

# CORPORATION OF THE MUNICIPALITY OF TWEED

## BY-LAW NO. 2005-41

Being a By-Law to regulate the erection, display, alteration and use of signs within the Municipality of Tweed.

WHEREAS Section 99 of the Municipal Act, 2001 provides that a municipality may pass a by-law respecting advertising devices, including signs;

AND WHEREAS Section 99 of the Municipal Act, 2001 sets out the provisions for passing a by-law respecting advertising devices and signs, including the giving of notice of the passing of such by-law;

AND WHEREAS the Council of the Corporation of the Municipality of Tweed deems it expedient to pass such by-law and has given public notice of such;

NOW THEREFORE the Council of the Corporation of the Municipality of Tweed enacts as follows:

### 1. DEFINITIONS.

1.1 The following definitions shall apply for the purpose of this by-law:

- i) "Sign" shall include any banner, pennant, placard or temporary sign designed to advertise, identify or convey information, except for signs approved by the Council of the Municipality of Tweed or signs approved by law.

### 2. PLACEMENT OF SIGNS.

2.1 For the purpose of Section 2, property shall mean any municipal property and any private property in the Municipality of Tweed.

2.2 The following provisions for the placing of signs on property shall apply:

- i) No sign, including sandwich board signs, shall:
  - a) obstruct pedestrian or vehicular traffic;
  - b) obscure clear visibility of normal approaching pedestrian or vehicular traffic;
  - c) be erected or displayed so as to be, by nature of the colour, shape or location thereof, confused with any traffic control sign, signal or device, or obscure the visibility or effectiveness of any traffic control sign, signal or device;
  - d) be located within the Day Light Triangle as defined herein.

2.3 No sign shall obstruct any fire escape, fire exit, standpipe, fire hydrant and fire access route and in any case shall not be erected or displayed any closer than 3.0 metres from any fire escape, fire exit, standpipe, fire hydrant or fire access route.

### 3. CONDITION OF SIGNS.

3.1 For the purpose of Section 3, sign shall mean any sign on municipal and private property in the Municipality of Tweed.

- 3.2 The owner of any sign shall at all times keep such sign in good repair and in a proper state of preservation as to safety and appearance.
- 3.3 Where in the opinion of the By-Law Enforcement Officer any sign is in a dangerous or defective condition, the By-Law Enforcement Officer shall notify the owner of the sign, if on municipal property, or the owner of the private property on which such sign is located to remove the sign or place the sign in a proper state of repair.
- 3.4 Upon such notice the owner shall proceed to repair or remove such sign; if such sign is not repaired or removed within seven days, the By-Law Enforcement Officer shall be permitted to remove such sign.

4. SIGNS ON MUNICIPAL PROPERTY.

- 4.1 No person shall place, post or erect any sign on any property of the Corporation of the Municipality of Tweed, or on any trees, poles or posts situated on any property of the Municipality of Tweed, or of any local board thereof, without specific authority from the Council of the Corporation of the Municipality of Tweed.
- 4.2 Real estate advertising devices / signs may be displayed along municipal roads provided such signs are not attached to any tree located on municipal property, and these signs, including any auxiliary direction signs, shall be removed once the property is sold.
- 4.3 Temporary special events signs, including yard sales and trade advertising, may be displayed along municipal roads, provided such signs are not attached to any tree located on municipal property; such signs shall only be permitted for the duration of the specific event or project, and must be removed from municipal property by the owner of the sign immediately following the event.

5. SIGNS ON PRIVATE PROPERTY.

The placement of any sign on private property shall be in accordance with the provisions of the zoning and land use by-law for the Municipality of Tweed.

6. PERMIT FOR SIGNS.

- 6.1 Any person wishing to erect a sign on municipal property shall submit an application on the appropriate form to the Clerk-Treasurer of the Municipality of Tweed at the municipal office.
- 6.2 Upon receipt of an application for a sign on municipal property, the Clerk-Treasurer shall provide a report to the Council of the Municipality of Tweed who shall decide on the granting of permission for such sign.
- 6.3 Permission for placement of a sign on municipal property shall be subject to an annual permit fee in the amount of \$50.00.

7. ENFORCEMENT OF BY-LAW.

- 7.1 The following provisions for enforcement of this by-law shall apply:
  - i) Any municipal resident or landowner who is requesting enforcement of this by-law shall file a signed, written complaint with the Clerk-Treasurer of the Municipality of Tweed at the municipal office.

- ii) The written complaint must be accompanied by payment in the amount of \$25.00; this amount to be refunded to the individual who lodged the complaint, if the complaint is substantiated and action is required on the part of the Municipality.
- iii) Upon receipt of a written complaint the Clerk-Treasurer shall inform Council following which, if the authority for such sign or signs has not been provided, notice in writing will be given to any person(s) and / or company to remove such sign or signs within seven days.
- iv) If such sign or signs are not removed with seven days of the above notice the Municipality of Tweed By-Law Enforcement Officer shall be permitted to dismantle and remove such sign or signs.

7.2 The By-Law Enforcement Officer for the Municipality of Tweed may initiate enforcement of the by-law if, during the normal course of his or her duties, he or she becomes aware of any sign not in compliance with the provisions of the by-law.

8. OFFENCES AND FINES.

- 8.1 Every person who replaces a sign or signs after the Municipality of Tweed By-Law Enforcement Officer has dismantled and removed such sign or signs, or who contravenes any provision of this by-law, is guilty of an offence and upon conviction is liable to a fine as provided for under the Provincial Offences Act, and such fine shall be recoverable pursuant to the provisions of the Provincial Offences Act, R.S.O. 1990.
  - 8.2 In the event any court of competent jurisdiction should adjudge that any section or sections of this by-law are not valid for any cause, such section or sections shall be deemed severable from the remainder of the by-law and the remainder of the by-law shall stand and be enforced to the same extent as if the offending section or sections had not been included therein.
9. This by-law does not apply to a sign that was lawfully erected on the date this by-law comes into force, provided that sign is not altered or attached to any tree located on municipal property.
10. That this by-law shall come into force and take effect immediately upon the passing thereof by the Council of the Corporation of the Municipality of Tweed.

Read a first and second time this 19<sup>th</sup> day of April, 2005.

Read a third and final time, passed, signed and sealed in open Council this 19<sup>th</sup> day of April, 2005.

  
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REEVE

  
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CLERK