

THE TOWN OF DAUPHIN

BY-LAW NUMBER 4178

BEING A BY-LAW OF THE TOWN OF DAUPHIN WITH
RESPECT TO PROJECTING SIGNS.

Whereas pursuant to the Municipal Act, a Municipality may pass by-laws for prohibiting or regulating the erection, maintenance, or use of signs or advertising devices upon or projecting over any highway unless a licence is issued by the Municipality.

NOW THEREFORE THE COUNCIL OF THE TOWN OF DAUPHIN IN
SESSION ASSEMBLED ENACTS AS FOLLOWS:

(1)

DEFINITIONS

"Applicant" means the owner of the building lands and premises making an application to erect, alter, relocate or repair a sign pursuant to paragraph 5 hereof.

"Building Inspector", means the building inspector appointed for the time being under the building by-law of The Town or such other person as may from time to time be authorized by The Town to act in his stead or to fill such office.

"Highway" shall have the meaning described to it under the Municipal Act.

"Licencee", means any person or corporation to whom a licence hereunder has been issued, or any successor in title to the lands in respect of which such a licence has been issued.

Where in this by-law such terms as "proper", "adequate", "suitable", "secure", "approved" and the like, or derivations thereof, are used, they shall be understood to mean proper, adequate, suitable, secure, approved and so forth, to the satisfaction of or in the opinion of the Building Inspector, or approved by him, as the case may be.

"Sign", means any writing (including letter, word or numeral), 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 or other structure;
- (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.

and projects into or hangs over or across any highway within the Town.

"Sign surface area", means the entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any other material or color forming an integral part of the display, excluding the necessary supports or uprights on which it is placed. Where an existing portion of any exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the building elevation is resurfaced

with an approved material, illuminated or non-illuminated, and this material is used as the background area of a sign upon which copy is placed, the sign surface area may be computed by straight lines drawn closest to copy extremities encompassing individual figures or words. In computing the sign surface area in square metres, standard mathematical formulas for known or common shapes will be used. In the case of irregular shapes, straight lines drawn closest to the extremities of the shape will be used, and in the case for individual letters or words, straight lines drawn closest to the extremities encompassing the individual letters or words will be used. Where a sign has two (2) or more faces and two (2) such faces are placed back to back and are at no point more than one (1) metre from one another, the sign surface area of the sign may be taken as the sign surface area of one (1) face if the two (2) faces are of equal area, or as the sign surface area of the larger face if the two (2) faces are of unequal area.

Signs defined according to type:

"Sign identification", means an accessory sign that identifies the business, owner or resident and/or the street address and which sets forth no other advertisement.

"Sign, bulletin board", means a sign of permanent character, but with movable letters, words or numerals indicating the names of persons associated with, or events conducted upon, or products or services offered upon the premises upon which said sign is maintained, e.g., school, church, community centre bulletin board and similar uses.

"Sign, facia or wall", means a sign, or individual letters attached to, marked or inscribed on, or erected or placed against a wall or other surface, whether forming part of a building or not, and having the exposed face of the sign on a

plane approximately parallel to the plane of such wall or other surface and visible from the outside of the building, and projecting not more than three hundred (300) millimeters from the face of such wall or other surface.

"Sign, marquee", "Sign canopy" means a sign attached to a marquee, canopy or awning projecting from and supported by a building.

"Sign, projecting", means any sign other than a fascia sign, which is attached to a building and extends beyond the line of the said building or beyond the surface of that portion of the building to which it is attached more than three hundred (300) millimetres.

"Sign, real estate", means a sign advertising the sale, rental or lease of the premises on which it is maintained.

"Sign, roof", means any sign erected, constructed and maintained wholly upon the roof of the building with the principal support on the roof structure.

"Sign, temporary", means a sign with or without a structural frame and intended to be displayed for a short period of time.

"Sign, construction", means a sign which identifies a construction project and information relative thereto.

"Sign, mobile", means a sign which is mounted on a trailer, vehicle, stand or similar support structure which is designed in such a manner that the sign can be readily relocated to another location and which may include copy that can be changed through the use of removable characters or panels.

Signs defined according to degree of illumination:

"Sign, flashing", means an illuminated sign on which the artificial light is not maintained constant in intensity and color at all times when such sign is in use.

"Sign, illuminated", means a sign designed to give forth any artificial light or reflect light from an artificial source.

"Town" wherever used herein shall mean The Town of Dauphin.

(2)

LICENCE

Except as permitted in paragraph 3 hereof, no person shall commence or cause to be commenced the construction, erection, location, relocation, alteration or repair, other than normal maintenance of any sign, unless a proper application has been made therefor as set forth in paragraph 5 hereof and authorization to so construct, alter, relocate, or repair same has been obtained in accordance with paragraph 7 hereof.

(3) The following signs shall not be subject to the provisions of Section (2) hereof, but this exception shall not relieve the owner or person in control of such signs from erecting and maintaining the sign in a safe condition and complying with the applicable Zoning By-law:

(a) signs of a duly constituted governmental body, including traffic or similar regulating devices, legal notices, or warnings at railroad crossings;

(b) signs in display windows including writing,

representation, painting or lettering directly on the surface of any window or door, or other figure or similar character within a building visible from the exterior;

(c) memorial signs commemorative plaques or cornerstones of bronze, brass, stone or other non-combustible materials when built into or attached to the walls of a building or other structure provided they bear only the name of the owner, the name or use of the building, the date of erection of the building and/or reading matter commemorating a person or event;

(d) construction signs, which are temporary signs;

(e) signs required to be erected or maintained by law or governmental order, rule or regulation;

(f) real estate signs, which are temporary signs;

(g) signs not exceeding 3 square metres used to promote a candidate during a government election.

(4) Canopy signs and marquee signs shall comply with the requirements of this by-law in addition to any other requirements as to canopies and marquees of The Town relating to encroachment over highways.

Where an Applicant wishes to place a canopy sign or marquee sign on a canopy or marquee in existence prior to the passage of this by-law and the nature of such canopy or marquee makes compliance with this by-law impossible, such sign may nevertheless be licenced by the Building Inspector pursuant to this by-law in his sole discretion.

(5) Notwithstanding By-law No. 3435 of The Town of Dauphin, except as otherwise allowed by The Town, every application for a sign licence shall provide the following information:

- (a) the street and street number of the building or structure to which the sign is, or is to be, attached, or the legal description of the zoning lot on which the sign is to be located;
- (b) the names, addresses and telephone numbers of the applicant, architect, professional engineer or other designer, and constructor;
- (c) the sign surface area and copy area of the sign, drawn to scale, giving all dimensions, plus the supporting members;
- (d) the maximum height and clearance of the sign;
- (e) the weight, voltage, wattage of the sign where applicable;
- (f) the dimensions of the wall surface of the building to which the sign is to be attached;
- (g) a site plan, drawn to scale, showing the proposed location of the sign in relation to the boundaries of the lot and the dimensions of the building and/or the lot upon which it is to be situated, and in the case of the projecting signs, the width of the sidewalk over which it projects;
- (h) size and location of all signs of the same

classifications existing on the premises and/or the building;

- (i) structural, footing details, and material specifications;
- (j) in the case of electrical signs, the size, number and location of all potential discharge tubes, fluorescent and incandescent lamps, current and voltage rating and circuit loading for each sign;
- (k) if the sign is illuminated or animated, the colour to be used and the technical means by which this is to be accomplished;
- (l) when required, complete drawings and specifications covering the construction of the sign and accessories thereto, and other information with respect to the building upon which it is proposed to locate the sign so as to determine whether the structure of such building will carry the additional loads and stresses imposed thereon by the erection of the sign without exceeding allowable stresses.
- (m) details and material specifications of all structural members, fasteners, anchoring devices, connections and foundations;
- (n) the details of any proposed alterations, repairs or relocation of any sign, if such is the purpose of the application.

- (6) Every Applicant shall pay a one time licence fee of \$ 30.00 at the time of making any application under this

by-law, whether it be for construction, erection, location, relocation, alteration or repair, other than normal maintenance, of any sign.

(7) The application for a licence shall be in writing and shall be made to the Building Inspector who shall review the application to determine whether the proposed sign or alteration, relocation or repair thereof complies with the appropriate provisions of this by-law. In the event that the proposed sign or alteration, relocation or repair thereof complies with the provisions of this by-law, the Building Inspector shall authorize the applicant to erect, alter, relocate or repair the proposed sign, as the case may be, and in the event that the proposed sign or alteration, relocation or repair thereof does not comply with the provisions of this by-law, the Building Inspector shall at once notify the Applicant thereof and shall withhold his authorization until the non compliance has been remedied.

On completion of the work of erecting, altering, relocating or repairing of any sign, pursuant to the authorization of the Building Inspector, the Applicant shall forthwith notify the Building Inspector thereof, and the Building Inspector shall thereupon cause an inspection of such sign to be made. If he shall find that such sign has been constructed in compliance with this by-law and the information and specifications contained in the Application, the Building Inspector shall thereupon issue to such Applicant a licence for that sign. In the case of an electric sign, until after a licence has been issued therefor, no electrical current or other illuminant shall be used by the Applicant in connection therewith, nor shall any electrical current or illuminant be turned on or into any such sign except by the order of the Building Inspector for

the purpose of testing same. Nothing contained in this by-law shall relieve the Applicant from the duty of obtaining any other permits as may be required in respect of electrical wiring.

In the event that upon the inspection of such sign, the Building Inspector finds that such sign has not been constructed in compliance with this by-law, or the information and specifications contained in the Application, the Building Inspector shall order such deficiencies remedied, failing which the Building Inspector shall order the removal of such sign. If the Applicant fails to remove such sign, The Town may remove such sign at the expense of the Applicant.

(8) No sign shall be maintained or allowed to exist within the Town unless a licence has been issued therefor and such licence has not been cancelled.

(9) Notwithstanding the issuance of any licence therefor, or notwithstanding the fact that a sign may have been constructed prior to the passage of this by-law, The Town may at any time reconstruct, alter or remove any sign, whether it be in compliance with the provisions of this by-law or not.

(10) Where a sign is in existence, whether pursuant to a licence under this by-law or whether constructed prior to the passage of this by-law, no further licence shall be required to change the writing on such sign provided that no other alteration of such sign is required.

(11) In the event that any sign is found to exist contrary to the provisions of this by-law, the Building Inspector may order the removal of such sign by the owner of the property to which such sign is attached, failing which the sign may be removed by The Town at the expense of such property owner.

(12) All signs which project over private property as well as into, over or across any highway, shall also comply with the Town of Dauphin Zoning By-law No. 3900 and amendments thereto and such compliance shall be verified by the Building Inspector prior to issuing any sign licence and, where there is any difference between this by-law and the said zoning by-law, the requirements of the zoning by-law shall prevail.

(13) Unless special permission is obtained from the appropriate authority having jurisdiction for lesser clearances, all signs shall have the following clearances from electrical power lines:

- (a) 0 to 750 volts
 - (i) horizontally.....600 mm
 - (ii) vertically..... 1 m
- (b) 750 to 22,000 volts
 - (i) horizontally..... 1.2 m
 - (ii) vertically..... 3.0 m
- (c) 22,000 to 50,000 volts
 - (i) horizontally..... 2.0 m
 - (ii) vertically..... 4.0 m

(14) The minimum clearances listed in paragraph 12 apply

under conditions of maximum sag and maximum swing of the conductor for vertical and horizontal clearances respectively.

(15) No sign shall be erected, constructed or maintained in any manner which will obstruct any fire escape or any window or door or opening used as a required means of egress or so as to prevent free passage from a roof to any other part thereof. No sign shall be attached in any form, shape or manner to a fire escape, nor be placed in such manner as to interfere with any opening for required light or ventilation.

(16) All signs, including supports shall be kept in proper repair and appearance and in the case of electric signs, the lamps and other electrical apparatus connected thereto shall be maintained in efficient operative condition.

(17) No owner shall maintain a sign unless the same be supported in an adequate manner by supports, braces and guys of suitable size and strength and properly fastened.

(18) No owner shall maintain or permit any sign to be maintained including any guys, stay or attachment connected therewith which interferes with any light, power, telephone, telegraph or transit pole or wire or any fire escape or any apparatus or appliance connected therewith.

(19) All existing signs which are in a safe condition as far as fire safety, structural and location requirements are concerned may be maintained, but no such sign structure when

once removed shall be replaced either on the same building or elsewhere without complying in all respects with the provisions of this By-law.

(20) No sign shall hereafter be structurally altered, rebuilt, enlarged, extended or re-located except in conformity with the provisions of this By-law.

(21) The changing of removable parts of signs that are designed for changes, or the repainting of display matter shall not be deemed to be alterations within the meaning of this Section, although such work shall comply with the applicable Zoning By-law.

(22) The Building Inspector may refuse to issue a sign licence if, in his opinion, the sign may interfere or otherwise obstruct traffic lights, or in any way interfere with visibility from the street.

(23) The Building Inspector, in his discretion, may require any sign weighing more than 110 kilograms be structurally designed by a professional engineer.

(24) With the exception hereinafter mentioned, the area of any sign, whether made up in one or more sections, shall not exceed twelve (12) square metres.

(25) No projecting sign shall be supported by or attached in any way to any electric light, power, telephone or telegraph pole. Every sign shall be supported from a permanent building and not from any other structure or pole

unless the same is erected on a permanent building and complies with the provisions of this by-law. No sign shall project more than one (1) metre above the permanent wall of the building immediately adjacent thereto.

(26) No projecting sign of any type, including canopy signs and marquee signs, shall, as to any part thereof or any part of any stay, guy or attachment thereto, be nearer to the ground than a distance of 2.6 metres measured from the level of the sidewalk over which the same may be placed, and no part of the top of any said projecting sign shall be more than 12 metres above the level of the sidewalk over which the same may be placed.

(27) No portion of any sign shall have a horizontal clearance of less than 600 millimeters from that portion of a street used by vehicular traffic, nor, in any case, more than three (3) metres from the property line of the property from which it is projected and in all cases the proper inside clearance in respect of poles, wires and other obstructions lawfully upon the street shall be maintained.

(28) The projection of signs at street intersections, hung at other than right angles to either building line, shall not be more than the rectilinear projection permitted by this by-law, and if the permitted projection is less for one street than for the other, then not more than the lesser of the two.

(29) Every sign shall be plainly marked with the name of the contractor or erector, size and weight, voltage and wattage and said information must be readily visible after

its erection.

(30)(a) No sign which by reason of accident, damage by fire, or other cause, is in danger of falling, or which is unsafe from the standpoint of fire safety structural safety or location, shall be maintained or allowed to exist, and if in the opinion of the Building Inspector any such sign is so maintained or allowed to exist, he may give notice to the owner, occupier, agent or person in charge of the building on which the same exists, requiring him to at once put the same in a safe condition or to pull down the same, and in the event of any such owner, occupier, agent or person neglecting or refusing to comply with the said notice, the Building Inspector may cause such sign to be pulled down and the cost of pulling it down shall be at the expense of the owner of the property to which the sign is attached.

(b) The notice to be given as above set forth shall be in writing and if intended for the owner may be given to such owner personally or mailed to his last address as shown on the assessment rolls of the Town and in case of mailing, such mailing shall be sufficient notice.

(31) No person shall interfere in any way with the Building Inspector or anyone acting under his authority or by his instructions in the performance of any of the duties imposed upon him by this By-law.

(32) The Council of The Town of Dauphin is hereby empowered to hear and determine appeals from the decisions of the Building Inspector, or other officer performing like duties, as to the issuance of licences, the prevention of

erecting or repairing of projecting signs alleged to have been erected or repaired, altered or converted in contravention of this By-law and the pulling down or removal of same. Such an appeal shall be made in writing by the Applicant to the Secretary-Treasurer of the Town of Dauphin seven (7) days of the decision of the Building Inspector or within such other reasonable time as the Council in its sole discretion may decide.

(33) Subject to paragraph (3) hereof, Mobile signs, free standing signs, bulletin boards, ground signs, boulevard signs, or any other signs not attached to a building shall not be permitted to encroach over a street, except by express permission pursuant to a resolution of Council.

(34) The owner of the land and building to which any sign is attached is directly liable to any person, including the Town, sustaining damages through any cause whatsoever on account of and shall indemnify and save harmless The Town of and from all damages and costs caused by or on account of the installation, construction, re-installation, reconstruction, maintenance, use or failure to maintain any sign. Any applicant for a sign licence shall sign an acknowledgment of such liability and indemnity.

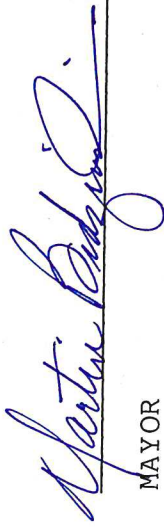
PENALTY

(35) Any person found guilty of any infraction of any of the provisions of this By-law shall be liable upon conviction thereof to a fine not exceeding the sum of One Thousand

Dollars (\$1,000.00) for each offence, together with the costs of prosecution and in default of payment of the said fine and costs forthwith, the said fine, or fine and costs, or costs only, the offender shall be liable to imprisonment in the common gaol for the judicial district within which The Town is then situate for a period not exceeding thirty (30) days.

(36) By-laws Numbers 1515 and 3106 of The Town of Dauphin be and they are hereby repealed.

DONE AND PASSED this 5th day of February
19 90.


MAYOR


SECRETARY-TREASURER

READ A FIRST TIME THIS 22nd day of January, 1990.

READ A SECOND TIME THIS 5th day of February, 1990.

READ A THIRD TIME THIS 5th day of February, 1990.