

THE CORPORATION OF THE TOWN OF PRESCOTT

BY-LAW NO. 2-85

A By-Law to prohibit and regulate signs and other advertising devices

WHEREAS, Section 210(141) of the Municipal Act R.S.O. 1980, c.302 authorizes Municipalities to pass By-Laws to prohibit and regulate signs and other advertising devices and the posting of notices on buildings or vacant lots within the Municipality.

AND WHEREAS, the Council of the Corporation of the Town of Prescott deems it expedient to regulate signs and other advertising devices.

NOW, THEREFORE, the Council of the Corporation of the Town of Prescott enacts as follows:

Section 1: Definitions

- a) **Sign** includes any advertising device or notice and means any medium, including its structure and other component parts, temporary or permanent, which is used or capable of being used to attract attention to a specific subject matter, other than itself, for identification, information or advertising purposes.
- b) **Billboard** shall mean a sign whose area exceeds 1 square metre and is used for the display of a poster or for advertising purposes and may be attached to the wall or may be self supporting.
- c) **Incidental Sign** shall mean a sign of minor consequence and size whose use is incidental to another use and which therefore does not require detailed regulation by this By-law, without limiting the generality of the foregoing, incidental signs normally include numerical street numbers, any sign solely connected with a festive or religious occasion or public holiday or which is an integral part of equipment or of the packaging of a product or of a display; it is currently usual to locate on a park bench, mailbox, newspaper box, corner stone or grave marker.
- d) **Free Standing Sign** shall mean any sign directly supported by the ground without the aid of any other building or structure other than the sign structure.
- e) **Accessory or Business Sign** shall mean a sign, symbol, trademark structure or similar device including merchandise used to identify the use pursued by the person, firm, corporation, business, service, commercial or industrial enterprise which is displayed upon a lot or premises and indicates the type of business activity in which it is engaged.
- f) **Election Sign** shall mean any sign advertising or promoting any faction or candidate in an election.
- g) **Real Estate Sign** shall mean a temporary non-illuminated sign not exceeding .5 m² in area, advertising the sale or rental of a building or property.
- h) **Interior Sign** shall include signs which are affixed to the inside of windows and glass doors and are intended to be seen from a parking lot or roadway.
- i) **Awning or Canopy** shall mean and include a roof-like protection which is attached to a building which, when in place, projects at its base horizontally at right angles to the wall of the building. An awning or canopy may be permanently fixed to the building in a horizontal position or may be retractable.

- J) **Marquee** shall mean a permanent protective structure erected over a portion of the road allowance, adjacent to the entrance of a hotel or theatre and supported by special supports at the side farthest from the building.

Section 2: Regulations for Signs

- a) No person shall erect or maintain any sign which has any of the following characteristics:
- (i) The sign projects more than 45 (18") over the public sidewalk or road allowance.
 - (ii) The sign projects above the eaves or parapet line of the building.
 - (iii) The sign incorporates flashing or moving illumination which varies in intensity or colour.
 - (iv) The design of the sign incorporates motion of the sign face or sign structure which does not relate to time or temperature.
 - (v) The sign constitutes a hazard to public safety or health, or the sign by reason of its size, location, content, colouring or manner of illumination obstructs or detracts from the effectiveness or visibility of any traffic sign or control device on public streets and roads.
 - (vi) the sign constitutes a nuisance to the owners and occupiers of the surrounding property.
 - (vii) the sign is to be erected and maintained on or over hanging Municipal property.
 - (viii) the sign is classified as a billboard.
 - (ix) the sign is portable and displayed on public rights of way.
 - (x) Merchandise displayed on public rights of way unless authorized by resolution of Council, or the merchandise displayed occupies no more than one metre measured from the store front and is secured and supported in such a way as not to be a hindrance to pedestrians.
- b) All signs must be maintained in good order and appearance.
- c) (i) No person shall attach any poster, incidental sign, handbill notice or advertisement to any pole or tree on any highway, or paint, print or impress anything on any sidewalk or roadway without permission to do so from the Corporation of the Town of Prescott.
- (ii) No person shall erect or maintain any banner, stringer or other advertising device across any road allowance without permission to do so by resolution of the Council of the Town of Prescott.
- (iii) All signs shall be removed within 48 hours of the event for which they are used or within 48 hours of receipt of written notice to do so from the By-law Enforcement Officer.
- d) Unless otherwise approved by Council, there shall be no more than one free standing sign erected on any premise used for commercial, retail and/or professional purposes. This restriction applies to the entire premise notwithstanding that there may be more than one establishment occupying a single premise.

- e) Any outdoor sign is liable to inspection by the By-Law Enforcement Officer.
 - (i) Any outdoor sign which is found by such inspection not to conform with this By-Law shall be removed by the owner within thirty days of notice of the non-conformity.
 - (ii) After thirty days, the By-Law Enforcement Officer is hereby authorized to have the sign removed at the expense of the owner.

Section 3: Awning, Canopy or Marquee

- a) An awning, canopy or marquee may be attached to any building if and only if:
 - (i) The building or structure to which it is attached is of sufficient strength to carry the load.
 - (ii) No fire escape shall be obstructed.
 - (iii) No obstruction to the visibility of drivers or the operation of motor vehicles would result from its erection.
 - (iv) No part of such awning, canopy or marquee is closer than 210 cm. (7') above the sidewalk.
 - (v) No awning, canopy or marquee shall project horizontally over a public sidewalk in such a manner that a line dropped vertically from the face of the awning, canopy or marquee is within 60 cm. (24") from the face of the curb.
- b) Notwithstanding anything or any other provisions contained in this or any other By-Law, an awning, canopy or marquee may carry upon the outer vertical face which is parallel with the face of the building only an identification sign, provided that neither the sign nor the letters or figures on the sign exceed 30 cm. (12") in height.

Section 4: Exceptions

- a) This By-Law shall not apply to signs erected by the authority of the Council of the Corporation of the Town of Prescott, the Ontario Government or the Federal Government.

Section 5: Liability

- a) The Corporation of the Town of Prescott cannot be held responsible for any claims, losses, damages, expenses and costs which might be incurred by the Town due to the erection of any sign on private property or the display of any merchandise on the public rights of way.

Section 6; Permits

- a) No person shall erect, cause to be erected or structurally alter any signs, awning, canopy, marquee or other advertising device within the Town of Prescott without first obtaining a permit from the office of the By-Law Enforcement Officer.
- b) The fee for such sign permit shall be \$10.00.
- c) The By-Law Enforcement Officer shall issue a permit only if the proposed sign, awning, canopy, marquee or other advertising device meets the requirements of this By-Law.
- d) Permits are not required for the following classes of signs or advertising devices:

- (i) election signs
- (ii) incidental signs
- (iii) real estate signs
- (iv) interior signs whether affixed to the window or to the interior walls of the building or structure.
- (v) signs of public authority.
- (vi) signs prescribed by law.
- (vii) signs for public convenience (such as delivery, caution, entrance, construction or detour signs).

Section 7: Penalty

- a) Any person contravening any of the provisions of this By-law is guilty of an offence and is liable to a penalty not exceeding \$2,000.00 recoverable under the Provincial Offences Act R.S.O. 1980 c.400.

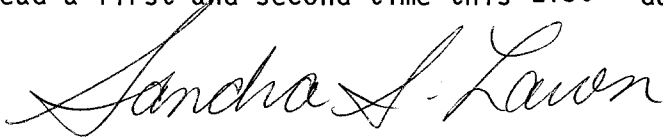
Section 8: Compliance

- a) No sign lawfully erected at the date of the passing of this By-Law need be removed to comply with this By-Law so long as the sign or advertising device is not in any way substantially altered. Maintenance and repair of the sign or advertising device or a change in the message displayed shall not be deemed in itself to constitute an alteration.

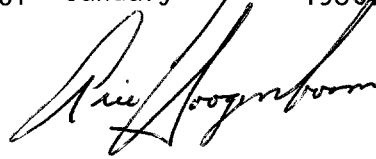
Section 9: Repeal

- a) By-Law 1873 passed the 17th day of March, 1975 is hereby repealed.
- b) Section 44 of By-Law 32-80 is hereby repealed.
- c) Notwithstanding the provisions of any other By-Law to the contrary, in the event of a conflict between provisions of the By-Law and other By-Laws, the provisions of this By-Law shall prevail.

Read a first and second time this 21st day of January 1985.



Mayor

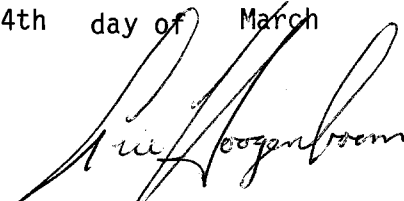


Clerk

Read a third time and finally passed this 4th day of March 1985.



Mayor



Clerk

