

CITY OF PRINCE ALBERT

BYLAW NO. 19 OF 2018



Disclaimer:

This consolidation is not an Official Copy of the Bylaw. Amendments have been incorporated solely for research convenience purposes only. Original Bylaw and amendments are available from the City Clerk's Office and must be consulted for purposes of interpretation and application of the law.

OFFICE CONSOLIDATION

The Portable Sign Bylaw

BYLAW NO. 19 OF 2018

Including the Following Amendments:

AMENDMENTS

DATE PASSED

City of Prince Albert Bylaw No. 19 of 2018

A Bylaw of The City of Prince Albert with respect to the authority to deal with 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:

**NOW THEREFORE THE COUNCIL OF THE CITY OF PRINCE ALBERT
IN OPEN MEETING ASSEMBLED ENACTS AS FOLLOWS:**

Short Title

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

Purpose

2. The purpose of this Bylaw is to regulate placement of portable signs within the City of Prince Albert and the related uses by:
 - (a) establishing minimum standards as to placement, size, display, condition and construction of all signage in order to promote orderly sign development;
 - (b) establishing permit and enforcement procedures; and
 - (c) protecting public health, safety and the general welfare of the community.

Definitions

3. (1) In this Bylaw:
 - (a) "Act" means *The Cities Act*;
 - (b) "A-board sign" means a self-supporting sign which is set upon, but not attached to, the ground and has no external supporting structure and does not exceed 1.2 square meters (12.9 square feet) in area;

- (c) "A-frame" means any exposed structure mounted above a roof line for the express purpose of supporting a sign;
- (d) "balloon sign" means a sign which is an inflated, three-dimensional device which incorporates a message and is anchored or affixed to a site or building but does not include a balloon 0.61 meters (2 feet) or less in size;
- (e) "banner sign" means a sign constructed of non-rigid cloth, plastic or other fabric which is attached at all four corners of a pole, building or other supporting structure, and is intended to be of a temporary nature but does not include flags;
- (f) "Bylaw Manager" means the person appointed by Council to administer and oversee bylaw enforcement for the City;
- (g) "City" means The City of Prince Albert;
- (h) "community based event or organization" refers to an event that is taking place within city limits and promoted by an organization located within the confines of the city limits. The event shall be open to participation by any member of the general public. The event being promoted shall be seasonal in nature and provide a service or action benefiting the residents of the city that is not otherwise generally available;
- (i) "construction sign" means a sign placed on a site undergoing construction for which the sign user is advertising services related to the construction project;
- (j) "corner visibility triangle" as defined in the Traffic Bylaw;
- (k) "digital sign" means a sign that displays digital images, graphics, text and/or other information in static or animated form, using such forms as light emitting diodes (LED), and may also include visual communications devices capable of storing and displaying multiple electronic messages in dozens of formats and varying intervals;
- (l) "Director" means the Director of Planning and Development Services for The City of Prince Albert and anyone acting or authorized to act on the Director of Planning and Development Services behalf;
- (m) "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 an election act;

- (n) "Electronic Variable Message Sign" means visual communication devices capable of storing and displaying multiple messages in dozens of formats and at varying intervals;
- (o) "flag sign" means any fabric containing distinctive colours, patterns, symbols or stylized letters, freestanding or otherwise supported, that is not attached to a flagpole and contains graphics or text which is related to a product for sale;
- (p) "Inspector" means an individual authorized by the Director of Planning and Development Services for the purpose of administering this bylaw;
- (q) "new business" means any existing business in the City of Prince Albert that is relocating to a new location or a newly created business opening within the corporate boundaries. A business will be considered new or relocating for 365 days following receiving a City of Prince Albert Business License for the new location;
- (r) "Officer" means a Bylaw Enforcement Officer appointed by the Bylaw Manager;
- (s) "portable sign" means a sign capable of being moved or transported from site to site. It can be mounted on a frame, stand, vehicle, trailer or similar support;
- (t) "real estate sale sign" means a sign advertising real estate for sale, rent or lease;
- (u) "sign" an object or device frame, structure or fixture, intended for the advertising or calling attention to any specific person, matter, object or event;
- (v) "sign area" means the entire area of a sign on which text is intended to be placed;
- (w) "subdivision sign" means a sign placed at the entrance of a subdivision during development and construction for the purpose of promoting vacant lots, new home areas or show homes, which may incorporate small banners or flags;
- (x) "third party advertising sign" means a sign which directs attention to a business, commodity, service or entertainment that is conducted, sold or offered elsewhere than on the premises on which the sign is located, and is only allowed on billboards, mini billboards, transit shelters and transit bench seats;

- (y) "Zoning Bylaw" means the City of Prince Albert Zoning Bylaw as may be amended from time to time or such Bylaw or Bylaws as may be substituted therefor from time to time.
- (2) Unless the context otherwise requires and subject to Subsection 3(1), terms and expressions used in this Bylaw shall have the same meaning as in the Zoning Bylaw of the City of Prince Albert.

Responsibility

- 4. The owner of a sign or the owner of the property upon which the sign is located shall be responsible for carrying out the provisions of this Bylaw.

Sign Permit Required

- 5. Any person who wishes to erect, install, suspend, alter or use any sign, unless otherwise provided under this Bylaw, shall first make application for a sign permit from the department of Planning and Development Services.

Conditions of Sign Permit Approval

- 6. (1) All sign permit application approvals shall be subject to the following conditions:
 - (a) The business to be advertised must have a valid City of Prince Albert Business License;
 - (b) The applicant for which the sign is to be placed must have permission from the property owner; and
 - (c) The owner of the sign shall comply with all applicable bylaws of the City of Prince Albert.
- (2) Any changes to the approved sign permit must be submitted to the department of Planning and Development Services for approval prior to displaying the sign.
- (3) 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, alteration, or maintenance and use of the sign.
- (4) The owner shall allow the Inspector or Officer to enter the property at any reasonable time for the purpose of administering and enforcing this Bylaw.

- (5) If a sign permit has been revoked, or expired, no more work shall be performed on the sign unless it is deemed to be a public safety issue.
- (6) Signs cannot be placed on public property. This includes boulevards, curb-side trees, street light standards, public signage, public mailboxes and intersections, with the exception of election signs.

Sign Permit Issuance

7. Every application for a sign permit shall be reviewed by an Inspector to ensure the application conforms to this Bylaw. When deemed necessary, the Director may refer an application to City Council for consideration.

Fees

8. (1) Sign permit application fees are \$15.00 per month or \$150.00 yearly.
- (2) Sign permit application fees are non-refundable whether approved or denied.

General Requirements

9. With the exception of sign types described under Section 10 hereof, no person shall cause or allow a sign to be placed, changed or altered except in conformance with a legally issued sign permit and any or all the requirements defined within this Bylaw.

Signage Not Requiring Permits

10. No sign permit is required for the following sign types provided the sign complies with all other requirements and provisions of this Bylaw:
 - (a) Election signs are subject to the maximum size limitations within this Bylaw;
 - (b) Real estate signs – Multi-unit sites may have a sign maximum of 11.89 square meters (128 square feet) per side, and small residential sites may have a sign maximum of 4.64 square meters (50 square feet) (fourplex or less);
 - (c) Real estate directional signs;
 - (d) Directional signs;
 - (e) A-board signs;
 - (f) Subdivision signs maximum 11.89 square meters (128 square feet) per side;
 - (g) Posters and signs approved for transit shelter/transit bench signs and bus signs;
 - (h) Private sale signs;

- (i) Signs located inside a building and not intended to be viewed from the outside;
- (j) Construction sign maximum 11.89 square meters (128 square feet) per side);
- (k) Home based businesses may have one sign located on the property. The sign shall be one of the following:
 - a window or fascia sign stating only the business name and hours of operation; OR
 - a 0.55 square meters (6 square feet) per side A-board sign stating only the business name and hours of operation. A-board signs shall not be displayed prior to 8 a.m. nor after 7 p.m.
- (l) Banner signs, flags, balloons, and other similar signs.

Prohibited Signs

11. (1) Signs shall not be mounted 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.
- (2) Signs shall not be placed on a corner site within the corner visibility triangle.
- (3) Signs shall not be placed in an area that will cause a hazard for pedestrian, vehicular, or railway traffic.
- (4) Signs shall not be in the shape and colour of traffic signs (stop sign, yield sign, etc.) The words “stop” or “danger” or any other directional words or symbols are not permitted.

Advertisement Content

12. (1) Text on a portable sign must comply with the following:
- (a) the Canadian Code of Advertising Standards;
 - (b) not present demeaning or derogatory portrayals of individuals or groups; and
 - (c) display advertising copy that is of acceptable, high moral standard, and is not contrary to public order and good taste.
- (2) At the discretion of the Director, any advertising that is deemed to be objectionable or does not comply with Subsection 12(1) will be removed. Such advertising shall be removed as soon as possible or within twenty-four (24) hours of receipt of notice.

Lighting Requirements

13. (1) 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 Code of Canada and Canadian Electrical Code.
- (2) Flashing, animated, or message board signs shall be allowed in any zone and requires City Council approval.
- (3) 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.

Maintenance Requirements

14. (1) The owner of a sign shall be responsible for keeping the sign in a maintained and presentable condition. At any time, the Inspector or Officer may order the sign to be repaired or removed if deemed dilapidated or a public safety hazard, at the cost of the owner.
- (2) 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.

Third Party Signs

15. Third party signs are not permitted in any zone with the exception of signage for a new business or a non-profit organization.

Signage Regulation for New Business

16. (1) A new business shall be allowed to place a maximum of one sign at a location for a period of time not exceeding six (6) months as approved by City Council.
- (2) The temporary location for a sign for a new business, as approved by City Council, can be located on designated City owned property or in any commercial or industrial zone.
- (3) Failure to comply with Section 14 will invalidate any permit issued for signage issued under this section and no new application will be accepted.

Signage Not Otherwise Specified

17. In the event that a type of temporary sign, promotional display or other type of advertising medium be employed that is unrecognized, undefined or does not require a permit under the provisions of this Bylaw, the Director may refer the matter to City Council, who may at their discretion, require that any or all requirements of this bylaw be applied to the signage in question.

Sign Regulations by Zone

18. Portable signs are not allowed in any residential or transitional zone, except in conjunction with essential public services or churches.
19. Portable signs are allowed in any commercial, industrial or institutional zone subject to all the provisions of this Bylaw.
20. Portable signs may be allowed in zones not already described in Section 18 and 19, subject to the approval from the Director and in accordance with all other provisions of this Bylaw. If the Director deems it necessary, the application may be referred to City Council for consideration.

Non-Profit Third Party Signs

21.
 - (1) 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, or institutional zone.
 - (2) Prior to the display of an event, proof shall be provided to the Inspector that:
 - (a) the property owner has approved the placement of the sign on the property;
 - (b) any sign located at a City owned facility, which has a governing body, has approval from both the City and the governing body; and
 - (c) non-profit and community based signs placed on designated properties are located in accordance with all other regulations within this Bylaw.
 - (3) These locations will not allow the advertisement, sale or promotion of any goods or service for profit. Only community based, non-profit events and/or organizations will be allowed.
 - (4) Non-profit organizations will be required to provide their non-profit registry number when applying for a permit.

- (5) 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 the Inspector 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.
- (6) The Inspector may refer an application for community based signage to City Council for their consideration.

A-Board Signs

22. (1) The maximum area of an A-board sign is 1.2 square metres (13 square feet) on each face of the sign.
- (2) A-board signs announcing temporary sales or events may be placed on each site in all commercial or industrial zones, except the C1 Zone, without a sign permit provided that they are placed entirely on the site and do not encroach onto any public thoroughfares or boulevard areas. In a C1 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.

Portable Sign

23. (1) Portable signs shall not exceed 4.64 square metres (50 square feet) per side and not be taller than 3 metres (10 feet) above grade.
- (2) Portable signs must maintain a minimum 10 metre (32 feet) separation on the same site.
- (3) Portable signs are only permitted in off-street parking areas if the parking spaces are in excess of the Zoning Bylaw requirements.
- (4) In accordance with the 2nd Avenue Landscape Policy, signs are not permitted to be placed within a boulevard.

Banner Signs, Flag Signs, Balloons and other Promotional Signage

24. Banner signs, flag signs, balloons and other promotional signage are considered temporary and do not require a permit but are subject to the following requirements:
 - (a) Drawn, drafted, lettered to a professional standard;
 - (b) Maintained in good condition without rips, tears or staining;
 - (c) Securely fixed or secured to an existing structure capable of resisting all environmental loads;

- (d) In area, not exceed 15% of the face of the structure to which they are attached;
- (e) Do not provide promotion for any product, person, place or thing not provided or located on the site they are placed;
- (f) To be located entirely on the property related to the text, graphic or display indicated on the signage;
- (g) Do not present, or, by display, be considered to present, any misdirection, visual obstruction or anything that could be considered to be a hazard;
- (h) The property owner upon which the display is placed shall be deemed the sole party responsible for ensuring that both the product and its placement present no hazard to any person, place or thing; and
- (i) In the C1 Zone, these signs must be placed on the subject property and cannot be placed on the sidewalk or within the right-of-way.

Garage/Yard Sale Signs

25. (1) Signs can be placed on private property as long as the property owner consents, and must be placed in locations where the sign will not create a safety hazard.
- (2) No property owner, tenant or occupant of a property or abutting property, shall cause, allow, permit, place or consent to the placement of a portable sign on City owned property or public property, which advertises a yard sale or garage sale. This includes boulevards, curb-side trees, street light standards, public signage, public mailboxes and intersections. The address contained on the portable sign is deemed to belong to the property owner, tenant or occupant, where the sale is advertised on the sign.
- (3) Garage sale or yard sale signs must be taken down at the end of every sale.

Election Signs

26. (1) Election signs may be placed on public property, if the placement of the sign does not in any way impede, impair, disrupt, or disturb traffic, both pedestrian and/or vehicular. The sign 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.
- (2) Elections signs must be removed within seven (7) days following the date of the election, and any other provisions of the elections act.
- (3) 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.

Digital and Electronic Variable Message Signs

27. In addition to meeting all other requirements of this bylaw in regards to portable signs, digital and electronic variable message signs:
- (a) require approval by City Council;
 - (b) are to be located on the property;
 - (c) upon request from the City, are required to display any emergency or public safety broadcast such as amber alerts or other situations wherein the safety of the general public may be affected;
 - (d) are able to be adjusted for brightness when so requested by the City;
 - (e) are not to employ any type of directional arrow or indicator that may be interpreted as traffic signage;
 - (f) are not to employ any word or combination of words common to traffic signage, such as “turn left”, “danger”, “stop”, “yield”, etc.;
 - (h) are not to employ any graphic that depicts a flash, explosion, firework or other display of nearly instantaneous visualization;
 - (i) are not to create a visual obstruction in regards to traffic flow; and
 - (j) have the power supply for the sign safely placed so as not to create a hazard.

Signs in Contravention

28. (1) Where a sign is in a dangerous, dilapidated, 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 the sign to a safe condition or remove the sign. Failure to comply with the conditions of the notice will result in the issuance of a summary offence ticket for non-compliance with the provisions of this Bylaw, and any enforcement procedure indicated within this Bylaw.
- (2) Notwithstanding Subsection 28(1), an Inspector or Officer may remove the sign from the property if the owner has not already done so. The owner shall be held responsible for any costs, damages, fees, or fines resulting from the removal, storage or elimination of the sign.
- (3) Signs which impede or interfere with the repair or maintenance work of City employees on any property owned or controlled by the City may be removed by the City without notice.

- (4) The City shall retain any signs removed under Subsections 28(1) and (3) for three (3) business days, during which time the signs may be reclaimed.
- (5) The City may without notice dispose of any signs which are not reclaimed under Subsection 28(2) and (3).
- (6) The City, its agents or those who are empowered to enforce this Bylaw, shall not be responsible for the loss or damage of any portable signs removed or stored by the City.
- (7) When a sign is too large to be removed by an individual or may require the use of equipment to remove, the owner of the sign will be notified that the sign must be brought into compliance with all aspects of the Bylaw within a twenty-four (24) hour period. Failure to achieve compliance within a twenty-five (24) hour period will result in the issuance of a summary offence ticket as defined under this Bylaw, for each day the sign remains in contravention of this Bylaw. These fines will be held valid on any given day wherein a sign remains in contravention as of 1:00 p.m. of each day concurrent to the first day a ticket is issued.

Enforcement of Bylaw

29. (1) The Director of Planning and Development Services and the Bylaw Manager for the City of Prince Albert is hereby authorized to further delegate the administration and enforcement of this Bylaw.
- (2) Inspections under this Bylaw shall be carried out in accordance with Section 324 of *The Cities Act*.

Offences and Penalties

30. (1) Subject to Subsection 30(2) 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:
 - (a) \$2,000.00 in the case of an individual; or
 - (b) \$5,000.00 in the case of a corporation.
- (2) Notwithstanding Subsection 30(1), an Officer may issue a summary offence ticket for a violation of this Bylaw in the amount of \$100.00 which, if paid within the time prescribed, will be accepted as a guilty plea to that offence.
- (3) No person shall:
 - (a) fail to comply with an Order made pursuant to this Bylaw; or

- (b) obstruct or hinder any Officer or any other person acting under the authority of this Bylaw.

Liability

- 31. (1) 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.
- (2) 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.

Severability

- 32. 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.

Repeal

- 33. Bylaw No. 22 of 2010 is hereby repealed.

Coming into Force

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

INTRODUCED AND READ A FIRST TIME THIS 14th DAY OF November , A.D., 2018.

READ A SECOND TIME THIS 14th DAY OF November , A.D., 2018.

READ A THIRD TIME AND PASSED THIS 14th DAY OF November , A.D. 2018.

**“Greg Dionne”
MAYOR**

**“Sherry Person”
CITY CLERK**