

THE CORPORATION OF THE TOWNSHIP OF GALWAY-CAVENDISH &
HARVEY

SIGN BY-LAW B2007-56

BEING A BY-LAW TO REGULATE THE ERECTION, ALTERATION OR USE
OF SIGNS WITHIN THE TOWNSHIP OF GALWAY-CAVENDISH & HARVEY

WHEREAS Section 11(1) of the 2001 Ontario Municipal Act, R.S.O 2001,
section 10(2), as amended, authorize the Councils of local municipalities to pass by-
laws respecting matters within the sphere of jurisdiction of structures including fences
and signs;

NOW THEREFORE, THE COUNCIL OF THE TOWNSHIP OF GALWAY-
CAVENDISH & HARVEY hereby enacts as follows:

SECTION I – TITLE AND SCOPE

1. Short Title
This By-Law may be cited at the “Township of Galway-Cavendish &
Harvey Sign By-Law.”

SECTION II - DEFINITIONS

The following terms shall for the purpose of this By-Law have the meanings stated
below:

1. COUNCIL means the Council for the Corporation of the Township of
Galway-Cavendish & Harvey.
2. Chief Building Official means the Chief Building Official of the
Corporation of the Township of Galway-Cavendish & Harvey.
3. Erect means attach, display, alter, build, construct, reconstruct, enlarge
or move, but does not include any change in the message displayed on
a sign or any act performed to maintain a sign.
4. Maintain means to permit a sign or sign structure to continue or to
refurbish a sign or structure.
5. Sign means any identification, description, illustration or device
illuminated or non-illuminated including any supporting structure that
is visible from any public place or located on private property and
exposed to the public which directs attention to a product, service,
place, activity, person, institution, business or solicitation. Without
limiting the generality of the foregoing, a sign includes any
permanently installed or situated merchandise; or any emblem,
painting, banner, pennant, placard or temporary sign designed to
advertise, identify or convey information, but sign does not include
window displays and flags or emblems of patriotic, civic, educational,
religious organizations or private clubs.

SECTION III – PROHIBITION

1. No person shall erect any sign unless such person has obtained a permit so to
do from the Chief Building Official.

2. All persons seeking a permit under Paragraph One (1) of this Section shall submit a written application for such permit to the Corporation of the Township of Galway-Cavendish & Harvey together with:
 - a) plans of the sign or signs to be erected depicting;
 - i) the dimensions of the sign; and
 - ii) the dimensions of the land on which the sign is to be situate; and
 - iii) the colours used on the sign; and
 - iv) the message displayed; and
 - v) the method and extent of illumination of the sign; and
 - vi) the structure upon which the sign is to be affixed and the method by which the sign is affixed to such structure.
 - b) an application fee of \$25.00;
 - c) a plan depicting;
 - i) the shape and dimensions of the lands on which the signs is to be erected;
 - ii) the location of the sign relative to any buildings or structures situate on said lands;
 - iii) the position, height and dimensions of all existing signs on the said lands;
 - d) an agreement executed by the applicant, by the owner of the sign and by the owner of the lands on which the sign will be situated stating that all such persons shall hold harmless and indemnify the Corporation of the Township of Galway-Cavendish & Harvey from any and all claims arising from negligence in or nuisance caused by the erection or maintenance of the sign;
3. Where a proposed sign conforms in all respects with the provisions of this By-Law, the Ontario Building Code and all other applicable By-Laws and legislation, the Chief Building Official shall issue a permit.
4. Where a permit is issued, the applicant, the owner of the sign or the owner of the lands on which the sign is situated shall maintain the sign in good structural condition and in a neat and presentable condition. If, in the opinion of the Chief Building Official or designate, any sign or signs are not kept in a proper condition, the owner shall repair, repaint or remove them within thirty days of having received a written request. If the situation is not corrected within 30 days, the signs will be removed and disposed of.
5. The issuance of a permit hereunder shall not constitute a vested right to use or maintain an unlawful sign, nor shall any action brought by the Corporation of Galway-Cavendish & Harvey to enjoin an unlawful sign.
6. If, upon inspection, it is apparent that a person
 - i) has erected a sign without first having obtained a permit to do so; or,

- ii) has erected a sign that does not conform in all respects with the application and supporting material furnished in order to obtain a permit for the sign; or
- iii) has erected a sign that constitutes a danger to the public or that interferes with vehicular traffic; or
- iv) has erected a sign that fails to conform to the provisions of this By-Law, the Ontario Building Code and all other applicable By-Laws and applicable legislation.

The Chief Building Official may,

- i) require such person to make such alterations to the sign or to its supporting structures as are required to bring the sign into conformity with the application, applicable By-Laws and applicable legislation; or
 - ii) give written notice to such person requiring such person to remove such sign within a period of seven (7) days; or
 - iii) authorize the sign to be dismantled and removed at such person's expense. The cost of such removal may be recovered by action as a debt or may be collected in the same manner as municipal taxes on real property.
7. Where any sign is to be moved from one location to another, a permit shall be obtained and the applicant for the permit shall comply with Paragraphs 2, 4, 5, and 6 of this Section.
 8. This By-Law does not apply to a sign that was lawfully erected on the day this by-Law comes into force, provided that such sign is not altered. For the purpose of this Section, maintenance of such sign and alteration of the message displayed shall not constitute an alteration to the sign.

SECTION 1V – EXEMPTED SIGNS

Notwithstanding any other provisions of this By-Law, no sign permit shall be required for any;

1. Street sign bearing only property numbers, street addresses, mailbox numbers estate names or names of occupants of the premises.
2. Signs directing and guiding traffic, parking and public safety, but bearing no advertising matter (example: “entrance”, “exit”, “one-way” etc.).
3. Real estate sign not exceeding 4 square metres, when erected on private property to advertise the sale, rent or lease of the private property.
4. “No Trespassing” signs or other such directional signs regulating the use of a property.
5. Memorial or commemorative signs or tablets, ground mounted or permanently attached or architecturally integrated to a building, subject approval by Council.
6. Signs erected by a government body, or under the direction of such a body, and bearing no advertising such as traffic signs and signals, railroad crossing signs, safety sign and signs identifying public schools and facilities.

7. Signs which list only the hours of business and telephone number providing the number of such signs does not exceed one per business establishment.
8. Signs which designate whether the business is “open” or “closed”, providing the number of signs does not exceed on per business establishment.
9. Election proclamations or notices under any Election Act or any voters list under a statute in that behalf, and election signs on private property during any election campaign.
10. “Home Occupation Signs” when erected in conjunction with a permitted home occupation in accordance with the Township of Galway-Cavendish & Harvey Zoning By-Law B85-94 as amended.
11. Signs advertising the sale of produce specifically and only grown on the property from which the sale is made.

SECTION V – PENANLTY AND EFFECTIVE DATE

1. Any person violating any provision of this By-law shall be guilty of an offence and shall be liable upon conviction to a penalty not exceeding one thousand (\$1,000.00) dollars, exclusive of costs, at the discretion of the magistrate. Any such penalty shall be recoverable pursuant to the provisions of the Provincial Offences Act., R.S.O. 1990, C.33.
2. If any section of this By-law is for any reason held to be invalid, the remaining sections shall remain in effect until repealed.
3. All By-laws previous and inconsistent to this By-law are hereby repealed.
4. If any provision of this By-law is in conflict with other previous By-law provisions, the provisions of this By-law shall prevail.
5. The provisions of this By-law shall take effect upon the date of passing hereof.

READ a FIRST time this 18th day of September, 2007.

READ a SECOND time this 18th day of September, 2007.

READ a THIRD time and FINALLY PASSED in open Council this 18th day of September, 2007.

Tom Flynn, Reeve

Natalie Garnett, Clerk