

**VILLAGE OF WESTPORT
BY-LAW NO. 2020-13**

**A BY-LAW TO REGULATE SIGNS
AND OTHER ADVERTISING
DEVICES AND TO RESCIND BY-
LAW 2020-06**

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BY-LAW NUMBER 2020-13

**BEING A BY-LAW TO REGULATE
SIGNS AND OTHER ADVERTISING DEVICES
IN THE VILLAGE OF WESTPORT AND TO RESCIND BY-LAW 2020-06**

WHEREAS the Municipal Act, 2001, S.O. 2001, c.25, s. 99 provides the council of a local municipality authority to pass by-laws for prohibiting or regulating advertising devices including signs within the municipality;

NOW THEREFORE the Council of the Village of Westport **ENACTS** as follows:

PART I - TITLE, DEFINITIONS, AND SCOPE

1. TITLE OF BY-LAW

This by-law may be cited as the "Sign By-law for the VILLAGE OF WESTPORT."

2. DEFINITIONS

A FRAME SIGN - also referred to as sandwich board sign

ADVERTISING DEVICE - shall mean any device or object creating a design and erected or located or affixed on any building, structure or on the ground for the purpose of advertising; this shall include flags, banners, pennants, lights or any other object intended for advertising purposes.

ALTER - shall mean any change to the sign structure or sign face, with the exception of:

- a) A change in message being displayed.
- b) Repair and maintenance, including replacement by identical components as required by this by-law.

AWNING - means a retractable or fixed roof-like cover made of canvas or other suitable material, which normally extends over a doorway or window of a building with lettering (other than civic address number) or advertising, on or affixed to it and may have supports on the ground. Also includes a canopy.

BOULEVARD - shall mean the public property lying between the travelled portion of the street and the street line.

BUILDING CODE - shall mean the Ontario Building Code Act, as amended from time to time, and includes any regulations thereunder.

BUILDING FACADE - shall mean that 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.

BY-LAW ENFORCEMENT OFFICERS - shall mean the By-law Enforcement Officers appointed by Council of the Village of Westport.

CHIEF BUILDING OFFICIAL - shall mean the Chief Building Official appointed by Council of the Village of Westport as prescribed by the Ontario Building Code Act.

COMMITTEE OF ADJUSTMENT – for the purpose of this by-law, the Committee of Adjust is a Committee of Council authorized to hold public hearings to consider applications for minor variances to this by-law.

COUNCIL - shall mean the Council of the VILLAGE OF WESTPORT.

COUNTIES - shall mean the Counties of Leeds & Grenville.

DISABLED PARKING - shall mean an area designated for the exclusive use of a vehicle displaying a current disabled person parking permit in accordance with the requirements of The Highway Traffic Act and the regulations made there under and by this by-law.

ERECT - shall include the placing of, arranging for the placing of, the renting of or the leasing of.

HIGHWAY - shall have the same meaning as that word is defined in the Municipal Act.

LEGAL NON-CONFORMING - shall mean a legal use as described in the Planning Act, R.S.O. 1990, chap. 13 and the Municipal Act R.S.O. 1990, Section 210(146), as amended.

LINTEL - shall mean the line above the display windows and below the transom windows (if any) on a building.

LOT - shall mean a parcel of land which is capable of being legally conveyed in accordance with the provisions of the Planning Act, R.S.O, 1990.

LOT FRONTAGE - for the purpose of this by-law, means that side or limit of the lot that abuts directly on a street.

LOT LINE - shall mean the division line between a utility or right-of-way and a lot, or the division line between two lots.

MUNICIPALITY - shall mean the Village of Westport.

PARAPET - shall mean an extension of wall above the actual roof level.

PERSON - shall mean any human being, association, firm, partnership, incorporated company, corporation, agent or trustee and any heirs, executors, successors, assigns or other legal representatives of a person to whom a contract can apply according to law.

PREMISES - shall mean that part of a building owned separately or occupied by a tenant and lawfully used for either a commercial, industrial or other purpose.

PUBLIC THOROUGHFARE - shall mean that portion of private property over which the general public has the right to vehicular passage for the purpose of attending at premises located on the property and, without limiting the generality of the foregoing, shall include roadways, laneways and public parking areas in and around shopping centres and plazas.

ROAD ALLOWANCE - shall mean land reserved by the government to be used for public roads

SHOPPING CENTRE - shall mean a unified group of commercial establishments on a site designed, developed and managed as a single operating unit for which parking is provided in common off-street areas, as opposed to a business area comprising of unrelated individual commercial establishments.

SIGHT TRIANGLE - shall mean the triangular space formed by the street lines of a corner lot and a line drawn from a point in one street line to a point in the other street line, each such point being nine (9) metres (29.53 feet) from the point of intersection of the street lines (measured along the street lines). Where the two street lines do not intersect at a point, the point of intersection of the two street lines shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents of the street lines.

SIGN - shall mean any display or device having thereon letters, symbols, characters, illustrations or any combination thereof which identifies or advertises any person, place, product or thing in such a way as to be visible from a highway or public thoroughfare.

i. **SIGN AREA** - means the area of the display surface upon, against, or through which the message or messages on the sign are displayed or illuminated and the area of a sign made up of individual letters, symbols or numbers shall be the block area of the letters, symbols or numbers and not the combined area of the individual letters, symbols or numbers. For the purpose of this by-law, any double-sided sign shall be deemed to have only one face, provided both faces are identical, contiguous, and parallel or diverging at an angle of not more than 15 degrees.

ii. **SIGN STRUCTURE** - shall mean the supports and framework for a sign.

- iii. **SIGN, ANIMATED** - shall mean a sign with action or motion, flashing, colour changes requiring electrical energy, electronic or manufactured sources of supply, but not including wind actuated elements such as flags, banners or specialty items; public service signs such as time and temperature, revolving or changeable message signs.
- iv. **SIGN, BANNER** - shall mean a sign composed of lightweight material so as to allow movement which is caused by atmospheric conditions.
- v. **SIGN, BILLBOARD** - shall mean a sign structure to which advertising copy is fastened in such a manner as to permit its periodic replacement and which displays goods, products, services or facilities that are not available at the location of the sign and/ or which directs or invites a person to a location different from that on which the sign is located and complies with the following conditions:

Maximum Sq. Ft. per Sign	Minimum Lot Frontage per Sign
23.2m ² (200 ft. ²)	30.5m (100 ft.)
46.5m ² (500 ft. ²)	304.8m (1000 ft.)
65.0m ² (700 ft. ²)	610m (2000 ft.)

- vi. **SIGN, CONSTRUCTION** - shall mean a sign erected temporarily to advise of construction and located on private property as provided for under this Bylaw.
- vii. **SIGN, DEVELOPMENT IDENTIFICATION** - shall mean a ground sign which identifies or draws attention to a group of businesses or persons located on the same property as the sign. Such sign may or may not contain the names of individual businesses or persons on the property and may or may not contain the provision for a readograph sign within the display area. Such readograph shall form part of the display area and shall occupy no more than 30% of the entire display area
- viii. **SIGN, SUBDIVISION DEVELOPMENT** - shall mean a ground sign that advertises only the subdivision in which the sign is located and not the sale of lots elsewhere or the realtor's, developer's or landowner's business in general.
- ix. **SIGN, DIRECTIONAL** - shall mean a sign for the public safety or which provides directional information for the control of vehicular traffic such as an entrance or exit sign or a loading area and bearing no commercial advertising. A directional sign may take the form of a Ground Sign or Wall Sign.

- x. **SIGN, ELECTION**- shall mean signs which are used to promote the running candidate during an election period, using a ground sign within the respected areas stated in this by-law.
- xi. **SIGN, ELECTRIC SPECTACULAR** - shall mean an animated sign having a message change more frequently than once every 5 seconds.
- xii. **SIGN, GROUND** - shall mean a sign including a pylon sign and a readograph sign supported from the ground and not attached to any part of any building.
- xiii. **SIGN, HOME IDENTIFICATION** - means a fascia sign which identifies by letters and/ or numbers, the name of the occupants and/ or street address of the building on which lot the sign is located.
- xiv. **SIGN, HOME OCCUPATION** - shall mean a sign for the identification of a home occupation.
- xv. **SIGN, ILLUMINATED** - shall mean any sign illuminated by either internal or external incandescent or fluorescent lamps or luminous tubes.
- xvi. **SIGN, INDUSTRIAL**- shall mean a sign accessory to the permitted industrial use.
- xvii. **SIGN, INSTITUTIONAL** - shall mean a sign accessory to the permitted institutional use.
- xviii. **SIGN, ON PREMISES** - shall mean any sign identifying or advertising a business, person, activity, good, product or service available at the premises where the sign is located.
- xix. **SIGN, OFF PREMISES** - shall mean a ground sign which identifies or advertises a business, person, activity, good, product or service, which is not related to or available at the premises where the sign is located.
- xx. **SIGN, PORTABLE/ MOBILE**- shall mean and include any sign or advertising device not permanently attached to or affixed into the ground, to a building or structure, or any sign or advertising device resting upon or attached to any moveable device and includes airborne devices tethered to a structure, building, vehicle or other anchor.
- xxi. **SIGN, POSTER** - shall mean an on-lot or off-lot sign which must be secured to another structure such as a utility pole or light standard for support which is made out of paper or light-weight bristol-card stock or other biodegradable material which does not exceed 400mm in width by 600mm (16"x24") in length. Subject to Local Utility Company or municipal approval, posters may be temporarily secured on an existing secondary support such as a utility pole, light standard or other existing ground sign structure.

xxii. **SIGN, POSTURN** - shall mean a sign made with a series of triangular vertical sections that turn and stop, or index to show three pictures or messages in the same area.

xxiii. **SIGN, PROJECTING** - shall mean any on premise sign attached to exterior wall of a building other than a wall sign.

xxiv. **SIGN, PUBLIC AUTHORITY** - shall mean any sign erected for or at the direction of any municipality or government authority, agency, board or committee for the purpose of providing information to the public concerning any proceedings by such agency, authority, board or committee.

xxv. **SIGN, REAL ESTATE** - shall mean an on-lot sign advertising the sale, rent, or lease of the lot but shall include signs which advertise new subdivisions or developments.

xxvi. **SIGN, ROOF** - shall mean any sign the face of which is above the roof level or parapet

xxvii. **SIGN, SIGNATURE ENTRANCE** - shall mean a permanent ground sign that is located within a boulevard or outside the site triangle to promote and advertise the name of the subdivision, neighbourhood or community.

xxviii. **SIGN, WALL/ FACADE** - shall mean an on premises sign attached in close proximity and parallel to any exterior wall of a building and without limiting the generality of the foregoing shall include awning signs, canopy signs and fascia signs.

xxix. **SIGN, WINDOW** - shall mean any sign located on the interior of a building, which is intended to be seen from off the property on which the building is located and which is constructed in such a manner as intended to be of a permanent nature, but shall not include illuminated signs commonly used to advertise products sold on the premises provided such sign does not exceed 0.50 square metres (5.3square feet) in sign area.

SITE PLAN - shall mean a development project that requires approval pursuant to Section 41 of the Planning Act, R.S.O. 1990, Chapter P.13.

STREET - shall mean a public thoroughfare, for the passage of vehicles, under the jurisdiction of the Municipality, the Counties, the Province of Ontario or the Government of Canada, which is open for public use and travel, is constructed in accordance with specifications satisfactory to the Municipality and continues to be maintained and is subject to a continuous winter control program by the Municipality or other governmental authority having jurisdiction or where financial obligations for the construction of a street have been met to the satisfaction of the Municipality.

STREET LINE - shall mean the line dividing the street from the adjacent lot.

ZONE - shall have the same meaning as defined in the current Zoning By-laws of the Village of Westport and the use of the terms residential zone, rural zone, institutional zone, commercial zone, industrial zone, development zone and all zoning related to Amherst Island.

3. SCOPE OF BY-LAW

a) LANDS SUBJECT TO BY-LAW

The provisions of this by-law shall apply to all lands within the geographic boundaries of the Village of Westport.

b) CONFORMITY WITH BY-LAW

No signs within the Municipality shall be erected, maintained or structurally altered except in conformity with the provisions of this by-law.

c) COMPLIANCE WITH OTHER RESTRICTIONS

This by-law shall not be effective to reduce or mitigate any restrictions lawfully imposed by a governmental authority having jurisdiction to make such restrictions. The most restrictive of all the regulations shall prevail.

4. PROHIBITED SIGNS

No person shall erect, display, alter or repair or cause the same to be done with respect to any of the following:

- a) Abandoned Signs;
- b) Vehicles parked solely for the purpose of advertising the direction to a place of business;
- c) Signs that encroach on public property unless expressly authorized by the responsible public authority;
- d) Pennants, search lights, curb signs except real estate or open house signs;
- e) Roof Signs;
- f) Electrical Spectacular Signs;
- g) Signs that endanger public safety by reason of their location or inadequate or improper construction or maintenance;
- h) Postern Signs;
- i) Signs that appear to move;

- j) Signs which employ flashing, animated or intermittent illumination;
- k) Signs that obstruct or impede any flue, air intake, fire escape, fire exit, door, skylight, exhaust or impede free access by firefighters to any part of a premises.
- l) Signs that violate the Building Code.

PART II - REGULATIONS

1. SITE PLAN APPROVAL

Where the property is subject to site plan control the location of all signs shall be controlled through site plan control in addition to the requirement of this by-law, the Village of Westport Site Plan Design and Development Guidelines and/ or any other applicable laws.

2. NON-CONFORMING SIGNS

Any sign that is lawfully erected or displayed on the day this by-law comes into force but does not comply with this by-law shall be allowed to remain in place until such time as it is willfully removed by the owner or it is destroyed, at which time if a sign is proposed to replace the legal non-conforming one, the new sign shall comply with all the provisions of this by-law, except that all existing portable signs shall be made to comply with this by-law within six (6) months of the date of passing of this by-law;

3. SIGN MAINTENANCE

- a) All signs are to be maintained in a proper state of repair so that such signs do not become unsafe, structurally unsound, unsightly or dangerous;
- b) Where, in the opinion of the Municipality, a sign is in a dangerous or defective condition, the Municipality shall notify the owner, lessee or agent of the lots upon which such sign is located to remove at once such sign or place the same in a proper state of repair within such time as the Municipality specifies.

4. HEIGHT RESTRICTIONS

No sign erected above a public thoroughfare shall be less than four (4) metres (13.2 feet) above such public thoroughfare or any boulevard or shoulder area associated therewith:

- a) No sign erected above a pedestrian walkway shall be less than three (3) metres (9.8 feet) above such walkway.
- b) The maximum height of a wall sign shall be the height of the adjoining wall, except as provided in the Ontario Building Code.

- c) No part of any ground sign shall exceed in height a distance of eight (8) metres (26.2 feet) above the level of the ground at the base of the sign structure.

5. MAXIMUM PROJECTION

No projecting sign shall project more than two (2) metres out from the face of the building to which it is attached or be closer than two (2) metres to the vertical extension of a curb of either a highway or public thoroughfare.

6. SIGN ILLUMINATION

- a) Every sign erected or displayed may be illuminated unless otherwise expressly prohibited by this by-law.
- b) No external illumination of a sign shall spill directly beyond the face of the sign or be a nuisance to neighbours or a hazard to public safety.
- c) A maximum illumination (candlepower or equivalent measurement) shall be provided and approved by the Village to protect neighbouring traffic and/or housing from illuminated signage.

7. DISTANCE FROM STREET LINE

Except as otherwise provided herein, signs used or erected in accordance with all other provisions of this by-law shall be located so that:

- a) No sign is located closer than three (3) metres (9.8 feet) to any street line or side lot line other than an official sign for the regulation, safety or guidance of traffic;
- b) No sign is located within a sight triangle; and
- c) In the event that the street width is increased by the Authority having jurisdiction thereover, the said distance of three (3) metres (9.8 feet) shall be measured from the new street line and any sign existing prior to the widening of such street shall be moved at its owner's expense to comply with the provisions of clauses (a) and (b) above.

8. GROUND SIGNS AND DEVELOPMENT IDENTIFICATION SIGNS

- a) A ground sign or development identification sign shall be permitted on site. Off-site signage is prohibited.
- b) A maximum of one ground sign or development identification sign may be erected or displayed on the side of a property that fronts on a highway, and one (1) additional ground sign or development identification sign may be erected or

displayed on the same side of the property where there is an additional ninety (90) metres (295.27 feet) of frontage in excess of the first ninety (90) metres (295.27 feet) of frontage, to a maximum of two such signs, or, in the case of a property with sides fronting on more than one highway or public thoroughfare, a maximum of one ground sign or development identification sign may be erected on each such side.

- c) No part of a ground sign or development identification sign or the sign structure shall be less than three (3) metres (9.8 feet) from any boundary line of the property on which the sign is located, provided that no part of a ground sign, development identification sign, or the sign structure shall be located within six (6) metres (19.6 feet) of any lot line in a residential zone.
- d) No ground sign or development identification sign shall have sign area more than 0.3 square metres (3.22 square feet) for each linear foot of frontage that the property on which the sign is located has on a highway to a maximum of fourteen (14) square metres (150.69 square feet) total.
- e) No part of a ground sign or development identification sign or the sign structure shall be higher than eight (8) metres (26.2 feet) above the level of the ground at the base of the sign structure.

9. SIGNS WITH VISIBLE A-FRAME SUPPORTS

A sign with visible A-frame supports shall be allowed, subject to the following restrictions:

- a) The A-frame sign shall be located on private property, or where the sign cannot be located on the property, the sign can be placed directly in front of the business or institution on a boulevard if one exists abutting the business or institution, maintains a minimum unobstructed sidewalk of 1.5 metres and the sign is removed at the close of business;
- b) No A-frame sign shall be taller than 1.3 metres (4 feet) above grade and shall not be placed in a sight triangle;
- c) No A-frame sign shall interfere with pedestrian traffic;
- d) No A-frame sign shall be larger than 4 ft x 3 ft per face;
- e) All permitted A-frame signs shall be secured by use of a portable or removable type of mounting to the ground to prevent or minimize the hazard to persons or property in the event of a collision.
- f) Mountings shall be heavy enough not to turn over in the wind and their bases shall not be appreciably wider than the sign.

10. WALL/FACADE SIGNS

- a) A maximum of one wall/ facade sign may be erected or displayed on the side of the premises fronting on a highway or public thoroughfare and, in the case of premises with sides fronting on more than one highway or public thoroughfare, a maximum of one wall sign may be erected on each such side.
- b) The maximum area of a wall/ facade sign shall be the lesser of fifteen (15) percent of the building facade to which it is attached or fourteen (14) square metres (150.70 square feet).
- c) No wall/ facade sign shall be erected or displayed on any part of a wall except, in the case of a one (1) storey building, within the area of the building facade between the lintel and the parapet or eaves and, in the case of a multiple storey building, in the area between the lintel and the floor of the second storey.

11. PROJECTING SIGNS

- a) A maximum of one (1) projecting sign may be erected or displayed on the side of the premises fronting on a highway or public thoroughfare and, in the case of premises with sides fronting on more than one highway or public thoroughfare, a maximum of one (1) projecting sign may be erected on each side.
- b) No projecting sign shall be erected or displayed if a ground sign or wall sign has been erected or displayed in respect to the same side of the premises.
- c) Subject to Part II Section 10(e), no projecting sign shall project out from the wall to which it is attached a distance of more than one (1) centimetre (0.39") for each thirty (30) centimetres (11.81 feet) that the centre point of the sign is located from the nearest property line, or twelve (12) centimetres (4.72"), whichever is less.
- d) No projecting sign at the corner of a building on a corner property shall project out from the corner of the building a distance of more than one (1) centimetre (0.39") for each thirty (30) centimetres (11.81") that the centre point of the sign is located from the nearest corner of the property, or twelve (12) centimetres (4.72"), whichever is less.
- e) Projecting signs at the corner of a building shall be positioned to align with the nearest corner of the property.
- f) No projecting sign or any part of the sign structure shall rise above or be visible above either the parapet, roof, building face or wall

12. PORTABLE/ MOBILE SIGNS

- a) No portable/ mobile sign or any part of the sign structure shall be less than one (1) metre (3.2 feet) from any property line of the property on which the sign is located and shall not be placed in any portion of the road allowance;
- b) No side of any portable/ mobile sign shall have an area of greater than five (5) square metres (53.82 square feet);
- c) All portable/ mobile signs shall be staked firmly to the ground by means of iron stakes and all wheels shall be off the ground;
- d) No more than one portable/ mobile sign shall be erected or displayed per business on a property at any time;
- e) A business shall not place or erect a portable/mobile sign on a property more than twice during a single calendar year for a total period of time not to exceed sixty (60) days. Each portable/ mobile sign shall be on privately owned property and not on municipal property and must be maintained to the satisfaction of the municipality.

13. OFF-PREMISES SIGNS

No off-premises sign shall be erected in the Municipality except in accordance with the following provisions:

- a) All off-premises signs shall be located in line with the established building lines or, where no such line exists, shall have a minimum setback of three (3) metres (9.8 feet) from all property lines.
- b) Subject to Part II, Section 12 (c), no off-premises sign shall be located within a radius of three hundred (300) metres (984.25 feet) from another off-premises sign, but nothing herein shall prevent the establishment of two (2) off-premises signs in a back to back or V-shape formation that face traffic flowing in opposite directions, provided that the internal angle of the V-shaped formation does not exceed fifteen (15) degrees.
- c) At the intersection of two (2) highways, no off-premises sign facing traffic flowing on one (1) highway shall be located within a radius of less than ninety (90) metres (295.28 feet) from another off-premises sign facing traffic flowing on the other highway.
- d) Signs under this section shall be located so that the rear of such signs are not visible from any highway. If the rear of such signs are visible from a highway, they shall be enclosed with a smooth surface.

- e) No off-premises sign shall have a side with an area of more than thirty (30) square centimetres (4.65 square inches) for each linear metre of frontage that the property on which the sign is located has on a highway to a maximum of sixty (60) square metres (645.86 square feet).

14. BILLBOARD SIGNS

- a) The billboard advertising shall not be electrically animated, have moving parts or automated message changes.
- b) There shall not be more than two (2) visible faces used for advertising purposes.
- c) The billboard sign shall not be located closer than ten and one half (10.5) metres (34.44 feet) from any lot line; thirty (30) metres from a park, hospital, school or one hundred (100) metres (328.08 feet) from any residence.
- d) Any lighting used to illuminate a billboard sign shall not spill beyond the sign and cause a nuisance.
- e) Billboard signs shall be a minimum of five hundred (500) metres (1640.42 feet) from another billboard sign and shall be a maximum in area of twenty-eight (28) square metres (301.40 square feet).

15. WINDOW SIGNS

The maximum sign area of any sign shall not exceed 50% of the area of the window in which the sign is located.

16. SOFFIT SIGNS

The following regulations shall apply to all soffit signs:

- a) No portion of any soffit sign shall be less than 2.44 metres (8.0 feet) above the finished grade or floor level immediately below such sign;
- b) No soffit sign shall be located above the first storey of any building;
- c) No soffit sign shall have a vertical (width) dimension greater than 0.4 metres (1.31 feet) or have a horizontal (height) dimension greater than 1.9 metres (6.23 feet);
- d) No soffit sign shall exceed 0.6 square metres (6.45 square feet) in sign area.

17. RESIDENTIAL SIGNS

No person shall erect or display a sign on any property in a residential zone except:

- a) A maximum of one sign not exceeding (0.3) square metres (3.23 square feet) in area, advertising boarding, lodging or tourist accommodation on the lot on which the sign is located, provided such accommodation is not prohibited by another current Village of Westport By-law;
- b) A maximum of one sign, not exceeding one (1) square metre (10.76 square feet) in area, indicating the name of the apartment use on the property on which the sign is located, provided such use is permitted by the current Village of Westport Zoning By laws as amended.
- c) A maximum of one Subdivision Development Sign is permitted in a residential zone and must be located on the same property as the subdivision. A Subdivision Development Sign shall not be erected until the subdivision being advertised has been draft plan approved.

18. HOME OCCUPATION SIGNS

The following regulations shall apply to all home occupations:

- a) A home occupation sign shall be a maximum of 0.6 square metres (6.46 square feet);
- b) A maximum of one (1) home occupation sign shall be permitted and shall be located in or on the property where the home occupation is permitted.

19. INSTITUTIONAL AND COMMUNITY FACILITY SIGNS

No person shall erect or display a sign on any property except:

- a) A maximum of one sign for each highway frontage, such sign not to exceed three (3) square metres (32.2 square feet) in area, to identify the institutional use on the property;
- b) One (1) additional sign, used for identification purposes, for each structure or building, provided it does not exceed fifty (50) square centimetres (7.75 square inches) in area;
- c) One church bulletin board sign, with an area not exceeding one (3) square metres (32.2 square feet) in area;
- d) A maximum of one (1) portable/ mobile as per regulations contained in Part II, Section 11 of this by-law.

20. REAL ESTATE SIGNS (POINT OF SALE)

Real Estate Signs (point of sale) are permitted provided such signs are removed no later than twenty-one (21) days after the closing date of the sale and the area of any one sign does not exceed 0.6 square metres (6.4 square feet) and provided that open house signs comply with the following requirements:

1. No open house signs shall be located so as to interfere with the safe operation of vehicular or pedestrian traffic.
2. A-frame signs shall be permitted for an **Open House** sign and shall be located so as to not interfere with the safe operation of vehicular or pedestrian traffic.
3. The maximum size of any open house sign shall not exceed 0.6 square metres, and
4. Not more than two (2) Real Estate (point of sale) signs, and no more than two (2) Open House signs, shall be erected per dwelling.

21. RECREATIONAL OPEN SPACE, RURAL AND DEVELOPMENT ZONES

No person shall erect or display a sign on any property in an open space zone, rural zone or development zone except:

- a) Off-premises signs as permitted by this by-law including a billboard sign;
- b) One (1) wall sign or one (1) ground sign as permitted by this by-law advertising farm produce raised or produced on the premises, or recreational facilities offered on the premises;
- c) Up to two (2) signs painted on the side or roof of a barn, each not exceeding fifteen (15) percent of the area of the exposed side or roof on which the sign is painted, indicating the name of the occupant of the farm lot and/ or name of the property (but not including any advertising), and which sign may include a symbol, emblem or picture;
- d) A portable/ mobile sign as per regulations contained in this by law.

22. HERITAGE SIGNIFICANT AREAS, DISTRICTS & DESIGNATED HOMES

No person shall erect or display a sign (including a temporary sign) on any property designated by by-law as part of a heritage conservation district under Part V of the Ontario Heritage Act or on any homes or lands designated by by-law under Part IV of the Ontario Heritage Act until the Chief Building Official or designate and the Village of Westport Heritage Committee have reviewed and commented on the proposed signage

and Council has approved the request pursuant to the requirements of Part IV or Part V of the Ontario Heritage Act.

Where a property is designated under Parts IV or V of the Ontario Heritage Act, home identification signs, memorial and historical interest signs or tablets shall not need approval but the proposed signage and location must be reviewed by the Chief Building Official or designate and the Village of Westport Heritage Committee and be approved in accordance with the Ontario Heritage Act by Council before it is erected.

Where a property is designated by by-law under Part IV or V of the Ontario Heritage Act, the following signs are prohibited:

- i. Visible A-Frame Signage;
- ii. Portable/ Mobile Signage;
- iii. Electric Spectacular Signage;
- iv. Animated Signage;
- v. Readograph Signage.

23. ELECTION SIGNS

SIGN, ELECTION – shall mean signs which are used to promote the running candidate during an election period, using a ground sign within the respected areas stated in this by-law.

- a) Election Signs for Federal, Provincial, Municipal or School Board elections provided:
- b) Election signs shall not be erected more than twenty-eight days (28) prior to the day of the election;
- c) Election signs must be removed within 48 hours after the election polls close;
- d) No election sign shall be greater than 5.0 square metres (53.8 square feet) in sign area or 1.2 metres (3.9 feet) in height;
- e) A-frame, Portable/ Mobile and Readograph signs are prohibited for election use;
- f) No sign shall be erected on private property without the consent of the owner;
- g) Election signs are permitted within road allowances, with the consent of the adjacent landowners, subject to sight triangle height restrictions;
- h) No election sign shall be located so as to interfere with the safe operation of vehicular or pedestrian traffic;

- i) No election sign shall be erected in any sight triangle unless approved by the Municipality.
- j) No election sign shall be erected at, adjacent to or within 12 metres (39 feet) of Corporation property. This includes, but is not limited to, parks, municipal offices and structures, public recreation facilities, etc., but excludes road allowances.
- k) No election sign shall be erected at, adjacent to or within 18 metres (59 feet) of polling stations. The Returning Officer (Municipal Elections) or By-law Enforcement Officer (Provincial and Federal Elections) has the authority to remove these election signs immediately without notice and the sign may be returned to the candidate;
- l) The Returning Officer has the authority to remove any election sign subject to giving five (5) days written notice to the candidate to remove election signs;
- m) Repeated violations by an election candidate will result in the Municipality taking Legal action.

24. HIGHWAY/ COUNTIES ROAD RIGHT-OF-WAY

Any sign within the highway right-of-way should be at a minimum distance of fifty (50) metres away from other highway-related signage. Signage that cannot be accommodated in this spacing should not be allowed within the right-of-way or be subject to refusal if, in the Village's opinion, the proposed sign interferes with public highway signage.

25. COUNTIES ROAD

The requirements for placing or erecting a sign along a Counties road as expressed in the Counties Sign By-law shall supersede the requirements of the Municipality for placing or erecting a sign on municipal property.

PART III – ADMINISTRATION

1. CHIEF ADMINISTRATIVE OFFICER (CAO)

The CAO is responsible for the administration and enforcement of this by-law.

2. BY-LAW ENFORCEMENT OFFICER/ BUILDING INSPECTOR

Council shall appoint such inspectors and other officials as it considers necessary to carry out the duties and responsibilities granted to and imposed upon him/ her under this by-law.

3. ORDER TO REMOVE SIGN

The CAO or designate may, upon thirty (30) days written notice to the owner of a sign and the person in possession of the premises upon which a sign is located, order the sign removed:

- a) If the person to whom a notice was given has failed or refused to comply with such notice.

4. SIGN TO BE PULLED DOWN

Upon the failure or refusal of the person to whom notice was given to remove a sign, the CAO or designated may pull down or remove the sign at the expense of the owner of the sign. The costs associated with pulling down or removal of the sign will be collected in a like manner as taxes.

PART IV - MISCELLANEOUS

1. NOTICE

Any notices required to be given under this by-law shall be given by registered mail addressed to such person at the address set out on the application for the permit or, in case of a sign for which a permit was not obtained, the owner or occupant, according to the last revised assessment roll of the Municipality, of the property on or in front of which the sign is located, and such notice shall be effective as of the date on which such registered mail is posted or served by the Chief Building Official or designate.

2. VALIDITY

If any section, clause or provision of this by-law is for any reason declared by Court of competent jurisdiction to be invalid, the same shall not affect the validity of the by-law as a whole or any part thereof other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention that all the remaining sections, clauses or provisions of this by-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall be declared to be invalid.

3. LIABILITY

The provisions of this by-law shall not be construed as relieving or limiting the responsibility or liability of any person who erects, displays, causes, permits or allows to be erected or displayed, any sign, for personal injury including injury resulting in death, or property damage resulting from such sign or from the employees, contractors or sub-contractors, in the construction, erection, maintenance, display alteration, repair or removal of any sign erected in accordance with a permit which is issued hereunder. Likewise, the provisions of this by-law shall not be construed as imposing on the Municipality, its officers, employees, servants and agents, any responsibility or liability whatsoever by reason of the approval of or issuance of a permit for any sign or removal of any sign.

4. INDEMNIFICATION

The applicant for a permit for a sign, the owner and occupant of the lands and premises on which any sign is erected, shall be jointly and severally responsible to indemnify the Municipality, its officers, employees, servants and agents, from all loss, damages, costs, expenses, claims, demands, actions, suits or other proceedings, of every nature and kind arising from and in consequence of the construction, erection, maintenance, display, alteration, repair or removal of such sign.

5. OFFENCES/ PENALTIES

Every person who:

- a) Fails to comply with any notice, order, directive or other requirement given in accordance with this by-law.
- b) Contravenes any provision of this by-law and every director or officer of a corporation who knowingly concurs in such furnishing, failure or contravention is guilty of an offence and on conviction is liable to a fine of not more than five thousand (\$5,000.00) dollars for each such offence.

6. MINOR VARIANCES

In accordance with the Planning Act, 1990, Section 45(3), Council hereby grants the authority to the Committee of Adjustment to grant minor variances from the provisions of this by-law. Any person(s) seeking relief from provisions stated in this by-law may apply for a minor variance. No relief will be granted to any prohibited signs stated within this by-law. All applicable fees shall apply.

7. REPEAL

By-law 2020-06 and all other By-laws and resolutions pertaining to the regulation of signage in and for the Village of Westport, shall be hereby rescinded.

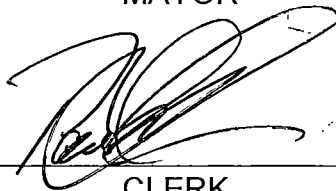
8. EFFECTIVE DATE

This By-law shall come into force and take effect on the date of its passing.

ENACTED AND PASSED THIS 7TH DAY OF APRIL 2020.



MAYOR



CLERK