

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 91-2015

Being a by-law to regulate Portable Signs within the Town of Kingsville

WHEREAS section 11(3)7 of the *Municipal Act, 2001*, S.O. 2001, c. 25 as amended provides that a municipality may pass By-laws respecting signs;

AND WHEREAS the Council of the Corporation of the Town of Kingsville deems it expedient to regulate Portable Signs in the Town of Kingsville while recognizing the need to communicate information of interest to the general public;

NOW THEREFORE THE COUNCIL FOR THE CORPORATION OF THE TOWN OF KINGSVILLE ENACTS AS FOLLOWS:

Definitions

1. The following words shall have the following meanings in this By-law:
 - a) "Community Group" shall mean a not - for - profit organization which is listed with the Town as a social organization.
 - b) "Director of Corporate Services" shall mean the Director of Corporate Services of the Town.
 - c) "Driveway" shall mean a public or private laneway, right -of -way, or any other form of lane intended for the passage of vehicular traffic.
 - d) "Order" shall mean an order made under section 11 of this By-law.
 - e) "person" shall mean an individual, firm, corporation, association or partnership.
 - f) "Permit" means a permit issued by the Director of Corporate Services or his or her designate, pursuant to the provisions of this By-law.
 - g) "Permit Holder" means the person or individual responsible for the installation and /or maintenance of the portable sign.
 - h) "Plans" shall mean the plans submitted in accordance with section 4(d) of this By-law.
 - i) "Property" shall mean the lands upon which a Portable Sign is located or proposed to be located.
 - j) "Portable Sign" shall mean any advertising device;
 - i. Used to convey information and to attract the attention of the public by means of letters, numerals, symbols, characters, logo, colours, designs, textures or objects;
 - ii. That they can be easily moved from place to place and which may be constructed with or without wheels and includes an advertising device mounted on a trailer;
 - iii. That has any side with an area greater than 9 square feet; and
 - iv. Is not included on a site plan approved by the Town.
 - k) "Registered Charity" shall mean a charitable organization that has been issued a charitable registration number by the Canada Revenue Agency.
 - l) "Road Allowance" shall mean that portion of land allowed for a highway established by an Act, Regulation or By-law.

- m) "Site Visibility Triangle" shall mean the triangular space at intersecting streets or driveways, which triangular space shall be measured at a distance of not less than 9.1 m (30 ft.) in both directions from the point of intersection measured along the lot line formed between a street or driveway. Where the intersection is formed between a street and driveway the distance shall be measured along the intersecting lot line and edge of the driveway. (for clarification see Appendix "A ")
- n) "Site Plan" shall mean a document, including associated drawings, reviewed and approved by the Town. Said site plan shall be registered on the title of a property or properties and must include all buildings and structures to be erected and the location of all above ground facilities and works to be provided in conjunction with said buildings and structures.
- o) "Town" shall mean The Corporation of the Town of Kingsville.

Scope

- 2. All Portable Signs erected, placed, or displayed with a Permit shall be erected, placed, or displayed in accordance with the provisions of this By-law.

Permit

- 3. No person shall erect, place, display, or cause to be erected, placed or displayed any Portable Sign on any Property within the geographical boundaries of the Town without a Permit, issued pursuant to this By-law.
- 4. A person shall obtain a Permit application from the Director of Corporate Services by submitting the required application and supporting documents.
- 5. The person applying for the Permit is responsible to ensure that the Portable Sign and its placement complies with all other relevant laws, regulations or policies of other entities with jurisdiction over adjacent road allowances.
- 6. The fee for the issuance of a Permit shall be as established by the Town Fees and Charges By-law, which fee shall be non-refundable.
- 7. A Permit shall be valid for a thirty (30) day period.
- 8. No person shall erect, place, or display a portable sign for a time period exceeding sixty (60) days in a calendar year.
- 9. A Permit shall not be issued to a person if a Permit has been issued to that person in the previous sixty (60) days.
- 10.
 - a. In addition to all other requirements of this by-law any Property with frontage on a County Road may be subject to additional permitting requirements from the County of Essex. If a permit is required from the County, that permit must be submitted with the Permit application.
 - b. In addition to all other requirements of this by-law any property with frontage on a Provincial Highway and within the Ministry of Transportation's (MTO) Permit Control Area will be required to obtain the necessary MTO permits in conjunction with the Town Permit and provide a copy of the MTO permit to the Director of Corporate Services.

Specifications

- 11.A Portable Sign shall:

- a. Display the name, address & telephone number of the owner of the Portable Sign;
- b. Only be located in a commercial, industrial, institutional or agricultural zone;
- c. Not have any side with an area greater than 3.7 sq. m (40 sq. ft.);
- d. Not exceed 2.4 m (8 ft.) in height measured from ground level to the top of the Portable Sign;
- e. Not display a message or advertisement in respect of any person, business, activity or event or thing which is located, carried on, taking place, scheduled or proposed to take place outside of the geographic boundaries of the Town;
- f. Not be illuminated in any way;
- g. Not be located on a vacant lot;
- h. Not be located within a Site Visibility Triangle;
- i. Not be located within 20 m (66 ft.) of another Portable or Permanent Sign regardless of location;
- j. Notwithstanding section 11(i) a property with more than 60 m (200 ft.) of frontage shall be limited to a maximum of 2 portable signs;
- k. Be wholly located on private property;
- l. Be located no closer than a distance equal to the width of the proposed sign from any property line, i.e. a sign 1.8 m (6 ft.) wide must be located a minimum of 1.8 m (6 ft.) from any property line;
- m. Not be located in any parking space that is required pursuant to the Town's Comprehensive Zoning By-law;
- n. Not be located in a parking aisle or laneway;
- o. Not interfere in anyway with vehicular or pedestrian traffic;
- p. Not create a safety hazard of any kind; and
- q. Display a valid Permit decal in the upper right -hand corner of the sign;

Maintenance

12. The Permit Holder shall be responsible for all maintenance associated with the Portable Sign, which maintenance shall include:
 - a. the sign message;
 - b. the structural supports and message board;
 - c. the general overall appearance of the sign;
 - d. the general area within the sign's footprint including maintenance of grass and removal of weeds and or debris.

Enforcement and Penalty

13. An employee or agent of the Town may enter on land of any person at any reasonable time for the purpose of carrying out an inspection to determine whether or not:
 - a. Any provision of this By-law is being complied with; or
 - b. An Order made pursuant to this By-law has been complied with.

14. Where a contravention of this By-law occurs, the Director of Corporate Services or his or her designate, may issue an Order, which Order shall state:

- a. The particulars of the contravention;
- b. Location of the Property on which the contravention occurred;
- c. The work to be done to correct the contravention;
- d. The date by which the contravention is to be corrected; and
- e. That in the event the contravention is not corrected as required by the Order the Director of Corporate Services may cause the Portable Sign to be removed and disposed of.

15. An Order made under Section 14 shall be served upon the following persons as the case may be:

- a. The Permit Holder to whom a Permit was issued;
- b. The owner and any occupant of the Property upon which the Portable Sign is located; and
- c. The owner of the Portable Sign.

16. Service of such Order shall be by way of regular or registered mail and shall be effective 5 days following the date of mailing.

17. If the contravention of this By-law is not corrected in accordance with the Order, or if a Portable Sign is located wholly or partly on a Road Allowance or is a hazard to public safety, the Director of Corporate Services may cause an employee or agent of the Town to enter upon the Property and correct the contravention, which correction may include the removal and disposal of the Portable Sign.

18. The Town may recover the costs of correcting the contravention of this By-law from any person upon whom an Order was served by adding the costs to the tax roll of that person's property and collecting them in the same manner as property taxes, or may be recovered as a debt owed by the owner of the Portable Sign.

19. The costs and charges incurred by the Town for removal, care and storage of the Portable Sign are a lien on the Portable Sign and such disposal and enforcement may be undertaken pursuant to the provisions of the *Repair and Storage Liens Act* R.S.O. 1990 c. R. 25.

20. Every person who contravenes any provision of this By-law is guilty of an offence and shall upon conviction thereof, be liable to a fine of not more than \$5,000, which fine is recoverable pursuant to the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, as amended.

Variance

21. Notwithstanding any other provisions of this by-law to the contrary, a property owner may submit a written request to the Director of Corporate Services to have the Chief Building Official and Manager of Planning & Development Services review and consider relief from one or more sections of this by-law if, in the opinion, of the Chief Building Official and Manager of Planning & Development Services the property owner can demonstrate that the application of one or more of the provisions of this by-law will create an undue hardship.

General

22. This By-law shall not be applicable to the Town.
23. A Community Group or a Registered Charity shall be permitted to locate a sign on property within the boundaries of the Town without payment of the required permit fee, if the Portable Sign:
- a. Displays a message or advertisement in respect of an activity, event or thing which is carried on, taking place or scheduled or proposed to take place by the Community Group or Registered Charity;
 - b. Is advertising an activity, event or thing located, carried on, taking place or scheduled or proposed to take place within the boundaries of the Town;
 - c. Complies with Section 11 of this by-law with the exception of Section 11 (g), and;
 - d. Has been reviewed and a permit issued by the Director of Corporate Services.
24. If any court finds that any provision of this By-law is ultra vires or invalid such provision shall be deemed to be severable and shall not invalidate any other provisions of this By-law which shall remain in full force and effect.
25. If any portion of this By-law is found to be in conflict with any other provision of any other by-law of the Town, the provision which establishes the higher standard or greatest restriction shall prevail.
26. This By-law comes into force and effect on the 14th day of September, 2015. Notwithstanding the foregoing, in accordance with section 99 of the *Municipal Act, 2001*, this By-law does not apply to a Portable Sign that was lawfully erected or displayed pursuant to By-law 131-2010 on the day this By-law comes into force if the Portable Sign is not substantially altered or relocated.
27. This by-law may be cited as the "By-law to regulate Portable Signs within the Town of Kingsville."
28. By-law 131-2010 being a By-law to regulate Portable Signs in areas not zoned commercial and to prohibit portable signs on road allowances with the Town of Kingsville is repealed.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS
14th DAY OF SEPTEMBER, 2015.**

MAYOR, Nelson Santos

CLERK, Jennifer Astrologo