committee has been discussing the administration and regulation of third-party advertising signage on private properties located within 400 metres of the County road allowance as provided under the County Sign By-law.

The Committee recognized that there is currently no by-law enforcement support in place at the County of Peterborough to enforce provisions of the County Sign By-law.

County staff do not have the authority required when entering onto private properties for by-law enforcement and administration purposes of the Provincial Offences Act.

The Committee has considered increasing Bush Country Sign fees that cross-subsidize by-law enforcement in order to generate sufficient revenue to allow the County to engage by-law enforcement support of third-party advertising signage on private properties.

Should it be determined that a building permit is to be issued for signs installed on private property, it is noted that there is currently no Ontario Building Code enforcement support in place at the County of Peterborough nor staff properly trained to carry out related duties.

It is acknowledged that lower tier municipalities currently have in place professional by-law and Ontario Building Code enforcement staff.

Should the County engage a building official and by-law enforcement officer to regulate activities on private lands, this would potentially represent a duplication of services offered by the County and the lower tier municipalities.

In the memo dated May 23, 2019, it was demonstrated to the Committee that lower tier municipalities currently have Municipal Sign By-laws, Property Standards By-laws and Site Plan control that may be utilized to regulate the installation of signs on private properties as a local municipal interest.

Recommendation

The following recommendation has been drafted for the consideration of the Committee:

That the County of Peterborough refers the matter of the installation of third-party advertising signs on private properties to lower tier municipalities for consultation, with consideration of the following topics:

- Setback distance of signs to be installed on private property from the property limit of the County road allowance in high-speed zones;
- Regulation of signs installed on private property along County roadways within built-up (hamlet) areas with 50km/hr zones;
- Overall regulation of all signs installed on private property along County and lower tier municipal roadways.

Attachment 1 - Region of Waterloo Building Officials

WR CBOC Waterloo Region Chief Building Officials Committee	
WRCBOC Interpretation	File No: 003
Interpretation Date:	April 24 2018
Building Code Edition:	O.Reg 332/12
Subject:	Sign permit administration
Keywords:	Signs, Professional Design and Review,
Building Code Reference:	BCA 8.(2)(b.1), 3.15.3.1.(1), Div.B 4.1.1.4(1), Div.C 1.2.1.2(6), Div.C 1.2.2.1(B)
Question: Who is responsible to design signs under Part 4 as required by sentence 3.15.3.1.(1) of Div. B. where a Professional Engineer or Architect is not specified in the building code? As qualified designers are not required for signs as per clauses 3.2.4.1.(3)(g) & 3.2.5.1.(2)(f) of Div. C., how is compliance with sentence 4.1.1.4.(1) of Div. B demonstrated to a building official? (Note that the majority of municipalities in Ontario do not have Professional Engineers on staff to review these designs). Also, many signs that are lower in height and lighter in weight than the limits defined in Div. C, fall within the definition of "practice of professional engineering" in the Professional Engineers Act. How can CBO's allow a permit to be issued for these signs not designed by a professional engineer considering section 8.(2)(b.1) of the BC Act?	
to promote the uniform administration of building standards <small>City of Cambridge, City of Guelph, Township of Guelph/Eramosa, Town of Erin, City of Kitchener, City of Stratford, City of Waterloo, Township of Centre-Wellington, Township of North Dumfries, Township of Wellesley, Township of Wilmot, Township of Woolwich</small>	

Interpretation:

As signs that are less than the weight and height limits defined in Div. C for prescribed design and review by a professional engineer fall within the definition of "practice of professional engineering" in the Professional Engineers Act, and must be designed in conformance with the provisions of 4.1.1.4.(1) of Div., the requirement of design and review by a professional engineer will be required for fascia signs with a weight exceeding 25 kg, and free standing/ground signs exceeding 1.8 m in height.

Attachment 2 – communication Brian Raymond, C Building Official with the Municipality of Trent Lakes

Nielsen, Peter

From: Brian Raymond <BRaymond@trentlakes.ca>
Sent: Monday, August 19, 2019 1:50 PM
To: Wrightly, Heather; Alana Solman; Alyssa Cook; Bev Matthews; Brian Grattan; Gamet Northey; Nielsen, Peter; O'Grady, Martin; Ron Gerow; Graham, Sheridan; Sherry Boyce-Found; Tedd Bell; Tracie Bertrand
Subject: RE: Bush Country Sign Meeting Materials

All,

For clarification, the included attachment 1 does not provide interpretation on whether a free-standing sign requires a building permit, it is specific to the requirements for an Architect/Engineer and the apparent inconsistency between the Building Code Act and the Engineer's Act.

The relevant sections from the Act & Code pertaining to building permits for free-standing signs are:

Building Code Act:

1 (1) In this Act,

"building" means,

- (a) a structure occupying an area greater than ten square metres consisting of a wall, roof and floor or any of them or a structural system serving the function thereof including all plumbing, works, fixtures and service systems appurtenant thereto,
- (b) a structure occupying an area of ten square metres or less that contains plumbing, including the plumbing appurtenant thereto,
- (c) plumbing not located in a structure,
- (c.1) a sewage system, or
- (d) structures designated in the building code;**

8 (1) **No person shall construct or demolish a building** or cause a building to be constructed or demolished **unless a permit has been issued** therefor by the chief building official. 1992, c. 23, s. 8 (1); 1997, c. 30, Sched. B, s. 7 (1).

Ontario Building Code:

[Div. A] 1.3.1.1. Designated Structures

(1) The following structures are designated for the purposes of clause (d) of the definition of building in subsection 1 (1) of the Act:

- (e) signs regulated by Section 3.15. of Division B that are not structurally supported by a building,**

[Div. A] Section 3.15. Signs

3.15.1.1. Application

1) Except as provided otherwise in Article 3.15.1.2. this Section shall apply to the erection of all signs.

3.15.1.2. Exceptions

(1) The following signs shall not be subject to the provisions of this Section,

- (a) signs for regulating traffic or similar devices, legal notices or warnings at railroad crossings,
- (b) signs in display windows including writing, representation, painting or lettering directly on the surface of any window or door, or other signs not affixed to the *building* interior,
- (c) small signs displayed for the direction of the public including signs that identify rest rooms, freight entrances and such other similar directional signs,
- (d) signs painted directly on a *building*, and
- (e) incidental signs or other signs subject to municipal approval.**

Therefore it is up to the individual Municipality to review the sign under the Sign By-law process and/or through the Building Code process. From experience many municipalities use the determination for Architect/Engineer outlined in the Building Code as the criteria to require a building permit in addition to a regular sign permit.

[Div C] 1.2.2.1. General Review by Architect or Professional Engineer

(8) The *construction* of a sign structure shall be reviewed by an *architect* or a *professional engineer* or a combination of both, where the sign is,

- (a) a ground sign that exceeds 7.5 m in height above the adjacent finished ground,**
- (b) a projecting sign that weighs more than 115 kg, or
- (c) a roof sign that has any face that is more than 10 m².

(9) The *construction* of a projecting sign attached in any manner to a parapet wall shall be reviewed by an *architect*, *professional engineer* or a combination of both.

See you at the meeting,

Brian Raymond
Chief Building Official
Municipality of Trent Lakes
760 Peterborough County Road 36
Trent Lakes, ON, K0M 1A0
Phone: 705-738-3800 Ext. 225
braymond@trentlakes.ca

From: Wrightly, Heather [mailto:HWrightly@ptbocounty.ca]

Sent: August-19-19 12:39 PM

To: Alana Solman <a.solman@northkawartha.on.ca>; Alyssa Cook <alyssa@apsleyroofing.com>; Bev Matthews <lastresortbobcaygeon@gmail.com>; Brian Grattan <BGrattan@hbmtwp.ca>; Brian Raymond <BRaymond@trentlakes.ca>; Garnet Northey <garnet@spotlighthomeandlifestyle.com>; Nielsen, Peter

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Bell <bellsigns@sympatico.ca>; Tracie Bertrand <TBertrand@peterboroughed.ca>
Subject: Bush Country Sign Meeting Materials

Hello,

The agenda for the upcoming committee meeting (Wednesday, August 21st) is now available on our website at www.ptbocounty.ca/signbylaw. In preparation of Mr. Nielsen's update regarding signs on private property (item 4.a), please find attached a Memo from Mr. Nielsen.

As a reminder, the meeting is scheduled for:

Wednesday, August 21st, 2019
12:00pm
County Court House, Committee Room.

Thank you,

Heather Wrightly
Corporate Projects & Services
Peterborough County
705-743-0380 x2501