

BY-LAW NUMBER 10-030

OF

THE REGIONAL MUNICIPALITY OF WATERLOO

A By-law Respecting Signs on Regional Roads and to Repeal By-law 99-067

WHEREAS section 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25, authorizes The Regional Municipality of Waterloo to pass by-laws respecting Regional roads;

AND WHEREAS The Regional Municipality of Waterloo has determined that a by-law regulating the placement of signs on highways over which it has jurisdiction is desirable to enhance public safety and to reduce aesthetic blight;

AND WHEREAS subsection 63(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, authorizes The Regional Municipality of Waterloo, if it passes a by-law for prohibiting or regulating the placing, stopping, standing or parking of an object or vehicle on or near a highway, to provide for the removal and impounding or restraining or immobilizing of any object or vehicle placed, stopped, standing or parked on or near a highway in contravention of that by-law;

AND WHEREAS subsections 446(1), 446(3) and 446(4) of the *Municipal Act, 2001*, S.O. 2001, c. 25, authorize The Regional Municipality of Waterloo, where it has authority by by-law or otherwise to direct or require that a matter or thing be done, to direct in the same by-law that, in default of it being done by the person directed or required to do it, such matter or thing be done at the person's expense and to recover that expense by action or by adding it to the tax roll and collecting it in the same manner as taxes, or by requesting a local municipality to add that expense to its tax roll;

NOW THEREFORE, the Council of The Regional Municipality of Waterloo enacts as follows:

Part I - Definitions

1. In this By-law:

- (a) "Commissioner" means the Commissioner of Transportation and Environmental Services for the Region or any successor position, or his or her designate;
- (b) "copy" means the wording, letters, numerals, symbols and artwork on a sign;
- (c) "grade" means the elevation of the ground directly beneath a sign or the elevation of the nearest edge of the roadway, whichever is higher;
- (d) "ground-mounted sign" means a sign upheld by no more than two wooden supports constructed on or driven into the ground where each wooden support is no greater than 10 centimetres by 10 centimetres in cross-section (a 4-inch by 4-inch post), or a sign upheld by no more than two metal supports constructed on or driven into the ground where each metal support can be bent by hand, or a sign upheld by a support located on private property such that the sign and support encroach into the road allowance no more than 1.0 metre;
- (e) "intersecting road" means a road under the jurisdiction of the Region or a local municipality that intersects a Regional road;
- (f) "local municipality" means any of The Corporation of the City of Cambridge, The Corporation of the City of Kitchener, The Corporation of the City of Waterloo, The Corporation of the Township of North Dumfries, The Corporation of the Township of Wellesley, The Corporation of the Township of Wilmot, or The Corporation of the Township of Woolwich;

- (g) “moveable sign” means a rigid, portable, self-supporting sign that is erected on but not permanently anchored in the ground or affixed in any way and constructed in a manner and of materials such that it can be placed or repositioned by an individual without mechanical aid and includes, but is not limited to, signs commonly referred to as A-frame, T-frame, sandwich board, menu board and sidewalk signs;
- (h) “municipal law enforcement officer” means a by-law enforcement officer appointed by the Region or a local municipality;
- (i) “official sign” means a sign placed:
 - (i) by or under the jurisdiction of the Commissioner; or
 - (ii) under the authority of a statute, by-law, or provincial or federal guideline to regulate or prohibit the movement of pedestrians or vehicles or to warn or guide pedestrians or the drivers of vehicles;
- (i) “owner” means any person described on the sign, or whose name or address or telephone number appears on the sign, or who installed the sign, or who is in lawful control of the sign, or who benefits from the message on the sign, and for the purposes of this By-law there may be more than one owner of a sign;
- (k) “person” includes, but is not limited to, an individual, sole proprietorship, partnership, association or corporation;
- (l) “place” when used as a verb means to attach, install, erect, build, construct, reconstruct, move, display or affix;
- (m) “*Planning Act*” means the *Planning Act*, R.S.O. 1990, c. P.13, as amended, or any successor legislation;
- (n) “poster sleeve” means a covering designed for posters to be placed on it, which has been fitted to a utility pole on a Regional road;
- (o) “Region” means The Regional Municipality of Waterloo;
- (p) “Regional road” means a road under the jurisdiction of the Region;
- (q) “road” includes, but is not limited to, a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof and the parts of which may include a:
 - (i) “boulevard” which means that part of a road from the edge of the roadway to the nearest lateral property line, but does not include a shoulder or a median;
 - (ii) “driveway” which means that part of a boulevard that provides vehicular access to and from the roadway and an adjacent property;
 - (iii) “median” which means that part of a road that divides the roadway, including any channelizing islands and the central islands of any roundabouts;
 - (iv) “roadway” which means that part of a road that is improved, designed or ordinarily used for vehicular traffic including lanes and curb and gutter but does not include the shoulder;
 - (v) “shoulder” which means that part of a road lying adjacent to the roadway that is improved with granular or paved surface and is not intended for the passage of motor vehicles or pedestrians; and

- (vi) "sidewalk" which means that part of a boulevard with a surface improved with asphalt, concrete or gravel for the use of pedestrians and includes a multi-use trail;
- (r) "sign" means any device, object or thing that creates a design or conveys a message, or that is designed to convey a message and that is placed for the purposes of advertising, announcing, directing or promoting any idea, event, activity, product, service or facility, identifying a business or enterprise, or conveying any other type of message and, without limiting the generality of the foregoing, this definition includes:
 - (i) a "business accessory sign" which means a sign advertising any activity, product, service or facility produced, manufactured or provided by a business or enterprise;
 - (ii) an "election sign" which means a sign advertising any person or political party participating in an election for public office or a sign advertising a position on a plebiscite or municipal question;
 - (iii) an "event sign" which means a sign advertising or providing directions to a community-sponsored event including, but not limited to, a parade, procession, ceremony, dance, car show, farmers' market, festival, or carnival;
 - (iv) a "farm accessory sign" which means a sign advertising or providing directions to the on-farm sale of any activity, product or service produced, manufactured or provided predominately on the farm in compliance with the applicable local zoning by-law including, but not limited to, pick-your-own operations, agri-tourism activities, and the small-scale retailing of local farm produce and related goods;
 - (v) a "new home builder sign" which means a sign providing directions to a new home development constructed by the new home builder at a location other than where the sign is located;
 - (vi) an "open house sign" which means a sign providing directions to an open house for the re-sale or lease of a residence taking place at a location other than where the sign is located;
 - (vii) a "poster sign" which means a non-rigid sign that is made entirely of paper; and
 - (viii) a "rural property accessory sign" which means a sign identifying resident name, civic address, the provider of a newspaper, or an affiliation to a farm organization including, but not limited to, the Ontario Federation of Agriculture, the National Farmers Union of Ontario, the Christian Farmers Federation of Ontario, and the Environmental Farm Plan;
- (s) "sign height" means the vertical height of a sign from the finished grade to the top of the sign including any frame, border or ornamental feature; and
- (t) "wire-mounted sign" means a sign upheld by no more than two supports constructed on or driven into the ground, where each support is made of metal wire.

Part II – General Provisions

2. No person shall place, or cause or permit to be placed, a sign, or any part of a sign, on a Regional road other than an official sign or a sign permitted under Parts III, IV, V, VI, VII, VIII, IX or X of this By-law.
3. The Region and its authorized agents shall not be liable for any loss, costs, damages, charges or expenses that may be incurred by a person with respect to a sign permitted by this By-law.

4. No person shall place, or cause or permit to be placed, a sign, or any part of a sign, under Parts III, IV, V, VI, VII, VIII, IX or X of this By-law on a Regional road that:
- (a) has any part of the sign located within:
 - (i) 3.0 metres of any fire hydrant;
 - (ii) 15.0 metres of a traffic control signal, crosswalk, bus stop sign or school bus loading zone; or
 - (iii) 30.0 metres of a roundabout as measured from the outer edge of any crosswalk at the roundabout and away from the roundabout;
 - (b) has any part of the sign located within a roadway, shoulder, median or planting bed;
 - (c) may obstruct the flow of water in a drain, ditch or watercourse;
 - (d) impacts the function of the road by:
 - (i) creating a safety hazard;
 - (ii) impeding or obstructing municipal maintenance or construction operations;
 - (iii) impeding access to or obstructing a fire hydrant;
 - (iv) impeding or obstructing the passage of pedestrians where they are reasonably expected to walk;
 - (v) impairing or obstructing the visibility of vehicular or pedestrian traffic or a railway crossing; or
 - (vi) obscuring or detracting from the visibility or effectiveness of an official sign or a traffic control signal;
 - (e) resembles an official sign or a traffic control signal or device in colour, shape, wording, content or location;
 - (f) is manufactured so that it:
 - (i) is illuminated internally or externally;
 - (ii) has a variable, animated, video or electronic message sign face or generates a beacon;
 - (iii) is inflatable;
 - (iv) has more than two sign faces or sides;
 - (v) has any visible moving part or visible mechanical movement;
 - (vi) contains any device that creates noise;
 - (vii) is made of cloth or a similar lightweight non-rigid material, except for a poster sign made of paper;
 - (viii) uses retro-reflective or micro-prismatic materials;
 - (ix) uses fluorescent material; or
 - (x) is created through the use of plants or landscaping materials;
 - (g) is painted onto, affixed by glue, self-adhesive backing, tape or wire onto, or affixed by excavating, digging, drilling, driving or cutting into:
 - (i) a tree, shrub, stone or any other natural object;

- (ii) asphalt, concrete, brick or any other hard improved surface;
 - (iii) a utility box, traffic signal control box, transit equipment, bridge, guiderail or any other road structure;
 - (iv) a utility pole where a poster sleeve is provided within 200 metres;
 - (v) a waste receptacle, bench, transit shelter, bicycle rack, fence, railing, retaining wall, planter, tree support, Canada Post box or any other street furniture;
 - (vi) an official sign;
 - (vii) the support of an ornamental luminaire;
 - (viii) the support of any transit equipment; or
 - (ix) the support of an official sign or any other traffic control device;
- (h) is not securely fastened to its support;
 - (i) is not maintained in a proper state of repair so that the sign becomes unsafe or unsightly;
 - (j) is for an unlawful activity;
 - (k) contains profanity or obscenity;
 - (l) promotes discrimination on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or disability; or
 - (m) is obsolete and advertises an event that is over, a business or enterprise that is no longer conducted, or an activity, product, service or facility that is not in season or is no longer provided.
5. No person shall place a ground-mounted or wire-mounted sign on a Regional road without first informing themselves as to the existence and location of all underground utilities at or adjacent to the sign location.
 6. No person shall place accessory or decorative materials adjacent to a sign on a Regional road.
 7. No person shall place a sign on a Regional road that fails to comply with any applicable by-law of the local municipality in which the sign is located.

Part III – Business Accessory Signs

8. No person shall place or permit to be placed on a Regional road any business accessory sign except for one business accessory sign per business or enterprise that:
 - (a) is a moveable sign;
 - (b) has dimensions that are not more than 1.0 metre in sign width (side to side) and not more than 0.9 metres in sign length (top to bottom);
 - (c) is placed with a sign height from the finished grade to the top of the sign that is between 0.6 and 0.9 metres;
 - (d) has no part of the sign within:
 - (i) 0.5 metres of a roadway if there is a curb and no shoulder;
 - (ii) 0.5 metres of a shoulder;

- (iii) 3.0 metres of a roadway if there is no curb and no shoulder; or
- (iv) 10.0 metres of an intersecting road, measured from the nearest edge of the shoulder or the roadway if there is no shoulder;
- (e) if placed on a sidewalk, maintains a minimum unobstructed sidewalk width of 1.2 metres;
- (f) is placed on a boulevard in any local municipality's community core area or retail core area as defined by that municipality's Official Plan;
- (g) is placed within the perpendicular projection into the road of the side property lines of the premises of the business or enterprise being advertised, on the same side of the road as the business or enterprise, but only where the physical location of the building in which the business or enterprise resides is so close to the road so as to preclude the sign from being located off the road; and
- (h) directs attention only to the activities, products, services or facilities produced, manufactured or provided by the business or enterprise at that same location.

Part IV – Election Signs

9. No person shall place or permit to be placed on a Regional road any election sign except for an election sign that:
 - (a) is a ground-mounted, moveable or wire-mounted sign;
 - (b) has dimensions that are not more than 1.0 metre in sign width (side to side) and not more than 0.9 metres in sign length (top to bottom);
 - (c) is placed with a sign height from the finished grade to the top of the sign that is between 0.6 and 0.9 metres;
 - (d) has no part of the sign within:
 - (i) 0.5 metres of a roadway if there is a curb and no shoulder;
 - (ii) 0.5 metres of a shoulder;
 - (iii) 3.0 metres of a roadway if there is no curb and no shoulder;
 - (iv) 0.5 metres of a sidewalk;
 - (v) 5.0 metres of a driveway, measured from the nearest edge of the driveway; or
 - (vi) 15.0 metres of an intersecting road, measured from the nearest edge of the shoulder or the roadway if there is no shoulder;
 - (e) is one of not more than two permitted election signs advertising the same person or their political party or position on a plebiscite or municipal question, for each side of a Regional road between two consecutive intersecting roads;
 - (f) is placed:
 - (i) less than 45 days before the voting day of a referendum, a municipal question or a municipal or school board election; or
 - (ii) after the issuance of the writ for an election or by-election; and
 - (g) is removed within 72 hours following the voting day.

Part V – Event Signs

10. No person shall place or permit to be placed on a Regional road any event sign except for an event sign that:
- (a) is a moveable or wire-mounted sign;
 - (b) has dimensions that are not more than 0.5 metres in sign width (side to side) and not more than 0.9 metres in sign length (top to bottom);
 - (c) is placed with a sign height from the finished grade to the top of the sign that is between 0.6 and 0.9 metres;
 - (d) has no part of the sign within:
 - (i) 0.5 metres of a roadway if there is a curb and no shoulder;
 - (ii) 0.5 metres of a shoulder;
 - (iii) 3.0 metres of a roadway if there is no curb and no shoulder;
 - (iv) 0.5 metres of a sidewalk;
 - (v) 5.0 metres of a driveway, measured from the nearest edge of the driveway; or
 - (vi) 15.0 metres of an intersecting road, measured from the nearest edge of the shoulder or the roadway if there is no shoulder;
 - (e) is the only sign advertising the same event, for each side of a Regional road between two consecutive intersecting roads;
 - (f) is placed less than 14 days before the event; and
 - (g) is removed within 72 hours following the event.

Part VI – Farm Accessory Signs

11. No person shall place or permit to be placed on a Regional road any farm accessory sign except for a farm accessory sign that:
- (a) is a ground-mounted, moveable or wire-mounted sign; and
 - (b) has no part of the sign within:
 - (i) 0.5 metres of a roadway if there is a curb and no shoulder;
 - (ii) 0.5 metres of a shoulder;
 - (iii) 3.0 metres of a roadway if there is no curb and no shoulder;
 - (iv) 0.5 metres of a sidewalk;
 - (v) 5.0 metres of a driveway other than the farm driveway, measured from the nearest edge of the driveway; or
 - (vi) 15.0 metres of an intersecting road, measured from the nearest edge of the shoulder or the roadway if there is no shoulder.

Part VII – New Home Builder Signs

12. No person shall place or permit to be placed on a Regional road any new home builder sign except for a new home builder sign that:
- (a) is a moveable sign;
 - (b) has dimensions that are not more than 1.0 metre in sign width (side to side) and not more than 0.9 metres in sign length (top to bottom);

- (c) is placed with a sign height from the finished grade to the top of the sign that is between 0.6 and 0.9 metres;
- (d) has no part of the sign within:
 - (i) 0.5 metres of a roadway if there is a curb and no shoulder;
 - (ii) 0.5 metres of a shoulder;
 - (iii) 3.0 metres of a roadway if there is no curb and no shoulder;
 - (iv) 0.5 metres of a sidewalk;
 - (v) 5.0 metres of a driveway, measured from the nearest edge of the driveway; or
 - (vi) 15.0 metres of an intersecting road, measured from the nearest edge of the shoulder or the roadway if there is no shoulder;
- (e) is the only sign dealing with the same new home builder, for each side of a Regional road between two consecutive intersecting roads;
- (f) is located within 2 kilometres of the new home builder development; and
- (g) is placed no earlier than noon on any Friday and removed by no later than noon of the following Monday, provided that where a statutory holiday falls on a Friday, the sign shall be placed no earlier than noon on the preceding Thursday, and where a statutory holiday falls on a Monday, the sign shall be removed by no later than noon on the following Tuesday.

Part VIII – Open House Signs

13. No person shall place or permit to be placed on a Regional road any open house sign except for an open house sign that:

- (a) is a moveable or wire-mounted sign;
- (b) has dimensions that are not more than 0.65 metres in sign width (side to side) and not more than 0.9 metres in sign length (top to bottom);
- (c) is placed with a sign height from the finished grade to the top of the sign that is between 0.6 and 0.9 metres;
- (d) has no part of the sign within:
 - (i) 0.5 metres of a roadway if there is a curb and no shoulder;
 - (ii) 0.5 metres of a shoulder;
 - (iii) 3.0 metres of a roadway if there is no curb and no shoulder;
 - (iv) 0.5 metres of a sidewalk;
 - (v) 5.0 metres of a driveway, measured from the nearest edge of the driveway;
 - (vi) 10.0 metres of an intersecting road, measured from the nearest edge of the shoulder or the roadway if there is no shoulder; or
 - (vii) 50.0 metres of any other sign dealing with the same open house event;
- (e) is located within 2 kilometres of the open house; and

- (f) is placed no earlier than 9:00 a.m. and removed by no later than 6:00 p.m. on the day of the open house.

Part IX – Rural Property Accessory Signs

- 14. No person shall place or permit to be placed on a Regional road any rural property accessory sign except for a rural property accessory sign that:
 - (a) has dimensions that are not more than 60 centimetres in sign width (side to side) and not more than 60 centimetres in sign length (top to bottom).

Part X – Poster Signs

- 15. No person shall place or permit to be placed on a Regional road any poster sign except for a poster sign that:
 - (a) has dimensions that are not more than 28 centimetres in sign width (side to side) and not more than 46 centimetres in sign length (top to bottom);
 - (b) is placed with its top edge no more than 2.2 metres above the ground;
 - (c) does not cover or overlap in whole or in part another sign;
 - (d) clearly displays on its face, in ink, the date on which it was first placed and the name, address and telephone number of the owner of the poster sign;
 - (e) is the only poster sign dealing with the same subject matter placed in any one location; and
 - (f) is removed within 30 days following the placement of the poster or, where the poster advertises an event, within 72 hours following the event, whichever is the shorter period.

Part XI – Removal

- 16. Any person who places or permits to be placed a sign that does not comply with this By-law is required to modify the sign to comply with the By-law or remove the sign forthwith and restore the sign location to a condition satisfactory to the Commissioner.
- 17. Any person who places or permits to be placed accessory or decorative materials adjacent to a sign in contravention of this By-law is required to remove the materials forthwith and restore the sign location to a condition satisfactory to the Commissioner.
- 18. The Commissioner, a municipal law enforcement officer or a police officer may immediately remove and dispose of any sign that does not comply with this By-law, without notice or compensation and without regard to damages done to such sign during removal.
- 19. The Commissioner, a municipal law enforcement officer or a police officer may immediately remove and dispose of accessory or decorative materials adjacent to a sign that does not comply with this By-law, without notice or compensation and without regard to damages done to such materials during removal.
- 20. If a person required to restore a sign location under section 16 or 17 of this By-law fails to do so, then the Commissioner may restore the location.
- 21. The Region and a local municipality may recover the expense for the removal, transportation and disposal of a sign or accessory or decorative materials and for restoration of the sign location from the owner under sections 18, 19 and 20 of this By-law by court action or in like manner as municipal taxes.

Part XII - Exception

22. (a) Notwithstanding any other provision of this By-law, the Commissioner may grant a permit to a person to place a temporary sign on a Regional road if:
- (i) the portion of the Regional road on which the sign is to be placed was dedicated to the Region pursuant to the *Planning Act* for the purposes of a road widening;
 - (ii) the construction of the road widening has not yet commenced and the Region is not otherwise using the dedicated lands for municipal or other public purposes;
 - (iii) the person is the owner or tenant of the lands immediately adjacent to and within the extension of the property lines of the dedicated lands; and
 - (iv) the placement of the sign complies with section 4 of this By-law, with the exception of subsection 4(f).
- (b) Subject to subsection (c) of this section, the Commissioner may:
- (i) prescribe any necessary forms for the permit and the application for a permit;
 - (ii) set the term of each permit; and
 - (iii) impose any special conditions upon a permit to ensure the proper operation of the Regional road and transportation system.
- (c) It shall be a condition of every permit that it shall expire, and the permit holder shall remove the temporary sign at its own cost, when the Region requires the dedicated lands for the road widening or other municipal or public purposes.
23. (a) Notwithstanding any other provision of this By-law, the Commissioner may enter into an encroachment agreement on behalf of the Region with a person that allows a permanent sign to remain on a Regional road or to be constructed on a Regional road if:
- (i) the person, or a successor in title to the person, dedicated the portion of the Regional road on which the sign is located pursuant to the *Planning Act* for the purposes of a road widening;
 - (ii) the construction of the road widening has not yet commenced and the Region is not otherwise using the dedicated lands for municipal or other public purposes; and
 - (iii) the placement of the sign complies with section 4 of this By-law, with the exception of subsections 4(f) and 4(g)(ii).
- (b) The encroachment agreement shall be in a form that is satisfactory to the Commissioner and the Regional Solicitor and the encroachment agreement shall expire, and the person shall remove the permanent sign at its own cost, when the Region requires the dedicated lands for the road widening or other municipal or public purposes.

Part XII – Penalty

24. Every person who contravenes a provision 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, as amended.

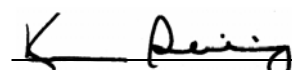
Part XIII – Administration and Enforcement

25. The Commissioner is responsible for the administration of this By-law.

26. This By-law may be enforced by the Commissioner, a municipal law enforcement officer or a police officer.
27. Regional Council may authorize a minor variance from the requirements of this By-law.
28. If any section or sections of this By-law or parts thereof are found by any Court to be illegal or beyond the power of Council to enact, such section or sections or parts shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and independent and shall continue in full force.
29. This By-law may be cited as the "Sign By-law".
30. This By-law comes into force on July 31, 2010.
31. By-law Number 99-067 of the Region shall be repealed effective on the coming into force of this By-law.

By-law read a first, second and third time and finally passed in the Council Chamber in The Regional Municipality of Waterloo this 16th day of June, A.D., 2010.


REGIONAL CLERK


REGIONAL CHAIR