

## THE CORPORATION OF THE TOWN OF MILTON

### BY-LAW NO. 087-2009

A BY-LAW TO REGULATE THE SIZE, USE, LOCATION AND MAINTENANCE OF PORTABLE SIGNS ON PRIVATE PROPERTY

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

**NOW THEREFORE** the Council of the Corporation of the Town of Milton hereby enacts as follows:

#### 1. DEFINITIONS

1.1 In this By-law:

- (a) “*Business Improvement Area*” means Milton’s Business Improvement Area as shown on Schedule “A” to this By-law;
- (b) “*Character Area*” means Milton’s Character Area as shown on Schedule “A” to this By-law;
- (c) “*Council*” means the Council of the Corporation of the Town of Milton;
- (d) “*daylight triangle*” means the area at the corner of the intersection of two streets defined within a triangle with sides that are 6 m (20’) in length, measured from the point of intersection of the roadways. The Municipal Law Enforcement Officer may assess specific sites to determine if a larger or smaller daylight triangle distance is required;
- (e) “*Director of Community Services*” means the Director of Community Services for the Town of Milton, or his or her designate;
- (e.1) “*Downtown Campbellville*” means downtown Campbellville as shown on Schedule “B” to this By-law;
- (f) “*erect*” – includes the placing of, installation of, or arranging for the placing or installation of, the renting of, or leasing of a portable sign;
- (g) “*frontage*” means that side or limit of the lot that abuts directly on a street or highway;
- (h) “*grade*” means the average elevation of the finished surface of the ground at the base of the building, sign or sign structure, but does not include any embankment specifically installed for the *portable sign*;

- (i) *“height”* means the vertical distance from grade to the highest point of the *portable sign* including the border or frame;
- (j) *“Municipal Law Enforcement Officer”* means a person appointed by Council as a Municipal Law Enforcement Officer and shall also include an officer of the Halton Regional Police Service;
- (k) *“person”* shall include an individual, partnership, corporation or other organization to whom the context may apply;
- (l) *“portable sign”* means any sign that requires a permit under this By-law, and is specifically designed or intended to be readily moved from one location to another, with or without advertising, and which does not rely on a building or fixed concrete foundation for its structural support, and includes portable signs attached to a wheel assembly. For the purpose of this By-law, *“portable sign”* does not include the following signs: sandwich boards, A-frames, vehicle or trailer signs, inflatable devices tethered to a building, structure or other anchor, a sign painted on or attached to a vehicle where the principal sole function of the vehicle is the transportation of people, goods or other materials on a daily basis;
- (m) *“property line”* means the legal boundaries of a property;
- (n) *“setback”* means the minimum (unless specified otherwise herein) horizontal distance measured perpendicular to a *property line* and/or another sign;
- (o) *“sign area”* means the entire area of the surface of a portable sign. Where a portable sign is not bounded or enclosed within a distinct area or frame, the sign area shall be that of a rectangle, circle or other simple geometric shape containing all letters, symbols and devices on the portable sign.
- (p) *“Town”* means the Corporation of the Town of Milton;
- (q) *“Treasurer”* means the Treasurer for the Town of Milton, or his or her designate;
- (r) *“User Fee By-law”* means the User Fee By-law for the Town of Milton, as amended from time to time;
- (s) *“vacant land”* means a parcel of land separately assessed that has no building thereon, but does not include any improved land;
- (t) *“Zoning By-law”* means the Zoning By-law for the Town of Milton, as amended from time to time.

## **2. ADMINISTRATION & SCOPE**

- 2.1 No person shall place or erect a *portable sign* or permit a *portable sign* to be placed or erected, or allowed to remain on lands owned, rented or leased or occupied by them, other than in accordance with the provisions of this By-law.
- 2.2 All persons shall comply with the provisions of the *Town's Sign By-law*, as amended from time to time, for all signs and advertising devices other than *portable signs*.
- 2.3 Nothing in this By-law limits or prohibits the *Town*, public authority or government agency from requiring a permit or approval for a *portable sign* under other applicable legislation, regulation or by-law. In the case of a conflict between the provisions of this By-law and the provisions of another by-law or regulation, the most restrictive provision will apply.

## **3. PORTABLE SIGN PERMIT**

- 3.1 No *portable sign* shall be erected or displayed within the *Town* without first obtaining a permit from the *Municipal Law Enforcement Officer*. Acceptance of the application for a portable sign permit by the *Town* shall not represent the approval of the application, nor shall it obligate the *Town* to issue such permit.
- 3.2 An applicant for a *portable sign* permit shall provide the following to the *Municipal Law Enforcement Officer*.
- (a) one completed copy of the permit application form as prescribed by the *Municipal Law Enforcement Officer*;
  - (b) a diagram showing the street lines and boundaries of the property upon which the *portable sign* is proposed to be erected and the location of the *portable sign* upon the property in relation to other signs and structures upon the property. If required by the *Municipal Law Enforcement Officer*, such diagram and information shall be certified by a registered Ontario Land Surveyor;
  - (c) a letter of consent from the owner of the property or the property manager/agent authorizing the applicant or tenant to erect a *portable sign(s)* in compliance with municipal by-laws. Said letter of consent may, at the discretion of the owner or property manager/agent, be required for each application or for a period of time as the owner or property owner/agent determines.

- (d) a copy of a Broad Form Commercial General Liability policy of insurance with respect to the operation in a form satisfactory to the *Treasurer*, endorsed to the effect that the *Town* shall be given at least thirty (30) days' notice in writing of any cancellation.

Such policy shall be written with limits of no less than TWO MILLION DOLLARS (\$2,000,000) per occurrence and shall apply to all operations of the named insured and include coverage for bodily injury including death, broad form property damage, personal injury, products and completed operations liability, blanket contractual liability, contingent employer's liability, non-owned automobile. It shall also include cross liability and/or severability of interest clauses.

- (e) the fee payable upon application for a *portable sign* pursuant to the *User Fee By-law*;
- (f) written approval from the *Director of Community Services* to locate a *portable sign* on Town property, if required.

3.3 There shall be no refund for a *portable sign* permit under any circumstances.

3.4 Applications for *portable sign* permits shall be submitted to the *Municipal Law Enforcement Officer* at least twenty-four (24) hours prior to the location or display of the sign, and such application shall be subject to the provisions of section 3.2 of this By-law.

3.5 Applications for *portable sign* permits on a property shall be processed by the *Town* in order of receipt, and in the event that applications are submitted simultaneously and insufficient opportunity exist for the display of a *portable sign*, priority for a permit shall be established by means of a draw conducted by the *Municipal Law Enforcement Officer*.

#### **4. SIZE AND DESIGN OF PORTABLE SIGN**

4.1 A *portable sign* shall not have more than two (2) sign faces and any one sign face shall not exceed  $4.5m^2$  (48sq.ft.) in area with no one dimension being greater than 2.44m. (8ft.).

4.2 The maximum sign area of a *portable sign* erected in the *Business Improvement Area, Downtown Campbellville* and the *Character Area* shall not exceed  $3.7m^2$  (40sq.ft.) per face and shall not have any one dimension greater than 2.44m. (8ft.) and a height measured from grade of not more than 2.44m. (8ft.)

4.3 Notwithstanding section 4.2, a *portable sign* shall have a maximum height measured from *grade* not greater than 2.6m. (8ft.6in.)

- 4.4. The copy and message board on the *portable sign* shall be only black on white or white on black, provided that:
- (a) one line of letters or numbers no more than 30 centimetres (11.8") in height may be a single colour other than black or white; and
  - (b) graphics or business logos may be any colour or combination of colours.
- 4.5 Section 4.4 shall not come into effect until May 31, 2010.
- 4.6 No *portable sign* shall employ any flashing or sequential light, any mechanical or electronic device to provide or simulate motion, or have streamers or flags attached to it.
- 4.7 *Portable signs* shall display the name and telephone number of the owner of said sign in a clearly visible location.

## **5. LOCATION OF PORTABLE SIGN**

- 5.1 A *portable sign* shall be placed at *grade*, wholly on private property.
- 5.2 No *portable sign* shall be erected on a vacant property.
- 5.3 No *portable sign* shall be located closer than 1m to a *property line*.
- 5.4 No *portable sign* shall be located closer than 6m (20ft.) from the *property line* of an abutting property used principally for residential purposes.
- 5.5 Not more than one (1) *portable sign* shall be erected on a property at any one time except in the case of a shopping centre, plaza or mall located on a property having more than one (1) frontage, in which case there shall not be more than one (1) *portable sign* per frontage at any one time.
- 5.6 Except in the Central Business District, *Downtown Campbellville, Character Area*, and *Business Improvement Area*, no *portable sign* shall be located in a parking space.
- 5.7 *Portable signs* erected by or for a Regional or municipal government or local board shall be located on its own lands, used solely in conjunction with its policies and are subject to regulations set out in this By-law, with the exception of Section 4.2.
- 5.8 No *portable sign* shall be located so as to obstruct or impede any fire escape, fire exit, door, window, scuttle, flue or air intake or exhaust so as to prevent or

impede the free access of emergency personnel to any part of a building including Siamese connections and/or fire hydrants.

- 5.9 No *portable sign* shall obstruct the view of any traffic directional sign, nor shall be erected or displayed within a *daylight triangle* or in a manner that interferes with pedestrian and/or vehicular traffic.
- 5.10 *Portable signs* shall only be located on lands permitting principal uses that are commercial, industrial, institutional and golf course, as described in the *Zoning By-law*.
- 5.11 *Portable signs* on agricultural zones, as described in the *Zoning By-law*, are permitted provided that the sign is located on lands owned by the farmer, and is advertising the farmer's produce. Such sign is exempt from the requirements of obtaining a *portable sign* permit.

## **6. DISPLAY OF PORTABLE SIGNS**

- 6.1 A *portable sign* shall not be erected or displayed for a period of more than twenty-one (21) consecutive days.
- 6.2 No *portable sign* shall be erected on a property for a period of seven (7) consecutive days from the date of expiry of the last *portable sign* permit issued for the property, or the date of removal of a *portable sign*, whichever date is later.
- 6.3 The number of days that a *portable sign* is erected or displayed shall be determined from the date indicated on the sign permit.
- 6.4 A *portable sign* permit shall expire at 11:59 p.m. on the date shown on the permit. A *portable sign* shall be removed from the property upon which it is located within twenty-four (24) hours of the expiry time and date as shown on the *portable sign* permit.
- 6.5 Electrical cords providing a power supply for general illumination of a *portable sign* shall:
  - (a) not be placed on areas providing general vehicular or pedestrian thoroughfare such as a sidewalk, driveway, internal driving aisle or parking lot ;
  - (b) not be placed overhead in any fashion;
  - (c) be clearly visible in its entirety;

(d) be in a condition so as to comply with all applicable laws, regulations and standards.

6.6 A *portable sign* shall not be located on Town property without the written approval of the *Director of Community Services*. The *Director of Community Services* shall require that both sides of the *portable sign* contain advertising of a recreational, artistic and or cultural nature or service for the benefit of the Milton community. The applicant shall provide written confirmation that he or she has procured a Broad Form Commercial General Liability policy of insurance with respect to the operations in a form satisfactory to Treasurer, endorsed to the effect that the Town through the *Municipal Law Enforcement Officer*, shall be given at least ten (10) days' notice in writing of any cancellation.

Such policy shall be written with limits of no less than TWO MILLION DOLLARS (\$2,000,000) per occurrence and shall apply to all operations of the Named Insured and include coverage for bodily injury including death, broad form property damage, personal injury, products and completed operations liability, blanket contractual liability, contingent employer's liability, non-owned automobile. It shall also include cross liability and/or severability of interest clauses.

A certified copy of the policy or certificate of insurance must be provided to the *Municipal Law Enforcement Officer* thirty (30) days' prior to the issuance of the required permit.

## 7. LIABILITY

7.1 The provisions of this By-law shall not be construed as relieving or limiting the responsibility or liability of any person installing, erecting or displaying a *portable sign* from personal injury or property damage resulting from the installation, erection or display of such sign or resulting from the negligence or willful act of such person or his or her agents or employees in the erection, maintenance, repair or removal of a *portable sign* installed, erected or displayed in accordance with a permit issued hereunder, nor shall the provisions of this By-law be construed as imposing upon the *Town* or upon any officer or employee thereof any responsibility or liability whatsoever by reason of the approval of or issuance of, a permit for a *portable sign* under the provisions of this By-law.

7.2 The property owner and/or the property manager/agent assume any liability arising from the information given by *portable signs* on private property.

## **8. REVOCATION OF PORTABLE SIGN PERMIT**

8.1 The *Municipal Law Enforcement Officer* may revoke a *portable sign* permit issued under this By-law where:

- (a) it was issued on mistaken, false, misleading or incorrect information shown on the *portable sign* permit application;
- (b) it was issued in error;
- (c) the permit holder or the property owner or his agent requests in writing that it be revoked;
- (d) if a *portable sign* has been erected not in accordance with the permit.

8.2 Prior to revoking a permit in accordance with this By-law, the *Municipal Law Enforcement Officer* may give written notice of the intention to revoke the *portable sign* permit to the permit holder at his or her last known address.

## **9. REMOVAL OF PORTABLE SIGN**

9.1 The *Municipal Law Enforcement Officer* may enter lands at any reasonable time without a warrant for the purpose of:

- (a) inspecting the site with respect of which a *portable sign* permit is issued or an application for a permit is made under this By-law;
- (b) determining if a *portable sign* permit is required to be issued under this By-law; or
- (c) removing a *portable sign* found to be in contravention of this By-law.

9.2 The *Municipal Law Enforcement Officer*, or an employee of the *Town* is authorized to remove a *portable sign* that is erected or displayed in contravention of this By-law or to arrange with an independent agent for the taking down or removal of any *portable sign* that is erected or displayed in contravention of this By-law or exists in an unsafe condition without notice, and the owner shall pay for any associated expenses incurred by the *Town*.

## **10. ENFORCEMENT AND PENALTIES**

10.1 This By-law shall be enforced by *Municipal Law Enforcement Officers* or the Halton Regional Police Service. Every holder of a *portable sign* permit shall produce his or her permit upon being directed to do so by a *Municipal Law Enforcement Officer* or an officer of the Halton Regional Police Service.



10.2 Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine not exceeding \$5,000.00, for each offence exclusive of costs. Each day such violation is committed, or permitted to continue, shall constitute a separate offence and may be punishable as such there under. Such fine shall be recoverable under the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended from time to time.

10.3 Where a person has been convicted of an offence under this By-law, the Court may, in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted, directed toward the continuation or repetition of the offence.

## **11. EXEMPTION**

11.1 The *Town* shall be exempt from the requirements of this By-law.

## **12. INTERPRETATION**

12.1 The provisions of this By-law shall apply to all lands within the municipal limits of the Town of Milton.

12.2 This By-law shall be read with such changes of gender and number as the context may require.

## **13. SEVERABILITY**

13.1 Should any section, clause or provision of this By-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the by-law as a whole or any part thereof, other than the part declared to be invalid.

## **14. TITLE**

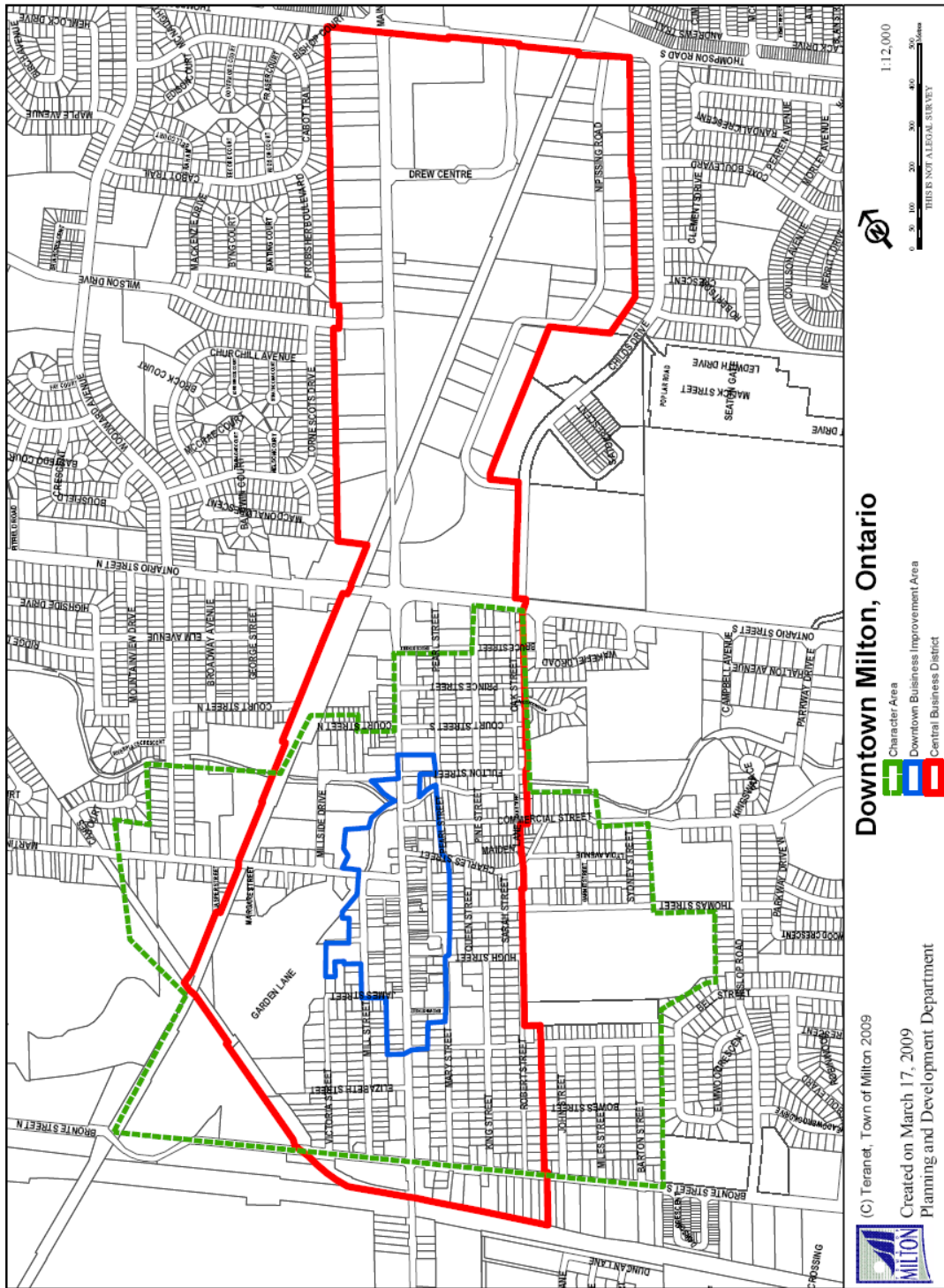
14.1 This By-law shall be known as the "Portable Sign By-law".

**READ a FIRST, SECOND and THIRD TIME and FINALLY PASSED** this 29th day of June, 2009.

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Mayor  
Gordon A. Krantz


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Deputy Clerk  
Karyn Bennett

SCHEDULE A TO BY-LAW NO. 087-2009



**SCHEDULE B TO BY-LAW NO. 087-2009**



 Downtown Campbellville



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