



## By-Law No. 10-2015 A By-Law to Regulate Signs

Pursuant to the provisions of the Hanwell Rural Plan, the Council of the rural community of Hanwell hereby enacts as follows:

### 1. TITLE

This By-Law may be cited as the “Signage By-Law” and it hereby repeals and replaces any former Signage By-Law or any reference to Signage or Signs in the official Rural Plan for the rural community of Hanwell.

### 2. DEFINITIONS

“Back-lit Construction” means any Sign that is enclosed and has the capability to be illuminated from within or behind the enclosure. “Internal Illumination” and “Internally Lit” Signs have a corresponding meaning.

“Banner Sign” means a temporary Sign constructed from a non-rigid fabric in a banner style which is attached to a pole or other structure.

“Billboard Sign” means a large Sign with one face larger than three (3) square metres, independently and permanently fixed to the ground or entirely attached to, and supported by, a wall of a building, or to a structure associated with, or joined to, a building, and of which both sides are visible.

“Canopy Sign” means a Sign attached to or forming part of a permanent building projection, projecting or fixed structural framework which extends outward from the exterior wall of a building. “Awnings” and “Marquees” have a corresponding meaning.

“Channel Letter Form” means a series of single solid structures, each resembling a letter, number or other symbol, which may be internally or externally lit, that when affixed horizontally parallel to the exterior façade of a building display a message.

“Charity” means a registered charity, as defined in subsection 248(1) of the federal *Income Tax Act*, R.S.C. 1985, c. 1 (5<sup>th</sup> Supp.), or successor legislation, that has a registration number issued by the Canada Revenue Agency, or successor agency. “Charitable Organization” has a corresponding meaning.

“Community Organization” means a non-profit group of persons or a club organized for the advancement of activities of a civic, cultural or recreational nature.

“Community Events Sign” means a temporary Sign where the purpose of the Sign is to direct attention to an event sponsored or held by the municipality, a Charity or Community Organization including educational and religious organizations.

“Construction Sign” means a Sign indicating that a building project of the same lot on which the Sign is located is about to be undertaken, or is currently in progress and may display the name and contact information of the project, owner, contractor, consultant, and/or architect affiliated with the construction.

“Council” means the Council of the rural community of Hanwell.

“Development Officer” means the development officer as defined in the *Community Planning Act*.

“Directional Sign” means a Sign directing pedestrian or vehicular traffic to a lot’s ingress and egress locations.

“Entrance Identification Sign” means a Sign that identifies an entrance or service area (examples include “service entrance”, “sales entrance” or “loading dock”) that are located over a doorway or building entrance and which may include the logo or name of the business to which the entrance provides access.

“Fascia Sign” or “Facia Sign” means a Sign attached to, painted, placed or erected upon or against a wall or other surface of a building with the face of the Sign parallel to such wall or other surface.

“Fixed Sign” means a Sign that is painted on, attached to and supported by a wall of a building or structure or by a fence or wall or by a canopy and of which only one side is visible.

“Freestanding Fixed Sign” means a Sign independently and permanently fixed to the ground, and of which both sides are visible.

“Minor Information and Direction Signs” means small Signs on a commercial or residential property which confer a service by identifying the names of residents and businesses, identifying parking areas, warning against trespass, pointing to secondary entrances, advising on the presence of children playing, and similar functional uses.

“Neighbourhood Identification Sign” means a freestanding Sign forming the entrance display for the identification of a residential neighbourhood or subdivision.

“Non-Profit Organization” means a registered corporation, society, organization or body organized and operated exclusively for a social welfare, civic improvement, pleasure or recreation or for any purpose except profit, no part of the income of which is payable to, or otherwise available for the benefit of any proprietor, member or shareholder thereof.

“Permanent Sign” means a Sign that cannot be readily relocated because of its attachment to the site.

“Portable Sign” means any Sign which is specially designed or intended to be readily moved from one location or another and which does not rely on a building or fixed foundation for its structural support, and includes Signs commonly known as an “A-Board” or “Mobile Sign”, and inflatable or fabric devices and banners (excluding national or provincial flags which are not for advertising or announcement purposes) tethered to any building, structure, vehicle or other device.

“Projecting Sign” means a Fixed Sign which is wholly or partially dependent on a building or structure for support and which projects beyond such building or structure in such a way that both sides are substantially visible.

“Property” means one parcel of land described in a deed or subdivision plan.

“Readerboard” means a Sign on which Sign Copy composed of alphanumeric characters can be changed for the purpose of advertising sales, products, or activities of one or more business on the lot where the Sign is located. “Message Board” has a corresponding meaning.

“Real Estate Sign” means a Sign advertising the sale, rent, or lease of the premises on which the Sign is located.

“Rotating Sign” means any Sign or portion of a Sign which moves in a revolving or similar manner.

“Rural Community” means the rural community of Hanwell.

“Rural Plan” means the By-Law enacted by Council under the *Community Planning Act* as the Rural Plan for the rural community of Hanwell.

“Sandwich Board Sign” means a Sign which is constructed of 2 boards connected at one end and which can be readily taken on and off a site.

“Sign” means any identification, description, illustration or information device, illuminated or non-illuminated, which provides information as to product, place, activity, person, institution or business or any other matter, and which is displayed on the exterior or in the interior of a building in such a manner as to be visible from outside the boundaries of the property.

“Sign Copy” means any colour, graphic, logo, symbol, word, numeral, text, image, message, picture, or combination thereof displayed on a Sign face. Types of Sign Copy include but are not limited to the following:

- a) “Manual Changeable Copy” means Sign Copy which displays alphanumeric characters and which is changed manually.
- b) “Electronic Static Copy” means Sign Copy that is fixed for a set period of time and where the alphanumeric characters are changed electronically. Electronic Static Copy may include time and temperature displays or non-moving images but may not display Animated Copy.
- c) “Animated Copy” means Sign Copy that displays moving images and uses movement or a change of lighting to depict action or create a special effect or scene on any portion of the Sign. Animated Copy shall include video clips.
- d) “Tri-Vision Sign Copy” means Sign Copy which rotates electronically in three successive stages.

“Special Event” means a public event conducted without the intention of commercial or personal gain or profit such as an event conducted for the advancement of charitable, educational, or community objectives; also an event of provincial, national, or international significance or an event designated by the Rural Community as an event of

public significance; also a private function marking a special occasion such as those specified in the *Liquor Control Act* (50th Milestone Birthday, 25th Anniversary, Wedding, Family Reunion, New Year's Eve Dance, Staff Party, Sport Opening/Closing Ceremony, Trade Show, Art Exhibit, Grand Opening, etc.).

"Window Sign" means a Sign erected, painted, attached, etched, inscribed, or projected onto the inside or outside of any part of a window in a wall, a Sign located within or in place of the glass of a window, or any other Sign erected or displayed in a manner so as to be visible through the window from the exterior of the building but does not include a Sign that forms part of a window display.

### 3. ADMINISTRATION AND ENFORCEMENT

- 3.1 Council recognizes that it may be perceived by some businesses that they would be harmed if they were required to conform to the detailed requirements of this By-Law, and recognizes also that in the recent past the existing Signage clauses of the Rural Plan have not been consistently enforced. Bearing these points in mind, Council may issue a variance to any clause of this By-Law, subject only to these conditions:
- a) That the Development Officer certifies to Council that to refuse a request from a business for a variance to a particular clause would give rise to special hardship; or
  - b) That the business has demonstrated to the satisfaction of the Development Officer that special circumstances exist which, if ignored, would give rise to significant commercial loss or would put the business at an unfair commercial disadvantage to its competitors in the Rural Community; or that
  - c) The business has proven to the satisfaction of the Development Officer that it deserves more time to come into compliance with this By-Law's standards.
- 3.2 An application for a Sign permit shall be made in writing to the Development Officer by delivering it to the Rural Community Clerk at the municipal office. Such application shall be made by:
- a) Completing the attached A-1 Permit Application form.
  - b) In the case of a Special Event, providing a signed statement from the Applicant that all permitted Signs will be removed from all locations as soon as possible after the event, but in no case later than one week after the event, and that he or she will be responsible for such removal.
  - c) Paying an application fee in the amount of \$50 for a fixed Sign of any kind. Minor Information and Direction Signs require a permit only if a total of more than two are required on a single property, but do not attract an application fee.
- 3.3 The Development Officer shall keep proper records of all applications received, permits and stop orders issued, inspections made, and any other documents connected with the administration of this By-Law. The originals of any and all such records shall be kept in files located in the municipal office.
- 3.4 Any person who violates any provision of this By-Law is guilty of an offence and upon conviction is liable to a minimum fine of \$100 and a maximum fine of \$500. Offences under this By-Law are addressed under Part II of the *Offences Procedure Act* as a Category B offence. Each day such offence continues shall be deemed to constitute a separate offence.

#### 4. STOP ORDERS, REMOVAL AND REVOCATION

- 4.1 Whenever a Sign is found to exist, or is erected, altered, or placed in violation of the administrative procedures and other clauses of this By-Law, the Development Officer shall inform the person responsible for the Sign of the requirements of this By-Law, and request compliance with its terms. If at his/her discretion he/she subsequently finds it necessary, he/she shall order, in writing, that the project be stopped and/or the Sign removed until such violation has been rectified. The issuance of a stop order shall be reported forthwith to Council within 5 days.
- 4.2 Every Sign permit issued by the Development Officer for the erection, display, modification or restoration of a first party Sign expires and is null and void where the business, product, activity or service to which the first party Sign relates ceases to operate or is no longer available at the premises where the Sign is located. Any such Sign shall be removed within 60 days of termination of such business, product, activity, or service.
- 4.3 No person being the owner or lessee of a lot upon which a Sign is located shall permit, suffer or allow such Sign, its faces, supports, electrical system or anchorage to become dilapidated or unsafe.
- 4.4 The Development Officer may require the removal or repair of any Sign or its supporting structure which, in his or her opinion, is or has become unsightly, dilapidated or unsafe, or is in such a state of disrepair as to constitute a hazard or which has been erected or maintained contrary to the provisions of this By-Law.
- 4.6 The Development Officer may revoke any Sign permit where a Sign for which a Sign permit was issued violates the conditions of the permit or any of the provisions of this By-Law.

#### 5. GENERAL REQUIREMENTS

- 5.1. No person shall erect, place or permit to be erected or placed, or allow to remain on lands owned, rented or leased or occupied by them, any fixed or portable Sign other than in accordance with this By-Law, and specifically without having first obtained a Sign permit from the Development Officer for that Sign.
- 5.2. No person shall erect, place or permit to be erected or placed, or allow to remain on the lands owned or occupied by them, any fixed or portable Sign in a location on those lands other than the location indicated on the site plan for which the permit is granted.
- 5.3. No person shall permit a Sign to remain on lands owned or occupied by him that is deteriorated, damaged, upset, dislodged, torn, partly illegible, with no message or with a message which is significantly misleading or out of date. A Sign may not advertise an activity, business, product or service no longer conducted on the premises or property, and in such case shall be removed by the responsible party within 30 days of the date of discontinuance of the activity, business, product or service. In this specific context, a seasonal business which is temporarily closed for the off-season may so indicate by an appropriate notice affixed to a permitted Sign. In the case of a disagreement about a Sign's condition or wording, the decision of the Development Officer is final.

- 5.4. The word "Open" on a Sign shall be interpreted strictly to mean that the business or location is open and able to receive customers or visitors at that time, and shall only be posted during such hours. Such a word shall only be used on a Sign on or immediately adjacent to the business or activity to which it refers.
- 5.5. No Sign shall advertise or promote any business, event or any other person or thing which is not located within the boundaries of the Hanwell rural community.
- 5.6. With the exception of a billboard, a Sign shall normally relate only to the use of the property upon which it is located, but Council (on the advice of the Development Officer) may in special circumstances issue a variance to this rule. The onus shall be on the applicant to demonstrate that such special circumstances do indeed exist.

#### 5.7. Prohibited Signs

No Sign shall be erected, operated, used, or maintained and no sign permit shall be issued for a Sign that:

- a) is placed in such a manner so as to inhibit the safe movement or parking of vehicles, nor to impede the safe motion of pedestrians;
- b) has a size, location, colouring or manner of illumination which may be confused with, construed as, or tend to hide from view, any traffic control device;
- c) is an imitation of a traffic control device or contain the words "stop" "go" "look" "danger" "yield" or any similar words, phrases, symbols, lights, or characters used in a manner which may mislead confuse or otherwise interfere with traffic along a public road;
- d) is located at or near a sharp road curve or below the crest of a hill;
- e) obstructs free ingress or egress from a fire escape, door, window or other required exit;
- f) is painted on or attached to or cover or partially cover a roof;
- g) is painted on a tree, stone, cliff or other natural object;
- h) is placed upon any portion of a roadway, public utility or lot administered by any level or government or government agency without the consent of the appropriate body;
- i) incorporates a searchlight, stringlight, spinner, or streamer;
- j) uses bright fluorescent-coloured lettering or numbers;
- k) is attached to or located on any parked vehicle or trailer not normally used in the daily activity of the business and that is visible from the road so as to act as a Sign for the advertisement of products, or to direct people to a business or activity.

#### 5.8. Illuminated Signs

Notwithstanding anything else stated in this By-Law:

- a) all illuminated Signs require a permit. Council may refuse to give a permit for an illuminated Sign on any location with a domestic residence either immediately adjacent or opposite. Council may also impose conditions on the granting of a permit for an Illuminated Sign, including but not restricted to the allowed hours of illumination, the colours, the brightness, etc., so as to ensure that all such Signs fit in with the character of the area, and do not adversely affect any residential or commercial property owners in the immediate area to an extent judged unreasonable by the Council;
- b) illuminated Signs shall be shielded and focused to light, in a continuous and non-flashing manner, only the surface area of the Sign.

## 6. GENERAL RULES FOR EACH SIGN TYPE REQUIRING A PERMIT

### 6.1. Restriction on the number of Signs

The total number of Signs allowed to be placed on a single property or erected by or on behalf of a single business or person shall not exceed one per Sign type, and two for any combination of Sign types as described in the following sections. In counting the totals in the previous sentence, the exceptions immediately following (Open, Closed, Menu, Minor Information and Direction Signs, Commemorative, Interpretive and Informational Signs) shall be ignored.

### 6.2 Exceptions – permits not required or exempt from number restriction:

- a) Any business, including a home based business or art/craft studio, may post a non-illuminated Sign with the words “Open” and (separately) “Closed” during the appropriate hours on or close to the entrance door or in a nearby window. Such Signs may also show information about the regular hours of business, shall not exceed 0.4 metres (about 15.5”) in any dimension, and shall not be placed higher than 0.3 metres (about 12”) below the top of the entrance door.
- b) A food service business may post a similarly sized non-illuminated Sign with its menu in a similar location, but with no restriction as to the hours of a posting.
- c) A total of two Minor Information and Direction Signs.
- d) Commemorative, official, historical or heritage related plaques, Signs and similar notices and displays less than 0.3 metres in any dimension, at the Development Officer’s discretion (to prevent abuse).
- e) Interpretive and Informational Signs and displays within areas officially zoned or designated as parks, recreation, and wildlife areas, at the Development Officer’s discretion (to prevent abuse).

### 6.3. Freestanding Signs

Freestanding Fixed Signs are generally permitted upon property used commercially or industrially, including home based businesses and art/craft studios, provided that they are of a size, height, design, illumination and installation such that they fit in with the character of the area and of the building, and do not adversely affect any residential or commercial property owners in the immediate area to an extent judged unreasonable by the Development Officer.

The number of Freestanding Signs may not exceed one per lot or business.

- a) A Freestanding Sign may not exceed a maximum height of 5 metres (about 16’5”).
- b) A Freestanding Fixed Sign may not exceed a total surface area of 2 sq metres (about 22 sq ft) of which any one side may be no bigger than 1 sq metre (about 11 sq ft).
- c) A Freestanding Sign may not be located closer than 2 metres (about 6’7”) to any street line.
- d) On a corner lot, a Freestanding Sign may not be placed within the triangular space bounded by the street lines and a line joining points on the street lines at a distance of 7 metres (about 23’) from their point of intersection, or so as to obstruct the view of a driver of a vehicle approaching the intersection.

#### 6.4. Real Estate Signs

No Real Estate Signs are permitted at the entrance way of any residential subdivision. Real Estate Signs are only permitted on properties where either a house or land is for sale.

#### 6.5. Portable Signs

Portable Signs are permitted on any non-residential property, and on a residential property with a home business operated within it, provided that such Signs have a maximum of two sides used for signage, and provided that they are of a size, height, design, illumination and installation such that they fit in with the character of the area, the property and the building, and do not adversely affect road and pedestrian traffic or any residential or commercial property owners in the immediate area to an extent judged unreasonable by the Development Officer; and

- a) do not occur closer to a street line than 2 metres (about 6'7"); and
- b) do not have bright fluorescent coloured letters, numbers, and symbols.

Portable Signs may be designed to have wording which can vary from time to time as the event, product or business circumstances shall reasonably require.

#### 6.6. Fixed Signs

Fixed Signs are permitted on any non-residential property and on a residential property with a home based business located within it, provided that they are of a size, height, design, illumination and installation such that they fit in with the character of the area, the property and the building, do not adversely affect road and pedestrian traffic, and do not adversely affect any residential or commercial property owners in the immediate area to an extent judged unreasonable by the Development Officer and the total visible surface does not exceed one (1) square metre (about 11 sq ft). A Fixed Sign may have a space within it designed to accommodate variable content as outlined in clause 6.5 just above, provided that the intent to have variable wording within such a space is declared at the time of original application for a permit.

#### 6.7. Projecting Signs

Projecting Signs are permitted on any non-residential property and on a residential property with a home based business located within it, provided that they are of size, height, design, illumination and installation such that they fit in with the character of the area, the property and the building, and do not adversely affect road and pedestrian traffic or any residential or commercial property owner in the immediate area to an extent judged unreasonable by the Development Officer, and the total visible surface area (calculated as the sum of both visible sides) does not exceed one (1) square metre (about 11 sq ft); and

- a) do not project beyond one (1) metre (about 3'3") from a building, wall or other structure, nor protrude within 2 metres (about 6'7") of a street line nor fail to clear the ground by 3 metres (about 9'10"); and
- b) do not project over a lot line; and
- c) do not project more than 1.5 metres (about 4'11") above the top of any main wall or parapet to which it is affixed.



## 6.8. Billboard Signs

Billboard Signs are permitted on lots used industrially, provided that such a Sign does not:

- a) exceed one per lot, exceed a maximum height of 10 metres (32'10")
- b) exceed a total area of 18 square metres (194 square feet); and
- c) occur closer to the street line than 2 metres (6'7").

## 6.9. Minor Information and Direction Signs

Two Minor Information and Direction Signs are permitted on any property, both residential and non residential, without a permit. These Signs shall not

- a) exceed more than 0.4 metres in one dimension (about 15.4") and 0.3 metres (about 12") in the other.
- b) If a business or property owner requires more than two Minor Information and Direction Signs on any one property, he or she shall apply for a permit, for which there will be no fee.

## 7. RESTRICTIONS ON ELECTRONIC STATIC COPY AND ILLUMINATION

7.1 Where permitted, a Sign displaying Electronic Static Copy shall be designed so as to cease operating in the case of a malfunction.

7.2 Where this By-Law permits a Sign to display Electronic Static Copy, the following requirements shall be met:

- a) the message duration shall not be less than 10 seconds;
- b) the message transition shall not be less than 1 second; and
- c) message transition shall be limited to scrolling or fading in or out, but shall not involve any visible effects including but not limited to action, motion, dissolving, blinking, intermittent or flashing light, or the illusion of such effect.

7.3 Signs that are externally illuminated shall not shine or reflect light directly onto neighbouring properties or in the direction of oncoming traffic.

## 8. EXEMPTIONS FROM THIS BY-LAW

A Sign shall be exempt from this By-Law if it is;

- a) permitted or required in accordance with the *Posting Signs on Land regulation, Fish and Wildlife Act*, and any other applicable Federal or Provincial Act or Hanwell rural community By-Law, including traffic control Signs and devices in accordance with the *Traffic Control Act*;
- b) a construction Sign on an active construction site, that identifies the responsible professionals, contractors etc. and other construction details for any one project provided that it does not exceed 6 square metres in area, and is removed on completion or occupancy of the project, whichever is earlier;
- c) a temporary political Sign provided that it is not posted prior to the calling of an election, is removed within seven days afterwards, does not obscure any other legally posted Signs, does not obstruct a public right of way, and does not cause a traffic hazard by way of obscuring traffic Signs or the sightline of drivers or pedestrians required for safety;

- d) a Real Estate Sign that is not illuminated, advertising the sale, rent, or lease of any premises, provided that it is located on the property referred to, and that it is no larger than 0.5 meters in any dimension, and not more than 1.5 metres (about 4'10") in height;
- e) a temporary Sign of less than 0.2 square metres (about 1.8 sq ft) for private and limited non-profit events such as a garage sale on a single site, a church supper, etc. In deciding as to whether a given event or Sign qualifies under this clause, the decision of the Development Officer is final;
- f) a direction and/or information and/or warning Sign erected by or on behalf of the Hanwell rural community;
- g) a yard sale Sign to be removed after the day of the sale.

FIRST READING: (By title) \_\_\_\_\_ December 9, 2015 \_\_\_\_\_  
SECOND READING: (In its entirety) \_\_\_\_\_ February 10, 2016 \_\_\_\_\_  
THIRD READING AND ENACTMENT: (By title) \_\_\_\_\_ March 9, 2016 \_\_\_\_\_

Susan Cassidy, Mayor

Melanie Frost, Clerk/Treasurer