

THE DISTRICT MUNICIPALITY OF MUSKOKA

BY-LAW NO. 89-112

Being a by-law to regulate the installation of signs on District Road allowances and in the vicinity of the limits thereof.

WHEREAS every road or part thereof that forms part of the District Road system is under the jurisdiction and control of the District Corporation;

AND WHEREAS pursuant to Section 39(1) of The District Municipality of Muskoka Act, R. S. O. 1980, c. 121, as amended, District Council may regulate the placing or erecting of signs within 400 metres of any limit of a District Road;

AND WHEREAS it is deemed necessary to control the installation of signs on District Road allowances and the lands adjacent thereto;

NOW THEREFORE the Council of The District Municipality of Muskoka ENACTS AS FOLLOWS:

A. Definitions

In this by-law:

- 1) "Area Municipality" shall have the same meaning as in Section 1(a) of The District Municipality of Muskoka Act.
- 2) "Cottage Association Sign" means a sign grouping, identifying the names of the occupants of four (4) or more properties.
- 3) "Engineer" shall mean the Commissioner of Engineering and Public Works appointed by Council from time to time, or a District employee acting on his behalf.
- 4) "Facia Sign" shall mean and include any sign which is attached or affixed to the wall of any building or structure but shall not include any sign hanging or projecting from a building or structure.
- 5) "Field Advertising Sign" shall mean a sign that advertises a business conducted or a product or service available elsewhere than upon the property upon which the sign is located but shall not include Temporary Signs.
- 6) "Ground Sign" means any sign which is mounted on one (1) or more poles or supports and is less than or equal to 2 m (7 feet) in height from the finished grade elevation to the base of the sign.
- 7) "Location Sign" means any sign either freestanding or attached to, placed or mounted upon a building, that either names or identifies the property, occupant(s) or owner(s), or a business conducted, or advertises a product or service(s) available, or conveys a message placed solely for guidance on the property on which the sign is located.

- 8) "Pylon Sign" means any sign which is mounted on a free standing pole which is anchored to the ground by a concrete base or island and which is greater than 2 m (7 feet) in height from the finished grade elevation to the base of the sign.
  - 9) "Readaboard Sign" means a temporary sign not permanently attached to the ground or structure and designated for the temporary placing of copy or messages.
  - 10) "Real Estate Sign" means a sign which advertises real property for sale, lease or development.
  - 11) "Regulatory Sign" means an "Official Sign" within the meaning of the Highway Traffic Act and such other traffic signs as may conform to the Manual of Uniform Traffic control devices.
  - 12) "Seasonal Sign" means a sign identifying a specific tourist attraction operating on a seasonal basis which is deemed to be of special significance to the area such as Santa's Village, the Segwun, Muskoka Festival, Pioneer Village, etc.
  - 13) "Sign" shall include a notice, banner, advertising device or other similar structure.
  - 14) "Special Event Sign" means a sign identifying a specific event which may take place for one (1) day or a weekend such as Muskoka Arts and Crafts Festival, Muskoka Pioneer Days, Blood Donor Clinic, or civic non-commercial safety or welfare campaigns.
  - 15) "Standard Sign" means any sign mounted on two (2) or more free standing poles which are anchored to the ground by concrete bases or islands and which is greater than 2 m (7 feet) in height from the finished grade elevation to the base of the sign.
  - 16) "Temporary Sign" shall mean any sign which is erected for a specific purpose and a defined period, but shall not include a sign advertising a property for sale, lease or development. Without limiting the generality of the foregoing, temporary sign shall include portable trailers and readaboard signs.
- B. In urban core areas where an Area Municipality has enacted and enforces its own sign by-law which is more restrictive than the District sign by-law, the by-law of the Area Municipality shall govern.
- C. Signs Permitted on District Road Allowances
- 1) No person shall erect, place or permit to be erected or placed, any sign within the limits of a District Road allowance.
  - 2) Notwithstanding Paragraph C(1), the following signs may be permitted within the limits of a District Road allowance:
    - a) regulatory signs;
    - b) municipal road name signs;
    - c) signs conforming to the specifications set forth in Schedule "A" attached hereto;
    - d) temporary construction signs;
    - e) political campaign signs;
    - f) commemorative plaques; or
    - g) cottage association signs.
  - 3) Notwithstanding Paragraph C(1), seasonal and special event signs may be permitted subject to the approval of the Engineer.

D. Application for Sign Permits

- 1) Except as permitted in Section E, no person shall erect, place or permit to be placed or erected, any sign within the limits of a District Road allowance or on property adjacent to a District Road and within 400 m of the limit of the District Road allowance without first obtaining a permit therefore.
- 2) Applications for a permit shall be made on the standard form in use by the District from time to time.
- 3) Where the applicant proposes to erect a sign on property not owned by the applicant, the applicant shall include with the application the written permission of the property owner.
- 4) Applications for permits for Temporary Signs shall include the following information where applicable:
  - a) a sketch showing the specification of what is to be erected and the location of same on the property.
- 5) A non-refundable fee of \$25.00 shall be included with each application for a sign permit.

E. Signs Permitted Without Permits

- 1) Subject to Section C, the following signs may be erected without a permit:
  - a) regulatory signs;
  - b) municipal road name signs;
  - c) real estate signs except those considered to be field advertising signs;
  - d) one on-premises identification facia sign;
  - e) one directional sign per entrance such as "Parking", "Entrance", "Exit", not exceeding 1 m<sup>2</sup> (10 square feet);
  - f) temporary construction signs not exceeding 9 m<sup>2</sup> (100 square feet);
  - g) temporary special event signs;
  - h) commemorative plaques and cornerstones (of a non-advertising nature);
  - i) flags or emblems of patriotic, civic, educational or religious organizations.
- 2) Political campaign signs not exceeding 1 m<sup>2</sup> (10 square feet) may be erected without a permit PROVIDED that the person or organization erecting the sign shall remove it at his expense within two (2) weeks of the date of the election or conclusion of the campaign, whichever is sooner.

F. Construction and Erection of Permitted Signs

- 1) Where an applicant has been granted a permit for a sign of a type described in Schedule "A", he may either:
  - a) request the District to construct the sign at the rates specified in Schedule "B" hereto;
  - b) arrange for the construction of the sign himself PROVIDED that any such sign shall conform to the standards set forth in Schedule "A" hereto.
- 2) Where an applicant has been granted a permit for a sign not described in Schedule "A", he shall erect and maintain the sign at his expense.

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- 3) All signs shall be constructed in the approved location in accordance with this By-law and the terms and conditions in the permit.
  - 4) Where the applicant has requested that the District erect the sign on his behalf, the District may erect the sign upon payment of the fees set forth in Schedule "B".

G. **General Provisions**

- 1) Except as permitted in Section E (1)(c), no person shall erect a sign which resembles any traffic control device, may confuse drivers or attempts to direct the movement of traffic.
- 2) No person shall locate a sign in such a manner as to obstruct, impair or impede the view of any lane, street, highway intersection, regulatory sign, traffic signal or railway crossing.
- 3) All lights used to illuminate any sign, building or structure shall be arranged so that the light is not directed or deflected into neighbouring properties or traffic flow.
- 4) No person shall attach or paint a sign on a fence, post, rock, tree, utility pole, bridge or any structure visible from the District Road.
- 5) For the purposes of this By-law, no distinction shall be drawn between legal non-conforming uses and other uses permitted under the applicable zoning by-law.
- 6) A change in the message displayed by a sign shall not in itself constitute an alteration requiring a new permit unless the frame or part thereof is altered or removed.
- 7) All signs shall in all respects be the responsibility of the owner or lessee of the sign or, except in the case of signs within the limits of a District Road allowance, the owner of the property on which the sign is located.
- 8) Except in special circumstances as expressly permitted by the Engineer, the use of flashing lights, intermittent lighting designed to create the illusion of movement, and the use of searchlights for the purpose of attracting attention, is prohibited.
- 9) Moving, swinging or revolving signs shall be and are prohibited.
- 10) In this By-law dimensions shown in parentheses are imperial equivalents of metric measures and are provided for convenience. Metric dimensions shall govern in all cases.

H. **Additional Standards for Sign Types**

No person shall erect or place or permit to be erected or placed a sign except in accordance herewith.

1) **Field Advertising Signs**

Field Advertising Sign shall not:

- a) be placed within 3 m (10 feet) of the limit of a District Road allowance;
- b) be greater than 4 m (13 feet) in length or 8 m (26 feet) in height from the ground to the top of the sign;

- c) be greater than 11 m<sup>2</sup> (120 square feet) in area except:
  - i) if greater than 11 m<sup>2</sup> (120 square feet) but not over 30 m<sup>2</sup> (325 square feet) the sign must be set back at least 46 m (150 feet) from any property limit and must not exceed 8 m (26 feet) in height of 8 m (26 feet) from the ground to the top of the sign;
  - ii) if greater than 30 m<sup>2</sup> (325 square feet) but not over 60 m<sup>2</sup> (650 square feet) the sign must be set back at least 84 m (275 feet) from any property limit and must not exceed 11 m (35 feet) in height from the ground to the top of the sign;
- d) exceed one (1) in number at any location and must be on the right facing traffic;
- e) be located within 150 m (500 feet) of another Field Advertising Sign regardless of which side of the roadway the other sign is located;
- f) be placed prior to the issuance of a permit for the sign; or
- g) be placed adjacent to a curve in the highway where it would be distracting to motorists.

2) Location Signs

A Location Sign shall not:

- a) be placed within 3 m (10 feet) of the limit of a District Road allowance except in urban areas where buildings have been allowed with no set-back from the District Road allowance, in which case no portion of a sandwich board or other sign shall protrude more than 1 m (3 feet) from the building face;
- b) be more than 3 m<sup>2</sup> (30 square feet) in area;
- c) exceed two (2) in number and each sign shall face in a direction different from the other;
- d) be placed more than 400 m (one quarter mile) from the commercial establishment identified;
- e) be placed less than 46 m (150 feet) from the sign of another establishment or from an intersection;
- f) be placed prior to the issuance of a permit for the sign(s);
- g) be permitted where a standard identification sign has been erected to identify the establishment or to direct traffic to the establishment;

3) Seasonal Signs

A Seasonal Sign:

- a) may be permitted on a District Road allowance only if a suitable location beyond the District Road allowance isn't available;
- b) shall be permitted only if the sign meets with District approval as to type, size and location;
- c) may be permitted for a specified time period only;

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- d) shall be permitted to remain in place not for a time period longer than 5 months; and
  - e) in the event that a seasonal sign is not removed within 14 days of the date of expiry of the permitted time period, the District may remove the same at the owner's expense without notice to the owner.
- 4) Special Event Signs
- A Special Event Sign:
- a) may be permitted on a District Road allowance only if a suitable location beyond the District Road allowance isn't available;
  - b) shall be permitted only if the sign meets with District approval as to type, size and location; and
  - c) shall be subject to a time limit not to exceed 2 weeks before and 1 week after the specific event.
- 5) Real Estate Signs
- A Real Estate Sign shall:
- a) not exceed  $0.7 \text{ m}^2$  (8 square feet) in area;
  - b) be temporary in nature;
  - c) be self-supporting;
  - d) be placed on the property it advertises.
- 6) Temporary Signs
- A Temporary Sign shall not:
- a) be placed within 3 m (10 feet) of the limit of a District Road allowance;
  - b) exceed 1.5 m (5 feet) in height;
  - c) have a sign face area in excess of  $1.5 \text{ m}^2$  (16 square feet);
  - d) be permitted to remain in place for a period longer than 30 days.
- 7) Pylon or Standard Sign
- A Pylon or Standard Sign shall not:
- a) be placed within 3 m (10 feet) or a distance equal to  $1/2$  the height of the sign limit of a District Road allowance, whichever is greater;
  - b) exceed a height of 12 m (40 feet) measured from the finished grade elevation to the base of the sign.
- 8) Ground Signs
- A Ground Sign shall not:
- a) exceed a maximum height to the bottom of the sign of 2 m (7 feet);
  - b) be permitted on a property if a Pylon or Standard type sign presently exists on the property;

- c) be placed within 3 m (10 feet) of the limit of a District Road allowance;
- d) exceed a maximum face area of 7 m<sup>2</sup> (75 square feet).

9) Cottage Association Signs

A Cottage Association Sign shall:

- a) not exceed 3 m<sup>2</sup> (32 square feet);
- b) display the name of the cottage association;
- c) usually be located at the entrance to a private road; and
- d) shall be located at the limit of the District Road allowance.

I. Maintenance of Signs

- 1) Where a sign is located on private property, the owner, lessee or agent of the property upon which any sign is located and the owner or lessee of the sign, shall maintain or cause to be maintained, such sign in a property state of repair so that it does not become unsafe, unsightly or defective.
- 2) Subject to Paragraph C(3), where a sign is located within the limits of a District Road allowance, the owner or lessee of the sign shall maintain or cause to be maintained such sign in a proper state of repair so that it does not become unsafe, unsightly or defective.
- 3) Where the owner of a sign of a type described in Schedule "B" has continuously paid the annual maintenance fee in accordance therewith, the sign shall be maintained by the District. A failure to pay any amounts due upon demand shall entitle the District to remove the sign without notice.
- 4) When any sign is unsafe, unsightly or defective, in the opinion of the Engineer, the provisions of Section J shall apply.

J. Removal of Signs, Violations and Penalties

1) Removal of Signs

- a) Any sign or that was lawfully in place on the date of the passing of this By-law but that does not comply with the By-law shall be:
  - i) made to comply with this by-law by the owner at his expense; or
  - ii) removed by the owner thereof or by the owner of the land on which it is situated, at such time as the sign requires repair, alteration or replacement.
- b) When any sign has fallen into such a state of disrepair that it ought, in the opinion of the Engineer, to be repaired or removed, the sign shall be removed in accordance with Section J(2).
- c) All signs which have become outdated for any reason shall be removed within 30 days of the occurrence which caused the sign to be outdated, PROVIDED that where a lawful sign has become outdated, an appropriate change of message shall constitute removal for purposes of this Section.

- d) Political signs, real estate signs and similar temporary signs installed on any property shall be removed in the time stipulated under Section H Additional Standards for Sign Types, by the owner of such signs or by the owner of the property on which such signs were erected.
- e) legal signs which, in the opinion of the Engineer, are considered nuisance or junk signs e.g. tree service, pro painters, etc. that may be nailed to poles, trees, etc. may be removed and disposed of by the Engineer without notice.

2) Removal of Signs in Contravention of this By-law

- a) Any person who has caused a sign to be erected, displayed, or altered without first having obtained a permit to do so, or, having obtained a permit, has caused a sign to be erected, displayed or altered contrary to the provisions of this By-law or the terms and conditions of the permit, shall make such sign comply with this By-law and the permit or shall remove such sign or other advertising device within fourteen (14) days of service of notice from the District that such sign is in contravention of this By-law.
- b) Any notice required to be served pursuant to this By-law may be served in any one of the following ways:
  - i) by prepaid registered mail to the owner of the lands on which the sign is situate at the address of such owner shown on the last revised assessment roll;
  - ii) by posting a conspicuous notice on or near the sign or other advertising device;
  - iii) by personal service on any person apparently in occupation and control of the lands on which the sign is situate;
  - iv) if a sign permit has been applied for, by prepaid registered mail to the owner of the lands named in the sign application.

Where the notice is served by mailing or posting, the notice shall be deemed to have been served on the date it was submitted to the Post Office or posted, as the case may be.

- c) Such notice shall be in writing, shall if possible, identify by municipal address the lands upon which the sign is situate, and shall specify the particulars of non-compliance with this By-law.
- d) Such notice shall be signed by the Engineer and shall state that the sign must be pulled down and removed at the expense of the owner of the sign within fourteen (14) days from the date of service of the notice unless the sign is made to comply with this By-law before such time elapses.
- e) Upon the expiry of such fourteen (14) day period, if the sign has not been made to comply with this By-law or has not been removed by the owner, the Engineer may cause such sign to be pulled down or removed at the expense of the owner of the sign. Any costs incurred by the District may be recovered as municipal taxes on the property where the sign was located or may be recovered by action.



f) Notwithstanding Paragraphs a), b), c) and d), a readboard sign that is erected or displayed without a permit or is erected or displayed contrary to the conditions in respect of which a permit was issued or which continues to stand or be displayed after the permitted time period has expired, shall be removed by the owner within two (2) days after service of the notice referred to in Paragraph a), and if it has not been removed by the owner the Engineer may cause such sign to be removed at the expense of the owner of the sign.

3) Violations

- a) 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 \$2,000.00 (exclusive of costs) for every day or part thereof upon which such offence occurs or continues.
- b) In addition to any other person who commits an offence or the owner of the land or the building, the lessee of the land, the building and the occupant of the property on which the sign is located, shall be deemed to commit the offence and is liable to a fine in accordance with Paragraph 3(a).
- c) If any portion of this By-law shall be found by a court of competent jurisdiction to be invalid for any reason, the said portion shall be deleted herefrom and the remaining portions of the by-law shall remain in full force.

K. General

- 1) The Engineer shall be and is hereby authorized to execute on behalf of the District Corporation all such documentation as is necessary to give effect to this By-law.
- 2) This By-law shall be enforced by such persons as the Engineer may from time to time designate.
- 3) By-law 85-15 shall be and is hereby repealed.
- 4) This By-law shall come into force and take effect on the date that it receives third reading.

READ A FIRST TIME: December 4, 1989

READ A SECOND TIME: December 4, 1989

THE DISTRICT MUNICIPALITY OF MUSKOKA

By Allen Sande  
Chairman

By [Signature]  
Clerk

READ A THIRD TIME  
AND FINALLY PASSED: December 18, 1989

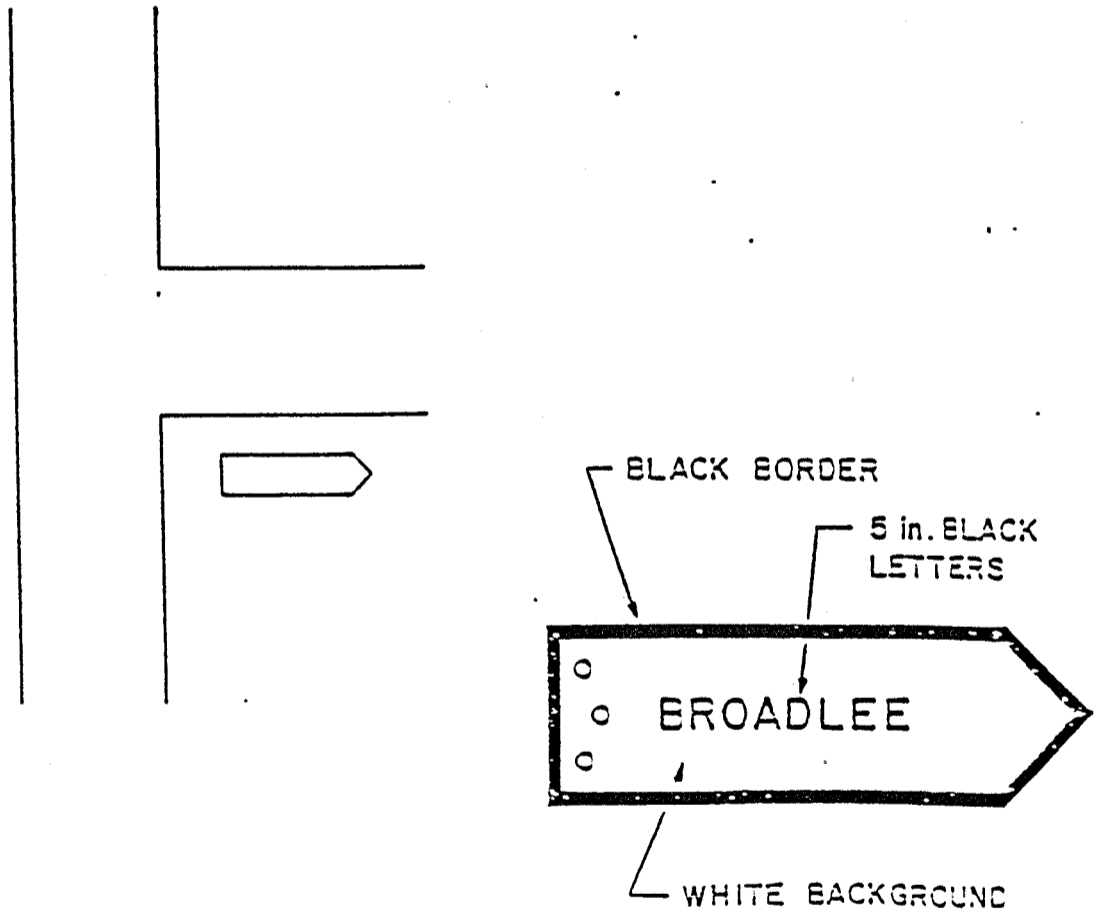
THE DISTRICT MUNICIPALITY OF MUSKOKA

By Allen Sande  
Chairman

By [Signature]  
Clerk

STANDARDS - PERSONAL DIRECTION

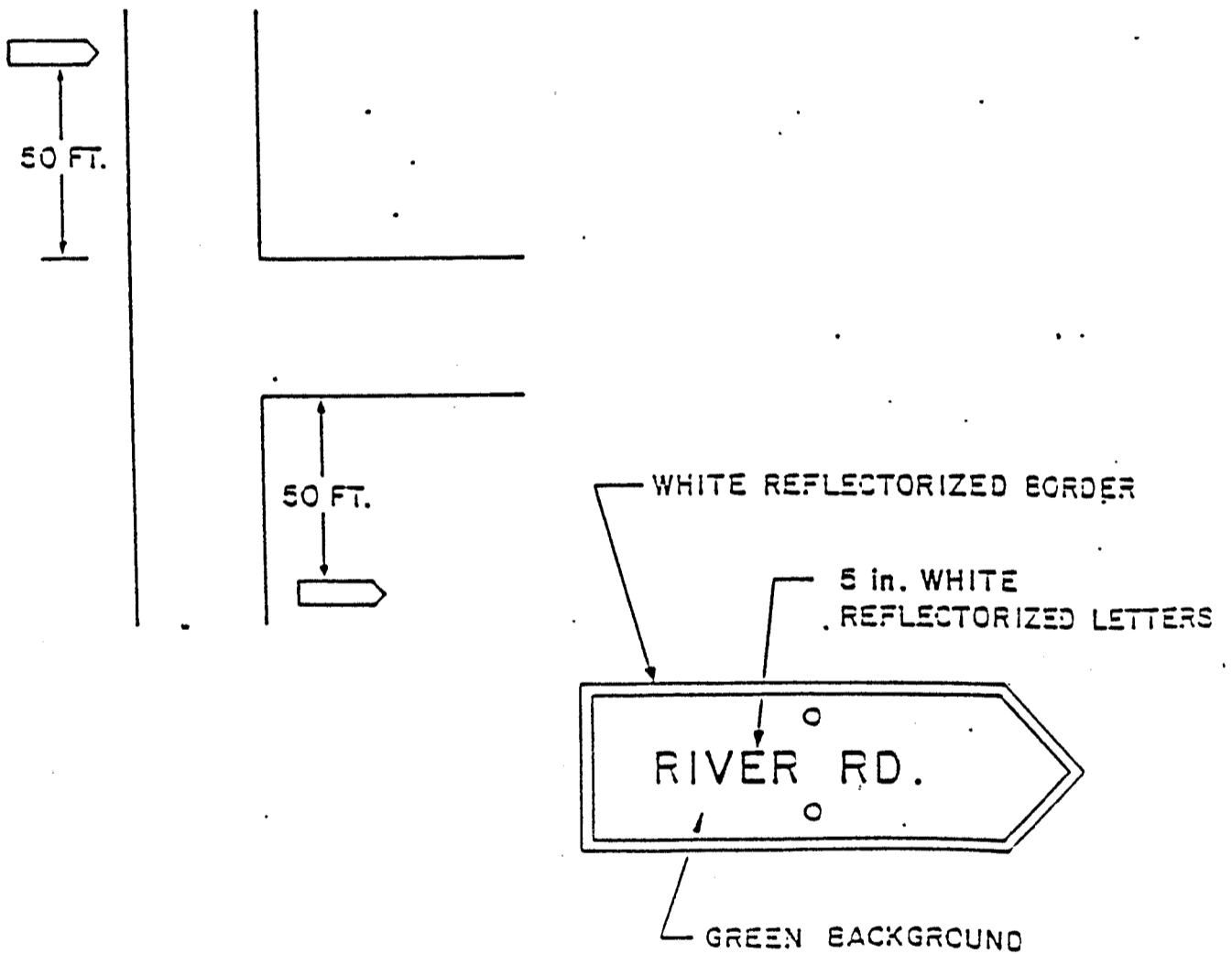
- one sign double sided
- white painted background
- black lettering and border - non-reflectorized
- signs to be 8 inches in depth/48 inches in length
- signs to be end mounted on minimum 4 x 4 wood post
- signs to be 6 to 8 feet above road level
- sign to be placed adjacent to the roadway or entranceway
- sign to be placed minimum of 12 feet from the edge of pavement or 6 feet from edge of roadway
- signs not to be placed in center of ditch



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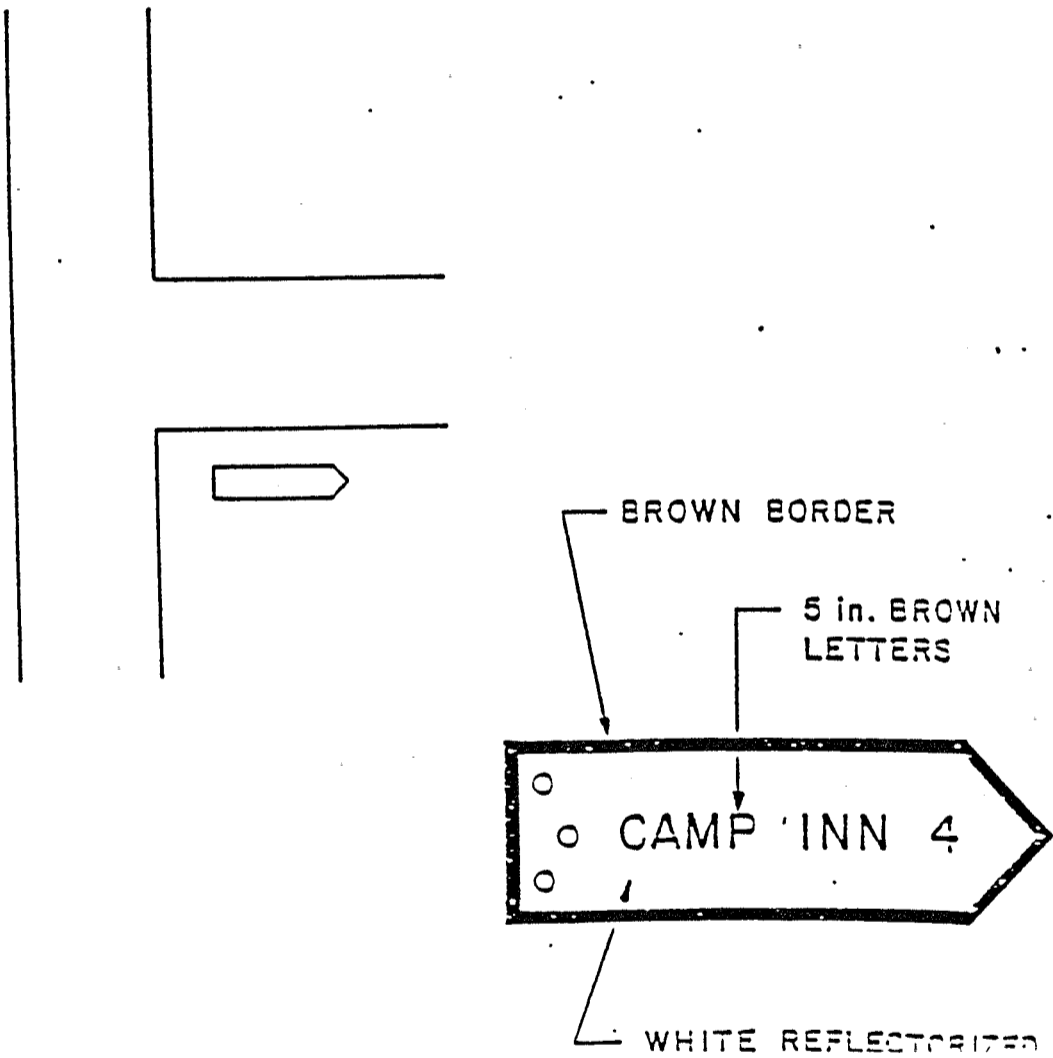
STANDARDS - PRIVATE ROADWAY

- 2 signs each single side
- painted green background
- white reflectorized border and white 5 inch reflectorized lettering
- signs to be 8 inches in depth/48 inches in length
- signs to be center mounted on minimum 4 x 4 wood post
- signs to be 6 to 8 feet above road level
- signs to be placed minimum of 12 feet from edge of pavement or 6 feet from edge of roadway
- signs to be placed adjacent to the roadway or entranceway
- signs not to be placed in center of ditch



STANDARDS - COMMERCIAL RESORT

- One sign, double sided
- white reflectorized background
- brown border and lettering
- signs to be 8 inches in depth/48 inches in length
- signs to be end mounted on minimum 4 x 4 wood post
- signs to be 6 to 8 feet above road level
- signs to be placed minimum of 12 feet from edge of pavement or 6 feet from edge of roadway
- signs not to be placed in center of ditch



SCHEDULE "B" TO BY-LAW NO. 89-112

<u>Initial Charge</u>	<u>Supplied</u>
<u>Installed</u>	<u>&amp;</u>
Private Roadway \$150.00	
Personal Direction Commercial Resort \$150.00	\$120.00
Resort Area Assembly - single	\$900.00
Resort Area Assembly - two or more	\$550.00
Addition to existing Resort Area Assembly - each \$150.00	
Cottage Association	

Annual Maintenance Fee

Private Road \$25.00	
Personal Direction Commercial Resort \$25.00	\$25.00
Resort Area Assembly - single	\$60.00
Resort Area Assembly - two or more	\$40.00
Cottage Association	

Note: The annual maintenance fee shall be due and payable on February 1st of each and every year.

Specialty signs will be constructed and installed on a total cost basis PROVIDED they comply with this By-law in principle.