

THE CORPORATION OF THE TOWNSHIP OF NORTH DUNDAS
PUBLIC NUISANCE SIGN BY-LAW
BY-LAW 53-2013

AND WHEREAS Section 11(2) of the Municipal Act 2001, S.O. 2001 c. 25, as amended, (“Municipal Act”) authorizes a lower-tier municipality to pass by-laws with respect to the economic, social and environmental well-being of the municipality, as well as the health, safety and well-being of persons;

AND WHEREAS Section 11(3)(7) and section 99 of the Municipal Act authorize a lower-tier municipality to pass by-laws with respect to structures including fences and signs;

AND WHEREAS Section 128 of the Municipal Act authorizes the council of a local municipality to prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council, are or could become or cause public nuisances;

AND WHEREAS Section 128 of the Municipal Act provides that the opinion of council made under that section of the Act is not subject to review by any court if it is arrived at in good faith;

AND WHEREAS the Council of the Corporation of the Township of North Dundas (“Council”) has passed Community Improvement Plan By-law 13-2013 in an effort to enhance the commercial core areas of the municipality;

AND WHEREAS wire stands used in yard type signs posted on road allowances can pose a risk to the health, safety and well-being of persons clearing road side ditches;

AND WHEREAS there has been a proliferation of temporary signs being erected on public road allowances, including traffic signal poles, traffic signage poles and streetlighting poles within the public road allowances throughout the Township;

AND WHEREAS Council finds such proliferation of signs on public road allowances, including those signs on traffic signal poles, traffic signage poles, streetlighting and utility poles within the public road allowances throughout the Township to be public nuisances, as they constitute a safety hazard by distracting pedestrians and motorists, interfere with the daily activities of residents, and undermine the aesthetic qualities of the Township;

NOW THEREFORE the Council of The Corporation of the Township of North Dundas ENACTS the following:

1. Definitions:
 - (a) “Municipality” means the Township of North Dundas and the United Counties of Stormont, Dundas, & Glengarry.
 - (b) “Municipal Property” means any property including a highway as defined in s. 26 of the Municipal Act, 2001 that is under the jurisdiction of the Municipality.
 - (c) “Official Sign” means a sign erected or placed or authorised for erection or placement by the Government of Canada, the Government of Ontario or the Municipality or expressly permitted by this by-law.
 - (d) “Sign” means any device, structure or medium that uses any colour, form, graphic, illumination, symbol or writing to convey information of any kind to the public, and includes a poster.
 - (e) “Unauthorised Sign” means a sign that is not an Official Sign.
 - (f) “Utility Pole” means a utility pole; traffic signal pole, traffic signage pole, light standard owned or controlled by the Municipality, Hydro One, Bell Canada or any other public utility.

2. Except for an Official Sign no person shall affix, attach or display or cause the display or attachment of any Sign on a Utility Pole or Municipal Property unless authorized by the Municipality.
3. Notwithstanding Section 2, the following Signs are permitted and deemed to be Official Signs provided that such signs shall comply with all other requirements of this By-law:
 - (a) federal and provincial; election Signs placed for or on behalf of a candidate or political party provided such signs are removed within one week following the election date;
 - (b) real estate Signs;
 - (c) open house Signs;
 - (d) auction Signs advertising a single date ;
 - (e) sandwich board Signs located on the sidewalk immediately in front of to the business advertised;
 - (f) civic address identification Signs;
 - (g) Signs placed by religious or charitable organizations or other recognized public service organizations;
 - (h) Signs erected to advertize a particular event (ie. Art on the Waterfront Festival, Dairyfest, Plowing match, exhibitions, and fair signs, and signs placed by similar organizations) including banners or signs used to identify a special event endorsed or sponsored by a municipality;
 - (i) garage sale Signs for single date garage sales that will or are taking place.

Except that no Official Sign other than as set out in (a) above shall be erected on any Utility Pole.

4. The following signs on Municipal Property are specifically prohibited:
 - (a) an Official Sign located so as to obstruct the view of any pedestrian or motor vehicle driver so as to cause an unsafe condition;
 - (b) an Official Sign interfering with or obstructing the view of an authorized traffic sign, traffic signal, or official sign or any sign capable of being confused with such a traffic sign, traffic signal or official sign; and
 - (c) an Official Sign located within a sight triangle.
5. The following persons are hereby authorized to remove and dispose of Signs that are not Official Signs , subject to any conditions as noted below:

Authorized Persons	Conditions of Authorization
Mayor and Members of the Township of North Dundas Council and all Township employees	May remove and dispose of Unauthorized Signs.
All property owners and occupiers	May remove and dispose of any Unauthorized Signs that are found on the public property abutting the property owner/occupiers' private property.
All residents of the Township of North Dundas	May remove and dispose of Unauthorized Signs, subject to entering into an authorization agreement with the Township in a form satisfactory to the Director of Planning, Building and Enforcement or designate.

6. The Director of Planning, Building and Enforcement or designate is authorized to enter into appropriate agreements with residents of the Township of North Dundas to authorize such residents to remove Unauthorized Signs as defined in this By-law.
7. The Director of Planning, Building and Enforcement or designate may revoke the delegation of powers under an authorization agreement with the Township without cause in an unfettered exercise of discretion.

8. Nothing in this By-law shall affect the rights of any Township employees or other persons from enforcing any other applicable laws or by-laws, if such Township employees or persons are authorized to enforce such laws and by-laws.

9. PENALTIES AND ENFORCEMENT

- (a) Every person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine of up to \$5,000.00.
- (b) Where notice is provided to the persons or persons who erected the Unauthorized Sign and the sign is not removed by the person within the 14 calendar days then this violation of this by-law shall be deemed a continuing offence each day following the expiry of the 14 calendar day notice period and the penalty referred to in (a) applies to each day.
- (c) Any Sign removed by the Municipality pursuant to this By-law shall be stored for thirty (30) days, unless:
 - (i) the Sign is redeemed by the owner of the sign or his agent pursuant; or
 - (ii) the size of the sign is 1.0m² (10 sq. ft.) or less, in which case the Director may direct that the Sign be destroyed or disposed of in any manner he deems fit at any time without further notice; or
 - (iii) the Sign is a banner, in which case the Director may direct that the sign be destroyed or disposed of in any manner he deems fit at any time without further notice.
- (d) Except for a Sign described in subsections 9(c)(ii) and 9(c)(iii), the owner of a Sign or his agent may redeem a Sign that has been removed and stored by the Municipality by completing a signed acknowledgement and release on the prescribed form.
- (e) Any Sign that is stored by the Township for more than thirty (30) days and not redeemed by the owner of the Sign or his agent within that period of time may be destroyed or otherwise disposed of by the Director without further notice.

15. EFFECTIVE DATE

This By-law takes effect on October 9, 2013.

16. SHORT TITLE

This By-law may be referred to as the Public Nuisance Sign By-law.

ENACTED and PASSED this 8th day of October, 2013.



Eric Duncan, Mayor



Jo-Anne McCaslin, Clerk