

CITY OF PRINCE ALBERT

BYLAW NO. 22 OF 2010

A Bylaw of The City of Prince Albert respecting the authority to deal with the placement and uses related to portable and temporary signs within the city.

Pursuant to the Authority granted under Section 8 of *The Cities Act*, and amendments thereto, the Council of the City of Prince Albert herein enacts the following:

PART 1 – INTERPRETATION

1. Short Title

This Bylaw may be cited as "The Portable Sign Bylaw".

2. Purpose

The purpose of this Bylaw is to regulate placement and uses related to portable signs within the City of Prince Albert by:

- (a) establishing minimum standards as to placement, size, display, condition and construction of all signage in order to promote orderly sign development and further to protect public health, safety and the general welfare of the community; and by
- (b) establishing permit and enforcement procedures.

3. Definitions

In this Bylaw:

- (a) "Act" means *The Cities Act*;
- (b) "Area of sign" means the total superficial area within the outer periphery of the said sign, and in the case of a sign comprised of individual letters or symbols shall be calculated as the area of a rectangle enclosing the letters or symbols. Frames and structural members not bearing advertising matter shall not be included in the computation of surface area;
- (c) "Abandoned sign" means any sign which no longer correctly identifies a business or the products and services offered on the premises where the sign is located, is no longer readable, or is no longer relevant;

- (d) "A-Board sign" means a self-supporting two-sided A-shaped sign which is set upon, but not attached to, the ground and has no external supporting structure;
- (e) "A-Frame" means any exposed structure mounted above a roof line for the express purpose of supporting a sign;
- (f) "Balloon sign" means a sign which is inflated, three-dimensional device which incorporates a message and is anchored or affixed to a site or building;
- (g) "Banner sign" means a sign constructed of non-rigid cloth, plastic or other fabric which is attached at all four corners to a pole, building or other supporting structure and is intended to be of a temporary nature but does not include flags;
- (h) "Bylaw Enforcement Officer" means any member of the Prince Albert Police Service and any person appointed by Council to administer and oversee bylaw enforcement for the City;
- (i) "City" means The City of Prince Albert;
- (j) "Clearance" means the vertical distance between the lowest part of a sign and the finished grade;
- (k) "Construction site identification sign" means a temporary sign for providing information or advertising related to the construction project only, and erected by an individual or firm on the premises undergoing construction;
- (l) "Corner visibility triangle" means a triangular area formed on a corner site by the two street property lines and a straight line which intersects them 7.5 metres from the corner where they meet;
- (m) "Council" means the Council of The City of Prince Albert;
- (n) "Director" means the Director of Economic Development and Planning for The City of Prince Albert;
- (o) "Directional sign" means an on premise incidental sign designed to guide or direct pedestrian or vehicular traffic;
- (p) "Election sign" means any sign used to promote a candidate or party during a municipal, provincial or federal election or any election held pursuant to the local authorities election act;
- (q) "Flag" means any fabric containing distinctive colours, patterns, symbols or stylized letters hung from a flagpole with mechanisms for raising and lowering the flag;
- (r) "Freestanding sign" means a sign supported by one or more uprights, braces or pylons and which stands independently of a building and contains only advertising

related to the development within the parcel upon which the freestanding sign is located;

- (s) "Frontage" means the entire length of the street facing the property line of a lot;
- (t) "Grade" means the finished ground surface directly beneath a sign;
- (u) "Height" means the vertical distance measured from the highest point on a sign to grade;
- (v) "Identification sign" means any sign which contains no advertising but is limited to the name address and number of a building, institution or person;
- (w) "Illumination" means the lighting of any sign by artificial means including internal, direct, indirect or reflected;
- (x) "Incidental sign" means a sign that has purpose secondary to the use of the site on which it is located, such as no parking, entrance, loading only, hours of operation and other similar devices for guidance. This would include ATM, poster and lottery signs;
- (y) ***"Inspector" means an individual authorized by the Director of Economic Development and Planning to act on behalf of the City in the administration of the responsibilities under this bylaw;***
- (z) ***"Message" means any image, graphic, picture, logo, symbol, wording, representation or letters used, or intended to be used, directly for advertising or calling attention to any business, product, service, matter, object, or event;***
- (aa) "Maintenance" means the cleaning, painting, repair or replacement of any defective parts of a sign without altering the basic structure or design of the sign. This includes changing the message on a sign within the same sign structure due to a change of use or business name;
- (bb) "Multiple tenant sign" means a sign containing information related to two or more occupants or tenants located on a site;
- (cc) "Mural" means a graphic design, or artwork, painted directly onto a structure, which does not convey an advertising message and does not include fascia sign or an identification logo;
- (dd) ***"Non-profit organization" means a society, credit union or co-operative established under a law of Canada or Saskatchewan. These are corporations that are prohibited from paying dividends to its members and distributing the assets to its members on winding-up. These may also be any other entity established under a law of Canada or Saskatchewan for a purpose other than to make a profit holding a valid non-profit organization identification number;***

- (ee) "Owner" means an owner as defined in *The Cities Act*;
- (ff) "Portable sign" means a sign capable of being mounted on a frame or on a trailer, stand or similar support, which together with the support can be relocated to another location, to provide promotional advertising;
- (gg) "Private sale sign" means a temporary sign advertising a private sale of personal property and is restricted to private house sales, garage sales, and rummage sales;
- (hh) "Property" means land or buildings or both;
- (ii) "Real estate sale sign" means a temporary sign advertising real estate for sale, rent or lease;
- (jj) "Real estate directional sign" means a sign used by a realtor to direct vehicles and pedestrians to an open house or show home;
- (kk) "Structure" means anything erected or constructed, the use of which requires temporary or permanent location on, or support of, the soil, or attached to something having permanent location on the ground or soil, but not including pavements, curbs, walks or open air surfaced areas;
- (ll) "Sign" an object or device intended for the purpose of advertising or calling attention to any specific person, matter, or event;
- (mm) "Sign face" means the surface contained within the perimeter of the sign on which words, letters, symbols may be placed;
- (nn) ***"Sign owner" means any or all of the following: the sign company or individual who owns the sign, the owner of the business that is advertised on the sign, or the registered owner(s) of the property on which the sign is placed or any person authorized to act on the registered owner(s) behalf;***
- (oo) "Sign structure" means any structure, which supports a sign, including materials used to conceal or improve the appearance of the structural parts;
- (pp) ***"Subdivision entrance feature sign" means a permanent sign indicating the name of a subdivision, or a portion of the subdivision on which it is placed;***
- (qq) "Subdivision marketing sign" means a temporary sign placed at the entrance to a new subdivision for the purpose of promoting vacant lots, new home areas or show homes, which may incorporate small banners or flags;
- (rr) "Temporary sign" means a sign which is not in a permanently installed or affixed position, intended to advertise community or civic projects, construction projects, real estate or goods for sale or lease or other special or promotional events on a short term basis;

(ss) "Third party identification sign" means a sign that advertises goods, products, services or facilities, or directs persons to a different location from where the sign is located. Such a sign is not located on the parcel of the goods, products, services or facilities advertised;

(tt) "Transit shelter/transit bench sign" a sign displayed on a transit shelter or a transit bench for the purpose of advertising pursuant to an agreement with the municipality.

4. Responsibility

Unless otherwise specified, the owner of a sign or the property upon which the sign is located including land, buildings and structures, shall be responsible for carrying out the provisions of this Bylaw.

PART II – PERMIT REQUIREMENTS

5. General Prohibitions

With the exception of those sign types described under Section 11 hereof, no person shall cause or permit a sign to be placed, changed or altered except in conformity with a legally issued sign permit and/or all the requirements defined within this Bylaw.

6. Sign Permits

Any person who wishes to erect, install, suspend, alter or use any sign, unless otherwise excepted under this Bylaw, shall first obtain a sign permit upon application to the Inspector.

7. Sign Permit Application Requirements

Every application for a sign permit shall be made on a form prescribed by the Inspector which shall require the following information:

- Name and address of the applicant;
- Civic address and legal description of the location of the proposed sign;
- The location of the proposed sign on the lot or building and name of land owner;
- The distance from the sign to property lines, and any access points to the property;
- Dimensions, and sign area of the proposed sign;
- The amount of projection from the face of the building, if applicable;
- The height of the sign measured from grade to the underside and to the top of the sign;
- Plan showing the construction details, material specifications, and weight of the sign;
- The dimensions of the building face to which it is to be attached to and structural engineered footing details.

8. Sign Permit Issuance

The Inspector shall review all applications for sign permits and shall:

- (a) issue a sign permit for those applications which conform to this Bylaw or refuse a permit for those applications which do not comply with the Bylaw;
- (b) when deemed necessary, refer the application to City Council for decision;

- (c) maintain an updated record for all sign permit applications, permit issuance, permit conditions and related correspondence.

9. Conditions of Sign Permit Approval

- (a) All sign permit approvals shall be subject to the following conditions:

- i) The owner of the sign shall comply all applicable bylaws of the City of Prince Albert;
- ii) Any changes to the approved plans must be submitted for approval prior to constructing;
- iii) The owner accepts full liability for any claims, actions, loss, damages, judgments, costs and expenses which may accrue or arise from the erection, installation, suspension, or alteration and maintenance and use of the sign;
- iv) The owner shall allow the Inspector and/or Bylaw Officer to enter the property at any reasonable time for the purpose of administering and enforcing any this Bylaw;
- v) If a permit has been revoked, or expired no more work shall be preformed on the sign unless it is deemed to be a public safety issue;
- vi) There shall be a valid sign permit sticker placed on all temporary and portable signs.

- (b) If a sign has been erected, constructed or placed in accordance with the provisions of this Bylaw, the owner shall have permission to operate and maintain the sign. If a sign has not been erected, constructed and placed in accordance with the provisions of this Bylaw, the owner shall be held responsible for any costs, damages, fees, or fines resulting from the removal, storage or elimination of the said sign.

10. Sign Permit Fees

- (a) Portable sign fees: \$15.00 per month or \$150.00 yearly.
- (b) Where a sign application has been approved or refused, no sign application fee shall be refunded.

11. Signage Not Requiring Permits (Exceptions)

No sign permit is required for the following sign types provided they comply with all other requirements and provisions of this Bylaw:

- Election Signs
- Real Estate Signs
- Real Estate Directional Signs
- Directional signs
- A-Board Signs
- Subdivision Marketing Signs

- Posters and signs approved for transit shelter/transit bench signs and bus signs
- Private Sale Signs
- Signs located inside a building and not intended to be viewed from the outside
- Construction site identification sign

12. General Lighting Requirements

- (a) Signs shall be constructed of metal or an approved non-combustible building material when using lights as part of the sign. The construction and electrical work performed shall be in accordance with the requirements in the current National Building & Electrical Codes of Canada.
- (b) No flashing, animated, or message board signs shall be allowed in any zone without a resolution of City Council.
- (c) Any permitted external lighting used to illuminate a sign shall be directed away from right-of-ways in order to not interfere with traffic and neighbouring residential areas in a manner that will not unduly interfere with the amenities of the neighbourhood. Any illuminated lighting shall have a control to dim the lights when requested by the Inspector.

13. Prohibited Signs

- (a) No sign shall be erected or placed on any exterior stairway, fire escape or balcony. Any portion of the sign or supports will not be permitted to interfere in any way with any openings necessary for standpipes, or egress locations from any building.
- (b) No sign shall be erected on a corner site within the "corner visibility triangle" unless an area of not less than 1.54 metres (5 feet) is maintained to the underside of the sign, and the sign is a minimum of 3 metres from the property lines.
- (c) No sign shall be erected in an area that will cause a hazard for pedestrian, vehicular, or railway traffic.
- (d) No sign shall be in the shape and colour of traffic signs (Stop sign, Yield sign, etc.) The words "STOP"/"DANGER" or any other directional words or symbols will not be permitted.

14. General Maintenance Requirements

- (a) The owner of a sign shall be responsible for keeping the sign in a maintained and presentable condition. At anytime the Inspector may order the sign to be repaired or removed if deemed dilapidated or a public safety hazard, at the cost of the owner.
- (b) *When a business moves locations and there was signage used for advertising the business, the signage must either be removed or the text indicating the business name must be concealed within thirty (30) days of vacating the building.*

PART III – SIGN REGULATIONS BY TYPE

15. Portable Sign Regulations in all Residential Zones and Transitional Zones

- (a) Portable signs are not allowed in any residential zone.
- (b) Portable signs are not allowed on any residential property within a transitional zone.

16. Sign Regulations for Commercial Zones

- (a) Signs located in the C1 (Downtown Commercial) shall conform to the guidelines from the Urban Design Study. In the case of a disagreement about the guidelines from the Urban Design Study, City Council will be presented with the application for final decision. Notwithstanding the guidelines, the following regulations shall apply to all signs in both the C1 and C2 zoning districts:
 - i) Portable signs are allowed in all C1 Zones subject to all other provisions of this bylaw.
 - ii) One "A" board sign not exceeding 1.2 square metres (13 square feet) on each face will be permitted providing it is located adjacent to a parking meter, does not block pedestrian traffic, and placed no further than 1 metre (3 feet) from the curb.

17. Sign Regulations for Con-Conservation and P-Park Zones

Portable signs may be allowed in these zones subject to discretion of City Council and all other provisions of this bylaw

18. Third Party Signs

With the exception of Non-Profit Third Party Signs, no Third Party Sign(s) of any type are permitted in any Zone.

19. Non-Profit Third Party Signs

- (a) ***Community and non-profit event information will be allowed on signs that are located on designated City owned property or in any Commercial, Industrial, Park, Institutional, or Institutional General zone.***
- (b) ***Prior to the display of an "event", proof shall be provided to the Economic Development and Planning Department that:***
 - i) ***the property owner has approved the message;***
 - ii) ***any sign located at a City owned facility, which has a Governing Body has approval from both the City and the Governing Body; and***
 - iii) ***only one non-profit sign is on each property and that the sign is located on site in accordance with all other regulations within this Bylaw.***

- (c) ***These locations will not permit the advertisement, sale or promotion of any***

goods or service for profit. Only community based, non-profit events and/or organizations will be allowed.

- (d) Non-profit organizations will be required to provide their non-profit registry number when applying for a permit.**
- (e) Non-profit organizations may display sponsors logos or trademarks on signs posted for the benefit of the non-profit organization. The organization shall provide to City administration the names of each company trademark to be displayed and written confirmation that the company is a sponsor of the organization. No other text may be displayed in relation to a sponsorship company.**

20. A-Board Signs

The maximum area of an A-board sign is 1.2 square metres (13 square feet) on each face of the sign. A-board signs announcing temporary sales or events may be placed on each site in all commercial or industrial zones without a sign permit provided that they are placed entirely on the site and do not encroach onto any public thoroughfares or boulevard areas **except** the C1-Downtown Commercial zone. In a C-1 Zone, one will be permitted, providing it is located adjacent to a parking meter, does not block pedestrian traffic, and is placed no further than 1 metre (3 feet) from the curb.

21. Portable Signs General

Each portable sign shall have a valid sign permit issued and must display a valid sign permit sticker. Portable signs shall not exceed 4.1 square metres (45 square feet) per side and not be taller than 3 metres (10 feet) above grade. Portable signs must maintain at least a 20 metre separation on the same site. Council may, at its discretion, set the required distance separation for strip malls to allow greater signage. Portable signs are only permitted in off-street parking areas if the parking spaces are in excess of the Zoning Bylaw requirements. In accordance to the 2nd Avenue West landscaping policy, portable signs are not permitted in landscaped areas.

22. Banners, Flags, Balloons and other Promotional Signage

These are considered a special type of promotional signage and may be erected in a commercial or industrial zone for a period not to exceed 14 days not more than twice in any one year period. All signs of this nature will require a portable sign permit.

23. Garage/Yard Sale Signs and Regulations

- (a) Signs can be placed on private property as long as the property owner consents, but must be placed in locations where they will not create a safety hazard.**
- (b) Signs cannot be placed on public property. This includes boulevards, curb-side trees, street light standards, public signage, public mailboxes and intersections.**
- (c) Signs must be taken down at the end of every sale.**

24. Election Signage

Election signs may be placed on public property, if the placement of the said sign does not in any way impede, impair, disrupt, or disturb traffic, both pedestrian and/or vehicular. The sign(s) may not in its placement cause any manner of visual impairment or obstruction that may be considered a safety hazard or a contribution to Urban Blight.

Any election sign deemed to be in violation of the previous paragraph shall be removed and held for a 10 day period where the owner may attend City Hall for its return. After 10 days, the sign shall be destroyed. The City recognizes that individual property owners are deemed responsible for the care of City owned boulevard immediately abutting their property. Pursuant to this, the City entrusts the property owner with the right to remove any election signage from the portion of boulevard abutting the frontage of their property.

PART IV – ENFORCEMENT, INSPECTIONS, OFFENCES AND PENALTIES

25. Enforcement of Bylaw

(a) The Director of Economic Planning and Development shall:

- i) be responsible for administering this Bylaw ; and
- ii) perform any other duties and may exercise any other powers that may be delegated by Council.

(b) The Bylaw Manager shall be responsible for overseeing the enforcement of the provisions of this bylaw.

(c) The City may appoint any employee to act as a Bylaw Enforcement Officer for the purpose of enforcing this Bylaw.

26. Powers and Responsibilities of the Director

(a) In accordance with Section 324 of the Cities Act, the Director of Economic Planning and Development may designate any City employee to enter any premises of the owner of property upon which a sign is located for the purpose of administering and enforcing this Bylaw at any reasonable time.

(b) The Director or Inspector shall be empowered to revoke, or refuse to issue a permit where the work or proposed work fails to meet the requirements of this or any other City Bylaw. The Director or Inspector may issue an Order to a property owner or sign owner to stop work, remove, or dismantle the sign if found to be in a dilapidated state or if it has been abandoned and/or is in contravention of this Bylaw.

27. Treatment of Unsafe Conditions

Where a sign by reason of accident, damage by fire, decay, and lack of maintenance and/or other cause is in a dangerous or unsafe condition or is liable to cause injury to any person or property, notice may be sent by the Inspector by registered mail to the owner of the land requiring them to repair to a safe condition or remove the sign. Failure

to comply with the conditions of the notice will result in the issuance of a ticket for non-compliance with the provisions of this Bylaw, and any enforcement procedure indicated within this Bylaw.

Should the condition of the sign be deemed to be in such a condition or location where there is a high risk of injury, the sign may be removed by the Inspector from the property upon which it is situated.

28. Removal of Signs in Contravention

(a) Portable signs which contravene any provision of this Bylaw may be removed immediately and without notice by the City whether or not any person has been charged or convicted of an offence under this Bylaw.

(b) Portable signs which impede or interfere with the repair or maintenance work of the City employees on any property owned or controlled by the City may be removed by the City without notice.

(c) The City shall retain any signs removed under subsections (a) and (b) for three (3) business days, during which time the signs may be reclaimed.

(d) The City may without notice dispose of any signs which are not reclaimed under subsection (c).

(e) The City, its agents or those who are empowered to enforce this Bylaw, shall not be responsible for the loss or damage to any portable signs removed or stored by the City.

(f) The City may, if necessary, enter upon private property in order to remove a portable sign from a street or buffer strip.

29. Offences and Penalties

(a) Subject to subsection (b) hereof, any person who violates a provision of this Bylaw shall be guilty of an offence and shall be liable upon summary conviction to a fine not exceeding:

(i) \$2,000.00 in the case of an individual; or

(ii) \$5,000.00 in the case of a corporation.

(b) Notwithstanding subsection (a) under this section, where an officer issues a summary ticket for a violation of this Bylaw, that officer may enter on the ticket the amount of \$100.00 which, if paid within the time prescribed, will be accepted as a guilty plea to that offence.

(c) Any person who is in default of payment of a fine imposed pursuant to this section may be liable to a term of imprisonment not exceeding ninety (90) days.

(d) No person shall:

- (i) fail to comply with an Order made pursuant to this Bylaw;
- (ii) obstruct or hinder any Bylaw Enforcement Officer or any other person acting under the authority of this Bylaw.

30. Liability

- (a) Nothing in this Bylaw relieves or limits the liability of any person placing a portable sign or temporary sign on a street or buffer from claims for personal injury or property damage resulting from the placing of the sign or resulting from the negligence of the person in the maintenance or removal of the sign.
- (b) Nothing in this Bylaw imposes any liability of the City, its officers, employees or agents for claims for personal injury or property damage resulting from the placement, maintenance or removal of any portable sign or temporary sign on property owned or controlled by the City.

31. Severability

If a Court of competent jurisdiction should declare any section or part of a section of this Bylaw to be invalid, such section or part of a section shall not be construed as having persuaded or influenced the Council to pass the remainder of the Bylaw, and it is hereby declared that the remainder of the Bylaw shall be valid and shall remain in force and effect.

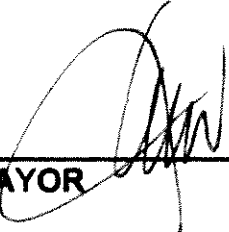
32. Coming into Force

This Bylaw shall come into force on the day of its final passing.

INTRODUCED AND READ A FIRST TIME THIS 13 DAY OF December, AD 2010.

READ A SECOND TIME THIS 24 DAY OF January, AD 2010. 2011 

READ A THIRD TIME AND PASSED THIS 24 DAY OF January, AD 2010. 2011 



MAYOR



CITY CLERK