

BY-LAW NUMBER 22-2014

OF

THE REGIONAL MUNICIPALITY OF DURHAM

being a by-law to regulate temporary signs and banners devices on or adjacent to Regional roads;

WHEREAS the, *Municipal Act, 2001*, S.O. 2001, c. R.8 c. M.45 provides in paragraph 11(3)7. that a lower tier and upper tier municipality may pass by-laws, subject to rules set out in subsection (4) within the following spheres of jurisdiction: Structures, including fences and signs;

AND WHEREAS the *Municipal Act, 2001*, S.O. 2001, c. R.8 provides in subsection 27(1) that a municipality may pass by-laws in respect of a highway only if it has jurisdiction over the highway;

AND WHEREAS the *Municipal Act, 2001*, S.O. 2001, c. R.8 provides in section 59 that a Regional Council may by by-law prohibit or regulate the placing or erecting of any sign, notice or advertising device within 400 metres of any limit of a regional road;

AND WHEREAS it is the desire of Regional Council to provide for such prohibition or regulation of signs, notices and advertising devices.

NOW THEREFORE BE IT ENACTED AND IT IS HEREBY ENACTED as a By-law of The Regional Municipality of Durham through its Council thereof as follows:

DEFINITIONS

1.01 In this by-law,

- (a) **"Area Municipality"** for the purposes of this by-law means the Town of Ajax, the Township of Brock, the Municipality of Clarington, City of Oshawa, the City of Pickering, the Township of Scugog, the Town of Whitby, and the Township of Uxbridge ;
- (b) **"Banners"** A long strip or piece of flexible material, bearing a symbol, slogan, advertisement, etc., and suspended or attached at each end to a pole or hanging from top of a pole.
- (c) **"Commissioner of Finance"** means the Commissioner of Finance appointed by the Region or a delegate;
- (d) **"Commissioner of Works"** means the Commissioner of Works appointed by the Region or a delegate;
- (e) **"Highway"** and **"Road"** mean a common and public highway or any part thereof, and include a street, bridge and any other structure incidental thereto or any part thereof;
- (f) **"Region"** means The Regional Municipality of Durham;
- (g) **"Regional Road"** means a Road forming part of the regional road system. By virtue of the regional municipality passing a by-law to include it as part of the Regional Road system in accordance to the provisions of sections 31(2) and 52(1) of the *Municipal Act, 2001* S.O. c. 25. where an upper tier municipality may pass by-laws adding or removing roads to its Regional road system;

- (h) (i) **"Replacement Sign"** means any replacement or duplicate of a Sign created and erected, or caused to be created and erected, by the same entity responsible for the creation and erection of the sign (the Originating Sign Entity);
 - (ii) or by any other entity who, either alone or in partnership affiliated with the Originating Sign Entity, as principal, agent, shareholder, subsidiary, affiliate;
 - (iii) or in any other manner, carries on or is engaged in or concerned with or interested in, directly or indirectly, the activity or business of the Originating Sign Entity;
- (i) **"Roadway"** has the meaning ascribed thereto in subsection 1(1) of the *Highway Traffic Act*;
- (j) **"Shoulder"** means the part of a highway immediately adjacent to a Roadway and having a surface that has been improved with asphalt, concrete or gravel; and
- (k) **"Sign"** means any device, including its structure or other component parts, which is used or is capable of being used to attract attention to a specific subject matter for identification, information or advertising purposes and includes, without limiting the generality of the foregoing, all banners, banner display systems and any Replacement Sign.

PERMITTED TEMPORARY SIGNS

- 2.01 The erection, placement, maintenance or display of any Signs within the limits of a Regional Road shall be permitted subject to the following:
- (a) no person shall erect, place, maintain or display a Sign on a median, traffic island or on any official or authorized Sign erected and maintained by the Region;
 - (b) no Sign shall be located:
 - (i) closer than one (1.0) metre from the curb of a Regional Road, or, where there is no curb;
 - (ii) on the Shoulder of a Regional Road or where there is no Shoulder or the Shoulder is less than two (2.0) metres in width; and
 - (iii) within two (2.0) metres of the traveled portion of the Roadway;
 - (c) no Sign shall exceed a height of 1.2 metres above the surface of the curb, shoulder or boulevard, as the case may be, or be greater than .8 metres in width;
 - (d) no Sign shall remain in its original location, or within 500 metres of its original location, for a total of more than 72 hours (excluding statutory holidays) during any consecutive 7-day period;
 - (e) no person shall erect, maintain or display more than one Sign within 500 metres of any other Sign being used to attract attention to the same activity or business;
 - (f) each Sign shall clearly indicate the name, address and telephone number of the person, corporation or organization responsible for creating and erecting the Sign;
 - (g) no Sign shall be erected, placed, maintained or displayed on a sidewalk;

- (h) no Sign with a height greater than 0.6 metres shall be erected, placed, maintained or displayed within twenty (20) metres of the curb or the edge of the traveled portion of any intersecting Highway, private road, driveway or Regional Road; and
- (i) no person shall erect, place, maintain or display any Sign within 400 metres of any limit of a Regional Road which, by reason of its size, location, content, colouring or manner of illumination, obstructs the vision of drivers entering or leaving a Regional Road from another Highway or private road or driveway or which obstructs, detracts from or interferes with the visibility or effectiveness of any traffic sign or traffic signal light on any Regional Road.

ELECTION SIGNS

2.02 Signs erected for the purposes of an election are permitted to remain in their original location for more than 72 hours subject to the following:

- (a) The sign is erected for the purpose of promoting a candidate in a federal, provincial or municipal election, including an election of a local board or commission, or is intended to influence persons to vote for or against any candidate or any question or by-law submitted to electors under section 8 of the *Municipal Elections Act, 1996*;
- (b) All of the criteria in section 2.01 must be met with the exception of clause 2.01(d) and the requirement for municipal elections candidates to indicate their address and telephone number on election signs;
- (c) Signs for provincial or federal elections shall not be erected until the day the writ of the election is issued;
- (d) Signs for municipal elections shall not be erected until the later of:
 - a. 42 days in advance of the last polling day for the election; OR
 - b. The first date on which a local area municipal by-law permits election signs to be erected within that local area municipality;
- (e) Any person erecting a sign must have on their person at the time that the sign is being erected a copy of Schedule 'A' to this by-law which provides a list of applicable criteria and all such persons must be familiar with the criteria; and
- (f) Signs shall be removed within 48 hours of the last polling day.

ELECTION SIGNS - REMOVAL AND STORAGE CHARGES

2.03 Any election sign found to be in violation of this by-law will be removed and stored or disposed of at the expense of the candidate.

- (a) Signs found to be in violation may be removed by the Region immediately without notice;
- (b) Signs that have been removed under clause 2.03(a) will be stored for a minimum of 15 days during which time the owner of the sign may retrieve the sign by:
 - i. Paying any amounts owing to the Region under this by-law including the charges stated in 2.03(d) and 2.03(e); and
 - ii. Providing a signed acknowledgement of receipt and release in a form acceptable to the Region;

- (c) Signs that have been removed and stored for more than 15 days may be destroyed or otherwise disposed of by the Region without notice and without compensation;
- (d) The charge for the removal of a sign by the Region will be \$50.00;
- (e) The charge for the storage of a sign by the Region will be \$2.00 per day;
- (f) The charges incurred by the candidate in clauses 2.03(d) and 2.03(e) are payable to the Region within 30 days of receipt of notice of same. Any amount outstanding 30 days after such notification has been sent may be recovered from the candidate by the Region by legal action or in like manner as municipal taxes.

BANNERS

- 3.01 The Commissioner of Works may, by means of the issuance of a "banner permit", authorize the erection, placement, maintenance or display of a banner or a banner display system over any Regional Road upon such conditions as may be specified by the Commissioner of Works. In determining whether a banner permit shall be issued, the Commissioner of Works shall have regard to the conditions contained in this by-law.
- 3.02 No person shall erect, place, maintain or display a banner or a banner display system over any portion of a Regional Road unless such person is the holder of a banner permit and such erection, placement, maintenance or display is in compliance with the conditions of the banner permit.
- 3.03 An application for a banner permit shall be submitted to the Commissioner of Works together with a sketch or diagram of the proposed wording of the banner at least thirty (30) days prior to the date of the proposed installation.
- 3.04 An application for a banner permit shall be made in the name of the person or organization who is sponsoring the event, not in the name of any agent for the said person or organization.
- 3.05 Where span wires, anchors and the support system are in place permanently, year-round public liability insurance in an amount satisfactory to the Commissioner of Finance must be in place. The said insurance policy shall name the Region as co-insured.
- 3.06 Where the support system is temporary, temporary public liability insurance must be in place in an amount satisfactory to the Commissioner of Finance. The said insurance policy shall name the Region as a co-insured and shall be in place for the time required for the installation and removal of the banner and/or the support system.
- 3.07 All banners shall be approved as to content by the Area Municipal Council.
- 3.08 All banners are to be reviewed to ensure that there is no conflict in colour, content or visibility with any traffic control devices.
- 3.09 The Commissioner of Works shall have the sole discretion to determine whether or not any application meets the general conditions contained herein.

OFFENCE

- 4.01 Every person who contravenes section 2.01 or section 3.02 of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P.33. For purposes of this section, a separate violation shall be deemed to have been committed for each and every day during which any such violation continues, and conviction in respect of a violation shall not operate as a bar to further prosecution if such violation continues.

REMOVAL

- 5.01 Any Sign erected, placed, maintained or displayed in contravention of the provisions of this by-law may be removed by the Region, without notice, and the owner shall be responsible for all expenses incurred in such removal. Any Sign so removed shall be stored for fifteen (15) days, during which time the owner or his agent may redeem such Sign upon payment to the Region of the amount calculated by the Commissioner of Works to be the cost of removal (\$50.00 minimum charge per Sign). Where a Sign has been removed by the Region and stored for a period of fifteen (15) days and has not been redeemed, such Sign may be forthwith disposed of by the Region.

ENFORCEMENT

- 6.01 The provisions of this by-law may be enforced by,
- (a) a police officer pursuant to ss. 42(1)(h) of the *Police Services Act*, R.S.O. 1990, c. P.15;
 - (b) any person appointed for the purpose by a by-law of the Region; and/or
 - (c) all employees of the Region whose duties include the enforcement of this by-law.

CONFLICTS WITH AREA MUNICIPALITY BY-LAWS

- 7.01 In the event that there is a conflict between the provisions of this by-law and the provisions of any by-law of an Area Municipality, the provisions of this by-law shall prevail, provided, however, that no Area Municipality shall be prevented or hindered in any way from enforcement of those provisions of its by-law which exceed the requirements of or are more restrictive than the provisions of this by-law.

APPLICATION

- 8.01 This by-law applies to all Regional Roads and, where applicable, to Highways over which the Region does not have jurisdiction and private property.
- 8.02 Subsection 2.01 (d) of this by-law shall not apply so as to prohibit,
- (a) any Sign erected by or under the directions of a government agency;
 - (b) any Sign erected by a utility company to indicate the presence of buried cable or a construction project;
 - (c) any authorized Sign designating public hospitals, schools, libraries, community centres, arenas or other municipal uses;
 - (d) any legal public election Sign provided such Sign is erected in compliance with subsections 2.02 and 2.03;

- (e) any Sign erected, placed, maintained or displayed under the authority of the *Highway Traffic Act*, R.S.O. 1990, c. H.8, or any other act or by-law for the control or regulation of traffic; and/or
- (f) any Sign the size, location, content, colouring or manner of illumination of which is governed by an agreement entered into with the Region.

8.03 This by-law shall come into force on the date that it is approved by the Council of the Region.

VALIDITY

9.01 If any provision of this by-law is held to be or rendered invalid, unenforceable or illegal, then it shall be considered separate and severable from this by-law and the remaining provisions of this by-law shall remain in force.

REPEAL AND AMENDMENT

10.01 By-law No. 79-95, By-law No. 27-2001, By-law No. 50-2001 and By-law No. 64-2009 are hereby repealed.

10.02 Paragraph 2 of Schedule "B" of By-law Number 12-92 is hereby deleted and the following substituted therefor:

- 2. By-law Number 22-2014, a by-law to regulate temporary signs and banners on or adjacent to Regional roads.

11. Schedule 'A' attached hereto forms part of this by-law.

The By-law Read and Passed on the 2nd day of April, 2014.

R. Anderson, Regional Chair and CEO

D. Bowen, Regional Clerk

SCHEDULE 'A'

CRITERIA FOR PLACEMENT OF ELECTION SIGNS ON ROADS UNDER THE JURISDICTION OF THE REGIONAL MUNICIPALITY OF DURHAM

- 1. SIGNS SHALL NOT BE PLACED in the following locations:**
 - a. On any roadway median**
 - b. On any traffic island**
 - c. On any road shoulder**
 - d. On any sidewalk**
 - e. On any post, pole or support already containing an official or authorized sign erected by the Region**
 - f. Within 500 metres of another sign for the same candidate**
- 2. Where there is a curb, the sign must be placed a minimum of 1 (one) metre back from the curb.**
- 3. Where there is no curb, the sign must be placed a minimum of 2 (two) metres back from the edge of the traveled portion of the roadway.**
- 4. No sign may be higher than 1.2 metres above the surface of the curb shoulder or boulevard, as the case may be (measured to the top of the sign), or wider than 0.8 metres.**
- 5. Signs located within 20 metres of any intersecting public or private road or driveway may be no higher than 0.6 metres above the surface of the curb, shoulder or boulevard, as the case may be (measured to the top of the sign).**
- 6. Signs shall not obstruct the vision of drivers or interfere with the visibility or effectiveness of traffic signs or signals.**
- 7. All signs must be removed within 48 hours after the election for which they were erected.**
- 8. Where a local area election sign by-law is more restrictive than the above, the provisions of the local by-law will apply to Regional Roads within that municipality.**