

**Village of Valley Waters
By-law No. 26-18-01**

**A By-law Relating Signage
for the Village of Valley Waters**

BE IT ENACTED by the Council for the Village of Valley Waters under the authority vested in it by the *Local Governance Act*, SNB., 2017 c.18., as follows:

Now therefore, the Council of the Village of Valley Waters enacts as follows:

1. Short Title

1.1 This by-law may be cited as the “Sign By-law”.

2. Interpretation

2.1 Unless otherwise defined in this by-law, definitions from the Norton Rural Plan By-Law, and any subsequent Rural Plan By-Laws for the Village of Valley Waters shall apply to terms used in this by-law.

3. Purpose

The purposes of the following sign regulations are:

- To promote the effective use of signs as a means of communication to allow commercial enterprises to clearly identify their places of business;
- To minimize the potential adverse effects of signage on private and public property;
- To address the issues of sign maintenance, repair, replacement and removal; and
- To enable the fair and consistent enforcement of sign regulations.

4. Definitions

AWNING means a light detachable system of fabric, sheet metal, Plexiglas or other material, entirely supported from a building by a fixed or retractable frame.

ENFORCEMENT OFFICER for the purposes of enforcing this By-Law means a person

appointed by the Village of Valley Waters Council to enforce municipal by-laws, including the CAO, and the Building Inspector.

CANOPY means any permanently fixed structure other than an awning, supported solely from the building and which projects from the face of the building.

COPY means letters, characters, numbers or graphics which make up the message on a sign, but does not include background colour.

FACADE means the exterior front face, or side face of a building or business premises; whichever is the face on which the sign is to be placed.

FLAG means a polygonal piece of fabric that represents an organization but does not include a flag representing a country of the world or any province, Canadian territory or municipal corporation.

GRADE means the elevation adjacent to any sign or the elevation of the finished ground surface directly below a sign.

SIGN means a structure, device, notice or visual representation including its supporting system and other components, used or is intended or capable of being used to attract attention for identification or information purposes and without limiting the generality of the foregoing includes symbols, letters, figures, illustrations or painted forms.

SIGN, FASCIA means a sign of permanent nature running parallel to the face of the building to which it is displayed or attached.

SIGN, FREESTANDING means a sign standing apart from a building and having independent supports.

SIGN, INCIDENTAL means a sign relating to the lot or use thereof designating accessory uses, parking direction, identification or information.

SIGN, PROJECTING means a sign which is attached to and projects from the wall of a building face by more than 30 cm.

SIGN, VEHICULAR DIRECTIONAL means a sign used to direct vehicular traffic to parking areas of a building or business premises.

SIGN, WINDOW means a sign, picture, symbol or combination thereof, which is painted, pasted or otherwise placed on the inside of a window.

5. Administration

- 5.1 This By-Law applies to the entire area within the bounds of the Village of Valley Waters.
- 5.2 No person shall construct, set up, place, exhibit, erect, or relocate a sign in the Village except in conformance with this By-Law nor without the approval by the CAO. This By-Law applies to all signs on public and private property.
- 5.3 Any sign erected in contravention to this By-Law may be removed at the expense of the owner, applicant or lessee.
- 5.4 No signs, whether made out of paper, cardboard, cloth, canvas, plastic or similar materials, shall be tacked, posted or otherwise affixed to the walls of any structure, tree, pole, hydrant, bridge, fence or any other surface within a public place. This section shall not apply to placards or notices posted by or on behalf of the Village pertaining to municipal matters, or police traffic control signs and notices.
- 5.5 Private signs are not permitted on Village property and any sign erected on Village property may be removed at the expense of the owner, applicant or leasee without notice.
- 5.6 Any sign which in the opinion of the CAO is a danger to surrounding property or persons shall be repaired or removed without prior notice by the Village and all expenses involved in such action shall be charged to the owner of the sign.
- 5.7 Nothing in this By-Law shall be taken to relieve any persons from complying with the provisions of any other by-law of the Village of Valley Waters.

6. Application for Approval of a Sign

- 6.1 Applications, in writing, for a sign approval shall be made to the CAO and shall include:
 - a) The civic address of the building, structure or lot on which the sign is to be erected, altered, or relocated;
 - b) Written authorization by the owner, if the owner is not the applicant of the subject property and/or building;

- c) A drawing to scale for each side of the sign giving all pertinent materials, dimensions, as well as the colour scheme;
 - d) A drawing illustrating the position of any sign to be painted on or attached to a building or structure and the method of attachment;
 - e) A dimensioned site plan showing the sign and distances from all adjacent property lines, driveway locations and other prominent features when located on a property;
 - f) Details of the supporting framework and foundation base details; and
 - g) Details of any lighting.
- 6.2 Whenever in the opinion of the CAO the nature of the proposed work requires technical knowledge, a drawing signed and sealed by a professionally certified Engineer illustrating details of sign attachment and assembly for freestanding, awning, canopy and projecting signs shall be required. All signs shall be erected in accordance with the National Building Code.
- 6.3 The CAO shall ensure that the signage proposal conforms to this and all applicable By-Laws and legislation.
- 6.4 If on examination of the information presented, the CAO is satisfied that the application is consistent with this By-Law and all other by-laws and legislation, they may approve the application for a sign.

7. Refusal of a Sign Application

The CAO shall refuse to approve a sign application for any sign if:

- a) the proposed sign does not comply with the provisions of this By-Law or any other applicable By-Law or legislation or would make any existing sign non-compliant;
- b) the building or structural supports on which the sign is to be located or attached is determined to be incapable of supporting the sign, or if the information submitted regarding the construction of the sign or supporting structure is not sufficient to enable the CAO to adequately determine the capability of such support;
- c) the proposed sign would, in the opinion of the CAO, obstruct or otherwise

- interfere with any traffic control devices, or the visibility of motorists;
- d) an applicant has failed to provide the information required by this By-Law to the CAO; or
- e) the proposed sign directly interferes with the visibility of adjacent signs.
- f) The CAO may revoke a sign approval where there is a violation of any condition under which the sign approval was issued, or If the sign license was issued in error.

8. Application to the Planning Advisory Committee

8.1 An applicant for a Sign License may make application to the Kings Regional Planning Advisory Committee should the applicant wish to make application to vary the requirement of this or the Rural Plan By-Law in accordance with the Community Planning Act.

8.2 The CAO, at his discretion, may submit an application to the Planning Advisory Committee where additional guidance is required prior to the issuance of a sign license.

9. Application Exemptions

9.1 This By-Law exempts the following from sign approval requirements:

- a) Signs located inside a building and not visible from the exterior of the building;
- b) Signage that forms part of appliances and fixtures such as gas pumps, pop machines and telephone booths and like appliances and fixtures;
- c) Signs or public notices erected or authorized to be installed by the Village or Provincial or Federal legislation;
- d) Re-painting, replacement of the fascia panel or normal maintenance of existing previously approved signs for an existing business;
- e) Signs denoting access and parking for persons with disabilities;
- f) Non-advertising commemoration plaques, cornerstones or tablets;

g) One vehicular directional sign not exceeding 2500cm² in area and one metre in height to be located at each entrance and exit to public or private parking;

h) Signs not exceeding 3m² for the purpose of advertising any political party or candidate participating in an election for public office;

i) Any sign which does not exceed 2500cm² in area and which identifies the name and address of a resident or which regulates the use of property such as “no trespassing” signs;

j) Any Real Estate sign on a property offered for sale and which does not exceed 1m² in area in any Residential zone or 3m² in any other zone;

k) Window signs in accordance with Section 15.9 of this By-Law.

l) Signs not exceeding 3m² used for the purpose of advertising specific community events at the discretion of the CAO.

9.2 The above exempted signs shall, in the opinion of the CAO be safe, secure, and not hinder the use by the public of any street and shall not be constructed erected, altered or maintained in violation of this By-Law.

10. Prohibitions

9.1. Without restricting or limiting the generality of the foregoing, the following signs are specifically prohibited:

a) Billboard sign;

b) Any roof sign

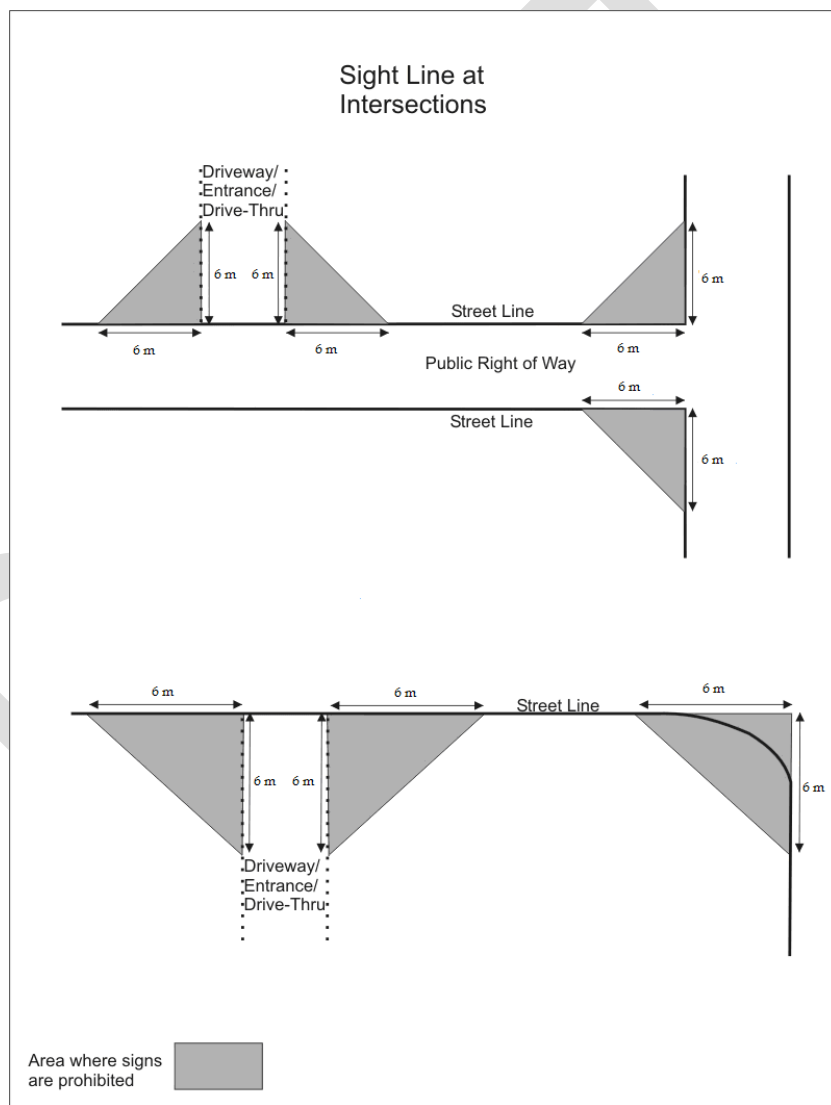
c) Any sign which obstructs any part of a doorway, window or balcony with the exception of permitted window signs;

d) Any sign that has affixed to or contains any flashing, animated, rotating, moving or oscillating electrical components, except for electronic message boards unless approved by a Development Agreement entered into in accordance with the Community Planning Act;

e) Any flashing, animated or chasing border signs or part thereof;

- f) Any sign that imitates in any way, shape, form, words or lighting, a traffic control device;
- g) Any sign that uses dayglo fluorescent, luminous or reflective paint or similar products;
- h) Any signage erected within the triangular area formed by the intersecting street lines joining the point on either street a distance of 6 metres from the intersection as shown in figure 1;

Figure 1



9.3 No sign shall be placed, erected, structurally altered, located or relocated so as to be closer to an energized utility line or utility line equipment than the distances specified in the following table:

Phase to Phase Voltage of Energized Electrical Utility Line or Utility Line Equipment	Distance
Up to 750 v	900 mm
750 v – 100 000 v	3.6 m
100 001 v – 250 000 v	5.2 m
250 001 v – 345 000 v	6.1 m

11. Repair and Removal

11.1 When an owner, tenant or occupant of any premises vacates the premises, such person shall remove all signs, including any supporting system, within 30 days of vacating the premises.

12. Maintenance

Every sign shall be well maintained in a safe condition at all times.

13. General Design Standards

Where possible, the design and placement of signs shall be coordinated with the architectural elements of the façade and other exterior elements of the building and signs shall be:

- a) Single or double sided;
- b) Designed with colors and materials coordinated with the building;

- c) If illuminated, in accordance with the following:
- i) Freestanding signs, fascia signs and projecting signs may be illuminated by internal lighting, external lighting, floodlighting and neon unless otherwise limited by this By-Law;
 - ii) External lighting shall be limited to the greatest extent possible to the sign face with the light source concealed from view;
 - iii) All wiring and conduits to electric signs and lighting sources shall be placed within the building walls, located underground or otherwise concealed from view.

14. Standards for Permitted Signs

The provisions of this section shall apply to all permitted signs:

14.1 Fascia Signs

14.1.1 Number Permitted

One fascia sign is permitted to be erected on each exterior face of a building fronting on a public street except in the case of a commercial building containing more than one commercial unit on one level, one fascia sign is permitted per business.

14.1.2 Sign Area

- a) A fascia sign shall be limited in size to 15% of the area of the façade of a building or business premises, as determined by the CAO;
- b) A fascia sign shall in no case extend beyond 75% of the width of the façade of a building or premises, as determined by the CAO and in no case shall exceed 47m² in area.
- c) A fascia sign exceeding an area of 10m² and/or 1 metre in height shall be limited to individual letters or shapes.

14.1.3 Location

Fascia signs are not permitted above the floor of a second storey.

14.2 Freestanding Signs

14.2.1 Number Permitted

One freestanding sign is permitted per property.

14.2.2 Location

- a) No part of a freestanding sign shall be located within 2 metres of any property line or driveway access or within 1 metre of any building and in no case shall a freestanding sign be located so as to obstruct pedestrian or vehicular traffic.
- b) All freestanding signs shall be sited in a landscaped area as an integral part of the sign license, with such landscaped area to be at least equal in size to the sign area.

14.2.3 Sign Placement, Area and Dimensions

- a) A freestanding sign, including the signage structure, shall be limited to a maximum area of 7.5m^2 or 3.75m^2 per side of the sign.
- b) The sign must have a minimum clearance of 1.2 metres from the average grade adjacent to the sign to the bottom of the sign structure so as not to obstruct visibility.
- c) The total width of the sign including the posts shall not exceed 4 metres.
- d) Freestanding signs shall not exceed 5 metres in height above grade.

14.3 Awning or Canopy Signs

14.3.1 General

An awning or canopy sign shall:

- a) Be attached to, painted or placed upon a canopy or awning and located on the exterior front face of the awning or canopy.
- b) Not be located over a pedestrian walkway unless the lowest part of the awning, canopy or sign structure is 2.75 metres above the pedestrian walkway.

- c) Not be located over a sidewalk unless prior approval has been granted by Council and proof of insurance naming the Village as co-insured has been provided to the Village.
- d) In the case of multi-tenant buildings, one awning or canopy sign is permitted per business over the main entrance of each business premises provided that all awnings or canopies and associated signage are designed of like materials, colors and copy to create a unified signage image for the building.
- e) Where more than one business premises fronts a street under a single awning, there shall not be more than one awning sign per business.

14.3.2 Sign Area

The maximum sign area to be placed on the awning is 40% of the area of the awning or canopy as measured on a drawing of the elevation or vertical plane of the awning and in no case shall the sign area exceed 40 m².

14.4 Under-Awning Sign or Under-Canopy Sign

14.4.1 General

An under-awning or under-canopy sign shall not project beyond the front edge of the awning or canopy or below a height of 2.5 metres above grade.

14.4.2 Sign Area

An under-awning or under-canopy sign shall be limited to a maximum of 30 cm in height and not exceed more than 60% of the length of the awning or canopy.

14.5 Construction Site Signs

14.5.1 Number Permitted

Two construction site signs per property are permitted as defined in this By-Law during the construction process.

14.5.2 Location and Placement

A construction sign may be placed or erected on a site, building, or on the business premises to which it relates in accordance with this By-Law.

14.5.3 Sign Height

The maximum height from grade to the top of the sign shall be limited to a maximum height of 5 metres.

14.5.4 Sign Area

A construction site sign is limited to a maximum area of 3.0m².

14.5.5 Removal

A construction site sign shall be removed within 7 days following the issuance of an Occupancy Permit by the Village.

14.6 Advertising Flags

14.6.3 Location

The location of a flag including the supporting system shall be entirely on private property and shall not interfere with fire escapes, vehicular and pedestrian traffic, utilities, or public works.

14.6.4 Number Permitted

Only one flag is permitted per business premises.

14.6.5 Interpretation

Nothing in this By-Law shall be interpreted to regulate the display of flags representing a country, province or territory of Canada or a municipal corporation.

14.6.6 Flag Placement Area

A flag shall have a minimum clearance of 2.75 metres above grade.

14.7 Projecting Signs

14.7.3 Number of Signs Permitted

One projecting sign per business premises shall be permitted.

14.7.4 Location

A projecting sign may be located on the exterior front face of a business premises.

14.7.5 Sign Placement Area

- a) A projecting sign shall be placed a minimum of 2.75 metres above grade and shall not extend above the roofline or top of the second storey.
- b) A projecting sign at 45 degrees is permitted at a corner of a building.
- c) The maximum height of a projecting sign shall be limited to a maximum of 7.62 metres from grade.

14.8 Real Estate Signs

14.8.3 Number Permitted

One real estate sign may be placed or erected on a private property offered for sale.

14.8.4 Location

A real estate sign may be placed or erected only on the property to which it relates and the top of such a sign shall not exceed a height from grade of 2 metres.

14.8.5 Sign Area and Dimensions

A real estate sign shall be limited to a maximum sign area of 1m^2 per side in any Residential Zone or 3m^2 in any other zone.

14.8.6 Removal

Real estate signs shall be removed within 72 hours of the posting of the sold sign or after the property is sold, rented, or leased, or otherwise removed from the market.

14.8.7 Illumination

A real estate sign shall not be illuminated.

14.9 Window Signs

14.9.3 Number Permitted

The number of window signs is not restricted.

14.9.4 Location and Placement

A window sign shall be placed on the interior of the premises and shall be limited to windows located at the first and second storey of a building.

14.9.5 Sign Area

Total window signage shall not occupy more than 25 percent of the area of the window in which it is placed.

14.9.6 Illumination

Signs may be illuminated by internal lighting and neon tube.

14.10 Banners

Banner Signs shall:

- a) Be limited to not more than 1 banner per property at any one time.
- b) Not exceed 2m².
- c) Not be displayed for more than 14 consecutive days per month.
- d) Not be displayed more than 56 days in any calendar year.
- e) Not be affixed to existing signage, and not be erected in locations which impede pedestrian and vehicle movements or visibility.

14.11 Sandwich Board Signs

Sandwich Board Signs shall:

- a) be limited to one Sandwich Board Sign for each ground floor business

premises fronting on the road or street on which the sign is to be placed.

- b) Be designed in accordance with the guidelines included in Schedule B of this By-Law.
- c) Be displayed on private property of the business premises to which it pertains, within 3 metres of the front entrance of the business premises and shall only be displayed during the hours of operation of the business premises to which it pertains.
- d) Not exceed 1 metre in height and 50 cm in width.
- e) Not contain any electrical components nor be illuminated.
- f) consist of lettering that is printed, painted, stenciled or otherwise fixed to the surface of the sign and the integrity of any removable or adjustable letters, numbers or symbols including plastic numbers, letters, symbols or chalk markings shall be maintained at all times.
- g) Not be located in any required parking area.
- h) Not be placed in a manner so as to be a nuisance or to restrict pedestrian or vehicle movement. When placed on a sidewalk area adjacent to a business premises, a clearance of a minimum of 1.0 metres adjacent to either a curb, property line, landscape features or any other structure shall be provided.

14.12 Incidental Signs

14.12.3 Number Permitted

The number of incidental signs is restricted to 5 signs per property.

14.12.4 Location and Placement

Incidental signs shall not be located within 2 metres of any property line.

14.12.5 Sign Area

An incidental sign shall be limited to a maximum sign area of 2500cm² in area per side.

14.12.6 Illumination

Incidental signs shall not be illuminated.

15. Penalties

A person who contravenes any of the provisions of this By-Law; or causes or suffers or permits any act or thing to be done in contravention of or in violation of any of the provisions of this By-Law, or neglects or refrains from doing anything required to be done by any of the provision of this By-Law; or fails to comply with an order or demand made pursuant to this By-Law; commits an offence punishable under Part 2 of the Provincial Offences Procedure Act as a Category B offence and shall be fined not less than \$140 and not more than \$320.

Each day such offence continues shall be deemed to constitute a separate offence.

16. Enactment

FIRST READING BY TITLE:

SECOND READING BY TITLE:

THIRD READING BY SUMMARY AND ENACTMENTMENT:

Mayor

Village Clerk