

THE MUNICIPALITY OF CLANWILLIAM-ERICKSON

BY-LAW NO. 27/15

BEING A BY-LAW OF THE MUNICIPALITY OF CLANWILLIAM-ERICKSON TO REGULATE SIGNS

WHEREAS Section 232, 233, and 234 of the Municipal Act provides in part that a Council of a Municipality may pass by-laws for the carrying on of various activities, to regulate and control various activities, to establish permits, fees, and licenses for such things, and to enforce the by-law;

NOW THEREFORE the Council of The Municipality of Clanwilliam-Erickson, in meeting duly assembled, enacts as follows:

SIGN REGULATIONS

This bylaw is intended and designed to establish a minimum control of signs. Such control is deemed essential to promote the safety and general welfare for the citizens, by reducing hazards to pedestrians, cyclists, and vehicular traffic, and, by preventing unsightly and detrimental development having a blighting influence upon the countryside.

PART I DEFINITIONS

- 1.1. **”Sign”** means any writing (including letters, words, or numerals), pictorial representation (including illustration or decoration), emblem (including device, symbol or trademark), banner, pennant or any other figure of similar character which:
 - (a) Is a structure or any part thereof, or is attached to, painted on or in any other manner represented on, or, in a building, other structure, including an unlicensed vehicle, tractor trailer, travel trailer, mobile trailer whether on wheels, or, of such a size, as to be portable.
 - (b) Is used to identify, direct attention to or advertise; and
 - (c) Is visible from outside a building, but shall not include show windows as such.
- 1.2. **“Sign, advertising”** means a sign directing attention and may give directions to a business, a business commodity, service, entertainment, subdivision, institution or public service; conducted, sold or offered elsewhere than upon the same zoning site where the sign is maintained.
- 1.3. **“Sign, bulletin board”** means an onsite sign of permanent character, but with messages that can be changed. (ex: school, church service times and dates, community center event dates and times).
- 1.4. **“Sign, business free standing”** means a sign directing attention to a business, commodity, service, entertainment, subdivision or public institution, conducted, sold or offered upon the same zoning site where the sign is maintained. A business sign on a commercial property may include advertising of products and sales on site, which shall not exceed the allowable total area, refer to 1.8.
- 1.5. **“Sign, business advertising fascia or wall ”** means any sign attached against the surface of or against or within a recess in the wall, a column or other perpendicular portion of a building in a position essentially parallel to said wall, column or other perpendicular position. A fascia sign shall also mean any sign attached to the walls of two (2) or more buildings and spanning the spaces between said buildings.
- 1.6. **“Sign, free-standing”** means a sign supported by a vertical column or columns placed in the ground with the sign surface area above ground level.

- 1.7. **“Sign, identification”** means a sign that identifies the owner, resident, street address, phone number, and which sets forth no other advertisement.
- 1.8. **“Sign, surface area”** means the entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem or any figure of similar character including any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed excluding the necessary supports or uprights on which it is placed. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than one (1) yard from one another, the sign surface area shall be taken as the surface area of the larger face if the two faces are of unequal area.
- 1.9. **“Sign, temporary”** means any sign advertising a yard sale, auction sale, flea market, property for sale, election, garage sale, inflatable gag signs and, similar activities, which is designed to serve a short time frame relative to the event. (ex: yard sale – one day, election – 4 weeks). Temporary Construction signs identifies a construction project and construction information relative thereto. Temporary construction signs shall be permitted until the project is completed.
- 1.10. **“Sign, information”** means any sign describing a public institution or subdivision and may only contain the name, building layout design, map of grounds or subdivision, developer’s name, name/phone number of sales agent, lot sizes, street names, names of lot owners, and indication of lots sold or unsold.
- 1.11. **“Travel Sign or Mobile Sign”** means any sign designed in a manner that it can be easily moved or relocated from place to place, such as on wheels or legs, which may or may not be secured or be capable of being secured to the ground by posts or other such means. It also means those signs commonly referred to as trava-signs, mobile signs, and, includes trailers and immobilized vehicles featuring prominent advertising. It does mean or include the meaning of a “free standing sign” as defined in this by-law.
- 1.12. **“High Intensity Reflective Sign”** means any sign, including the lettering thereon, that glows or reflects a very bright intense light, such as colours commonly referred to as fluorescent or luminous pink, green, orange, or similar likeness. Where, any person disputes that the sign or lettering does not fit the meaning as described herein, then, it shall mean what the Development Officer deems it to be, and such decision by the Development Officer shall be final and binding.
- 1.13. **“Banner Sign”** means a sign made of vinyl, cloth, synthetic fibre or fabric, and which is designed to be attached at each end to buildings, poles, or posts, and may be stretched over and across public streets or roads.
- 1.14. **“Obtrusive Sign”** shall mean a sign which colour, design, lettering, illumination, letter clarity, or in the opinion of the Development Officer, is undesirable in reflecting the intent of this by-law, and, or, which may not be compatible or visually pleasing to the character and esthetics of a neighbourhood.
- 1.15. **“Non-Conformity”** means a sign which lawfully existed prior to the effective date of this By-law or amendments thereto, but does not conform to the provisions contained within this By-law or amendments thereto.
- 1.16. **“A Non-Conforming Sign”** means any lawful sign which does not comply with one or more of the applicable bulk regulations, as hereto attached as Schedule “A”, on the effective date of this By-law or amendments thereto. A non-conforming sign shall be subject to all the provisions of this PART relating to non-conformities except as otherwise provided hereafter:
- (a) A change in the subject matter represented on a sign shall be considered a change of use; and

(b) A non-conforming sign may be structurally altered, reconstructed or replaced in the same location and position provided that such structural alteration, reconstruction or replacement does not result in:

- (i) The creation of a new non-conformity or an increase in the degree of non-conformity;
- (ii) An increase in the sign surface area; or
- (iii) An increase in the degree of illumination.
- (iv) An Obtrusive Sign

- 1.17. **“Home Occupation Identification Sign”** –means a sign that identifies a home occupation duly approved by the Municipality in a residential area, and shall only identify the home occupation business, address, and phone number.
- 1.18. **“Sandwich Board Sign”** – shall mean a sign with messages on both sides, or one side, which is hinged at the top, and is portable.
- 1.19. **“Zone or Zones”** – shall mean the zones established or created by any Zoning By-Laws applicable in the Municipality of Clanwilliam-Erickson, and amendments thereto.
- 1.20. **“Development Officer”** – shall mean the person appointed by the Council of the Municipality of Clanwilliam-Erickson as the Development Officer, or his or her designate, or, in the absence of the designate of the Development Officer, the Chief Administrative Officer.
- 1.21. **“Council”** means the municipal council of the Municipality of Clanwilliam-Erickson.
- 1.22. **“Permit”** means written permission or written authorization from the Development Officer or Council in respect to matters regulated in this by-law.
- 1.23. **“Person”** means and includes any individual, corporation, partnership, firm, joint venture, syndicate, association or trust, and any other form of entity or organization who erects, causes to erect, or is responsible for the maintenance of any sign.

PART II ADMINISTRATION

REQUIREMENTS

- 2.1. In addition to the requirements of any By-law of the Municipality of Clanwilliam-Erickson or any other provincial regulators, all applications for the placement of a sign shall:
- (a) Require a sign permit application,
 - (b) Include a site plan showing the proposed location of the sign
 - (c) Include a diagram of the sign including dimensions, color, text etc.
 - (d) Include the payment of applicable fees
 - (e) Include a letter of permission from the property owner, if not the applicant.

DUTIES OF THE OWNER

- 2.2. Each person shall be responsible for obtaining, where applicable, from the appropriate authorities, permits or licenses relating to the placement of signs on his or her property.

SIGN LOCATION

- 2.3.1 No sign or sign structure shall be erected or placed at any location, in a manner, that, in the opinion of the Development Officer, it may interfere, obstruct, or visually impair any window opening, door opening, passageway, fire escape, walkway, vehicular driveway, or similar feature, or, reduce the vision of persons using any road, sidewalk, street, highway intersection, railway grade crossing, municipal rights-of-way abutting the property, or where it may be confused with any authorized traffic sign, signal or device.

- 2.3.2 Except where otherwise stated in this By-Law, signs shall not be permitted on roofs or extend more than 2 feet above the fascia of a wall.
- 2.3.3 Signs, other than traffic control signs, devices, or signals, shall not be permitted on public rights-of-way or public reserves, unless with the express written approval of the Council.
- 2.3.4 No “Travel Sign or Mobile Sign” or portion thereof may be converted into a permanent sign, or incorporated into an existing permanent sign.
- 2.3.5 No rotating beam or flashing sign shall be permitted without the approval of the Council in or within three hundred (300) feet of any dwelling, residential zone, Provincial Road, or Provincial Trunk Highway.
- 2.3.6 The placing of advertising, business or identification signs within the control lines and circles of a Provincial Road or Provincial Trunk Highway shall require a permit from the appropriate authority prior to applying for a permit from the Municipality.
- 2.3.7 Flags, political, civic, educational, religious, temporary, directional and real estate signs are permitted in all Zones, except where prohibited by other By-law(s) or provincial or federal regulation(s).

ZONE-SPECIFIC SIGN REQUIREMENTS

2.4.1 Urban Residential Zones: “R” and “RMH”

- (a) Signs which may be permitted include identification, home occupation identification, bulletin board, and information signs.
- (b) There shall be not more than one non-illuminated identification sign for each dwelling unit;
- (c) Bulletin board signs not exceeding eighteen (18) square feet in sign surface area may be permitted;
- (d) Advertising signs, business free-standing, business fascia, and sandwich-board signs are not permitted in the Residential Zones;
- (e) No free-standing sign shall be closer than five (5) feet to a site line;
- (f) Home occupation identification signs no larger than six (6) square feet may be permitted for approved home-based businesses.

2.4.2 Urban Commercial Zones: “CC” and CH”

- (a) Signs which may be permitted include identification, home occupation identification, bulletin board, business fascia, business free-standing, and sandwich board signs.
- (b) Advertising signs require approval from Council. Advertisement signs that are free standing on a site shall be a minimum of three (3) feet from any site boundary.
- (c) One lighted or unlighted fascia identification or business sign is permitted per occupant or use contained within the building or structure. The surface area of all signs shall have an aggregate sign surface area not exceeding 20 percent of the surface of the wall to which they are attached except with prior approval from Council;
- (d) One lighted or unlighted free-standing business, bulletin board or identification sign may be permitted, having a maximum height not exceeding twenty-five (25) feet, located in the front yard, but no part of such sign shall be located nearer the front or side site lines than one (1) foot. The total

aggregate sign surface areas are not to exceed sixty-four (64) square feet except with prior approval from Council;

- (e) One lighted or unlighted business or identification sign not exceeding forty (40) square feet may be erected on the roof of the building containing the business it identifies; and

2.4.3 General Industrial Zone: “MF”

- (a) Signs which may be permitted include bulletin board, business fascia, business free-standing, and sandwich board signs.
- (b) Advertising signs require approval from Council.
- (c) One lighted or unlighted fascia business or identification sign identifying any use contained within the building or structure, the sign surface area not exceeding two (2) square feet for each ten (10) feet of site width of property on which it is located, but not exceeding a total sign surface area of one hundred (100) square feet per occupant or use of the property except with prior approval from Council. An accessory building, structure, or use shall not qualify for a separate business or identification sign;
- (d) Any identification or business sign permitted in clause (c) above may be attached to the face or roof of a building or structure or it may be a free-standing sign;
- (e) Bulletin Board signs shall be permitted to a maximum size of fifty (50) square feet;
- (f) All signs that are free standing on the site shall be a minimum of three (3) feet from any site boundary;

2.4.4 Institutional Zone: “I”

- (a) Signs which may be permitted include identification, home occupation identification, bulletin board, business fascia, business free-standing, information, and sandwich board signs.
- (b) Not more than two (2) lighted or unlighted identification and business signs, each not exceeding thirty-two (32) square feet in sign surface area and having a maximum height of fifteen (15) feet shall be permitted for any building or use, except as approved by Council;
- (c) Advertising signs shall not be permitted within the “I” Institutional Zone;
- (d) Free standing signs shall be five (5) feet from site lines;

2.4.5 Limited Agriculture Zone “AL”

- (a) Signs which may be permitted include identification, home occupation identification, bulletin board, business free-standing, information, and sandwich board signs.
- (b) No more than one (1) lighted or unlighted business or identification sign, not exceeding thirty-two (32) square feet in sign surface area and having a height of no more than fifteen (15) feet shall be permitted for any occupancy or use in this zone;
- (c) Advertising signs are permitted with Council approval on a case-by-case basis;

(d) No free-standing sign shall be closer than five (5) feet to a site line;

2.4.6 Rural Zones: “A80”, “RR”, “SR”, “SRR”, “CH”

- (a) In the “A80” General Agricultural Zone:
- a. Signs which may be permitted include identification, home occupation identification, bulletin board, business fascia, business free-standing, and sandwich board signs.
 - b. Advertising signs may be permitted with prior approval from Council.
 - c. Identification, home occupancy identification, and business signs may not exceed thirty-two (32) square feet except as approved by Council.
 - d. No sign shall exceed sixty-four (64) square feet in sign surface area, except with prior approval by Council;
 - e. Information signs are not permitted in the “A80” Zone.
- (b) In the “RR” Rural Residential Zone, “SR” General Seasonal Recreation Zone, and “SRR” Seasonal Recreation Residential Zone:
- a. Signs which may be permitted include identification, bulletin board, and information signs.
 - b. Identification signs may not be illuminated and may not exceed six (6) square feet;
 - c. Bulletin board signs may not exceed thirty-two (32) square feet.
 - d. Information signs may not exceed one hundred (100) square feet except with prior approval from Council.
 - e. Advertising, home occupancy identification, business free-standing, business fascia, and sandwich-board signs shall not be permitted in these zones.
- (c) In the Rural “CH” Highway Commercial Zone:
- a. Signs which may be permitted include identification, home occupation identification, bulletin board, business fascia, business free-standing, information, and sandwich board signs.
 - b. Advertising signs may be permitted with prior approval from Council.
 - c. Information signs shall not exceed one hundred (100) square feet in sign surface area, except with approval by Council.
 - d. No other sign shall exceed a maximum of sixty-four (64) square feet in sign surface area, except with prior approval by Council.
- (d) Except with approval by Council, all free standing signs shall be located fifty (50) feet from any site line fronting on a municipal road, except identification signs and all signs in the General Seasonal Recreation Zone and the Seasonal Recreation Residential Zone which shall be no less than five (5) feet from all site lines. All signs shall be set back from Provincial Roads and Highways as required by the Province.

SIGN SIZE AND NUMBER OF SIGNS PER SITE

- 2.5.1 Where free standing business signs are allowed, they shall not exceed in total fifty (50) square feet in size, except where otherwise stated in this By-Law. Number of signs on a site is limited only by total area of signs. Any other type of sign on this sign also becomes part of the total area of sign sizes.
- 2.5.2 Home occupation identification signs and identification signs shall not exceed six (6) square feet in size except where otherwise stated in this By-Law.
- 2.5.3 Where information signs are allowed, no more than one (1) such sign is allowed per site except where there are more than one (1) major road access to the site, in which case there can be one (1) sign per access.
- 2.5.4 Except where otherwise stated in this By-Law, bulletin board signs shall not exceed fifty (50) square feet in size. Only one (1) bulletin board sign is allowed per site.

- 2.5.5 Temporary signs shall not exceed twelve (12) square feet in size or exceed three (3) feet in height. One (1) such sign is allowed per site. Temporary Construction signs shall not exceed fifty (50) square feet.
- 2.5.6 Maximum height of all free standing signs shall not exceed thirty (30) feet except where otherwise stated in this By-Law.
- 2.5.7 Sandwich Board signs shall not exceed a height of 3 feet and a total surface area per side of 9 square feet. Only one (1) such sign permitted per business.

GENERAL

- 2.6.1 All signs shall be professionally constructed, designed, and erected of good workmanship.
- 2.6.2 All signs must receive an approved sign permit from the Municipality. It shall be the responsibility of the property owner to ensure that all signs located on his or her property have received approved sign permits.
- 2.6.3 If a sign is erected within the Municipality without receiving an approved sign permit, the Development Officer may, in writing, require the property owner to purchase a sign permit at twice the normal cost. If this permit has not been purchased within 30 days of the letter being sent, the Development Officer is authorized to remove and retain the sign. The cost of removing the sign and retaining same shall be charged to the property owner, and shall be recoverable by the Municipality in whatever means it can legally do so, including but not limited to, adding the costs of removal and storage of the sign to the tax roll of the owner of the property upon which the sign was erected.
- 2.6.4 All sandwich board signs shall be taken down daily.
- 2.6.5 Where allowed, advertising signs require approval from council prior to installation.
- 2.6.6 It shall be unlawful to erect or maintain any sign on, over or above any land or right-of-way under the jurisdiction of the Municipality unless such right is established by agreement with the Municipality, and all signs shall adhere to all the setback requirements of the zoning district in which they are located.
- 2.6.7 Any required permit fee for signs shall be determined by Council and may be amended from time to time as Council deems appropriate.
- 2.6.8 All signs applied for and proposed to be located within the controlled distances of a Provincial Trunk Highway or a Provincial Road are subject to the provisions of The Highway Protection Act and / or The Highway Department Act, and must receive approval from the appropriate Provincial department or agency, and such approval shall be required and conditional upon the municipalities approval.
- 2.6.9 Temporary signs, excluding temporary construction signs, shall be removed within 5 days after the event takes place. Temporary construction signs shall be permitted until the project is completed.
- 2.6.10 All signs shall be maintained structurally sound and free from all hazards caused or resulting from decay or failure of structural membranes, fixtures, lighting, or appurtenances. All sign area, background, lettering, copy and lighting shall be maintained in readable and clean condition, and the site of the sign shall be maintained free of weeds, debris, and rubbish.
- 2.6.11 Where a sign has become obsolete due to discontinuance of a business or activity, or where in the opinion of the Development Officer a sign is in poor condition based on the criteria stated in 2.6.10, the Development Officer may in writing, require the owner of the sign to repair or remove it.
- 2.6.12 If a sign referred to in 2.6.11 is not repaired or removed within 30 days, the Development Officer is authorized to remove and retain the sign. The cost of removing the sign and

retaining same shall be charged to the owner, and shall be recoverable by the Municipality in whatever means it can legally do so, including but not limited to, adding the costs of removal and storage of the sign to the tax roll of the owner of the property upon which the sign was erected.

- 2.6.13 The municipality may remove any signs that are no longer valid, for example due to a business closure.
- 2.6.14 No sign or sign structure shall be erected or placed at any location, in a manner that, in the opinion of the Development Officer, it may interfere, obstruct, or visually impair any window opening, door opening, passageway, fire escape, walkway, vehicular driveway, or similar feature, or, reduce the vision of persons using any road, sidewalk, street, highway intersection, railway grade crossing, municipal rights-of-way abutting the property, or where it may be confused with any authorized traffic sign, signal or device.
- 2.6.15 Any sign located in the Municipality prior to the date of this By-Law coming into effect, which does not conform to the requirements of this By-Law, shall be deemed a lawful non-conformity, and may continue to exist in its present location, with the exception that sentences 2.6.10 through 2.6.14 do apply to non-conforming signs.
- 2.6.16 Signs shall not be permitted on roofs or extend more than 2 feet above the fascia of a wall.
- 2.6.17 Signs, other than traffic control signs, devices, or signals, shall not be permitted on public rights-of-way or public reserves, unless with the express written approval of the Council.
- 2.6.18 No “Travel Sign or Mobile Sign” or portion thereof may be converted into a permanent sign, or incorporated into an existing permanent sign.
- 2.6.19 Installation of a “High Intensity Reflective Sign” or “Obtrusive Sign” is subject to Council approval.
- 2.6.20 Except “Identification Signs” and “Temporary Signs”, signs shall not be fixed to any tree, fence post, and / or utility poles, and must
- a) Be fixed to a structure
 - b) Be fixed to a Building, or
 - c) Have own free standing structure.
- 2.6.21 The fees applied to and charged with respect to this by-law shall be applied as shown on Schedule “A”, hereto attached and forming part of this by-law.
- 2.6.22 Where Council approval is required prior to installation of a sign, Council may require that the sign satisfy whatever conditions they deem fit.

APPEAL

- 2.7.1. Any person aggrieved by any decision, request, or order of the Development Officer as to the issuance of a permit for a sign, a requirement to repair or remove a sign, or any other matter herein, may within fifteen (15) days from the date of the order of the Development Officer, appeal to the Council, by submitting such appeal in writing, and addressed to the Chief Administrative Officer of the Municipality of Clanwilliam-Erickson, at 45 Main Street, Erickson, Manitoba, R0J 0P0. The fee charged for this appeal is shown on Schedule “A” to this By-Law.
- 2.7.2. The Council shall hear the appeal.
- 2.7.3. Upon the hearing of an appeal, the Council may:
- a. Uphold, rescind, suspend, or modify any decision given by the Development Officer.
 - b. Extend the time within which compliance with the decision or order shall be made; or,
 - c. Make such other decision or order as in the circumstances of each case it deems just;

And, the decision or order of the Council upon being communicated to the appellant, shall stand in place of the decision or order against which appeal is made, and any failure to comply with the decision or order is an offence.

PENALTIES

2.8.1. Any person who, contravenes, disobeys, refuses or neglects to obey:

- a) any provision of this by-law or any provision of any other by-law that, by this bylaw, is made applicable; or
- b) any order or decision of the Council

for which no other penalty is herein provided is guilty of an offense and liable on summary conviction, to a fine not exceeding five thousand dollars (\$5000.00), or in the case of an individual, to imprisonment for a term not exceeding six months or to both such fine and such an imprisonment. Where a corporation commits an offense against this by-law, each Director or Officer of the corporation, who authorized, consented to, connived at, or knowingly permitted or acquiesced in, the doing of the act that constitutes the offense, is guilty of the offenses and liable, on summary conviction, to the penalty for which provision is made.

2.8.2. Where the contravention, refusal, neglect, omission, or failure, continues for more than one day, the person is guilty of a separate offense for each day it continues.

DONE AND PASSED AS A BY-LAW OF THE MUNICIPALITY OF CLANWILLIAM-ERICKSON, IN COUNCIL DULY ASSEMBLED, AT ERICKSON, IN THE PROVINCE OF MANITOBA, THIS ___ DAY OF _____, A.D. 2015.

THE MUNICIPALITY OF CLANWILLIAM-ERICKSON

Elgin Hall
Mayor

Quinn Stelmaschuk
Chief Administrative Officer

Read a first time this ___ day of _____, A.D., 2015.
Read a second time this ___ day of _____, A.D., 2015.
Read a third time this ___ day of _____, A.D., 2015.

SCHEDULE “A”

*This is Schedule “A” to By-Law No. 27
Respecting Sign Permit Fees*

Business Fascia sign	\$50.00
Business Free-standing sign	\$50.00
Home Occupation Identification sign	\$50.00
Information sign	\$100.00
Advertising sign	\$100.00
Bulletin board signs	\$25.00
Application for council approval	\$50.00
Appeal	\$50.00

Sandwich board signs and temporary signs may be permitted at no cost.