

BY-LAW NO. 2003 - 520

A by-law of the City of Ottawa to regulate signs and advertising devices on City roads.

DEFINITIONS

1. In this by-law:

“A-frame sign” means a self-supporting structure shaped like an “A” with one or two sign faces, with a base dimension not exceeding sixty centimeters (60 cm) in width or seventy-five centimeters (75 cm) in length, and a height not less than fifty centimeters (50 cm) or greater than one metre (1 m);

“accessory sign” means a business accessory sign, farm accessory sign or a residential accessory sign;

“area” means the area of the sign face;

“banner” means a temporary sign other than a poster sign and is a decorative banner or a street banner;

“boulevard” means all parts of the highway save and except any roadway, shoulder or sidewalk;

“bus stop” means that part of a highway designated as a point at which buses will stop to take on or let off passengers;

“business accessory sign” means an A-frame sign placed only during business hours, constructed in a manner and of materials such that it can be placed or repositioned by an individual without mechanical aid and which relates exclusively to the use on the immediately abutting premises;

“business hours” means the times when a business is actually open for customers to purchase products or services;

“business improvement area” means an area designated by the City as an improvement area pursuant to the Municipal Act, 2001, S.O. 2001, c.25 as amended;

“central boulevard” means that part of the boulevard lying between the roadways of a divided roadway and includes channelizing islands and medians;

“City” means the municipal corporation of the City of Ottawa or the geographic area as the context requires;

“City property” means any land or building owned by the City other than a highway;

“City sign system” means a system of official signs of standard designs including traffic control devices that are placed and owned by or authorized by the City;

“community identification sign system” means a City sponsored sign of a standard design established by the City, that identifies or promotes the City or a part thereof and includes but is not limited to entrance signs to the City or a specific community such as a village within the City or business improvement area identification signs;

“community information sign system” means a sign of a design approved by the City which informs the public of non-profit community services or programs such as service clubs, block parents, neighborhood watch, adopt a road or park, and may provide identification of or directional information to community facilities such as churches, schools, libraries, hospitals, sports or other community facility;

“community special event” means a non-profit community sponsored special event designed to promote involvement in community celebrations and other activities primarily by the local population of the City or an individual or group of communities within the City;

“community special event sign” means an A-frame sign or poster sign placed temporarily to advertise or promote a community special event;

“curb” means a concrete or asphalt edge or border of a roadway;

“decorative banner” means a banner placed on a utility pole or similar structure designed to support such banner by,

- (a) a business improvement area, the National Capital Commission, or the City to decorate or promote an area or a major special event,
- (b) a major tourism attractor to decorate the boulevard areas adjacent to the attraction and along the approaches to and within one half of a kilometer (0.5 km) of the attraction, with symbols, logos or pictures but not words representing the attraction, or,
- (c) a public institution or non-profit community service provider to temporarily promote a special celebration or event such as an anniversary or fundraising event;

“election sign” means a temporary sign, including a poster sign or rigid ground mounted sign, advertising a candidate or political party in a municipal, school board, public utility company, provincial or federal election, and in the case of rigid ground-mounted sign, having a sign face not greater than four hundred and sixty millimeters (460 mm) in width and seven hundred and sixty millimeters

(760 mm) in height, and the upper extremity of which is not greater than one hundred and twenty centimeters (120 cm) from the ground;

“external illumination” means illuminated from a light source on the exterior of the sign;

“farm accessory sign” means an A-frame sign placed only during business hours, constructed in a manner and of materials such that it can be placed or repositioned by an individual without mechanical aid, and for the purpose of advertising a farm produce outlet which sells products of a person’s own raising on a related local farm;

“freestanding” means placed on the ground and self-supporting without supports constructed and driven into the ground;

“General Manager” means the General Manager of the Transportation, Utilities and Public Works Department of the City or a designate;

“ground-mounted” means upheld by one or more supports constructed or driven into the ground for a sign’s exclusive support;

“highway” means a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part or which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof;

“homebuilders temporary wayfinding sign system” means a wayfinding sign system of standard design and in locations approved by the City which promotes new private development within the City, provides direction to sales offices or model homes and is temporarily placed during the marketing of the development;

“illuminated” means the lighting of a sign by artificial means and “illumination” has a corresponding meaning;

“inner boulevard” means that part of the boulevard lying between the property line and the edge of the sidewalk nearest to the property line and where there is no sidewalk, it means that part of the boulevard lying between the property line and the roadway or the edge of the shoulder, where such exists, furthest from the roadway;

“intermittent illumination” means illumination that can vary in intensity at periodic intervals;

“internal illumination” means illuminated from a light source within the sign;

“intersection” means the area embraced within the prolongation or connection of the lateral curb lines or, if none, then of the lateral boundary lines of two or more highways which join one another at an angle, whether or not one highway crosses the other;

“loading zone” means that part of a highway, private property or City property set apart for the exclusive purpose of parking a vehicle to load or unload the same;

“major special event” means a special event designed to attract the local population and tourism to the City and which is attended by crowds of more than 10,000 persons and includes but is not limited to Canada Day, Winterlude, the Franco-Ontarien festival, the Jazz Festival, the Blues Festival and the Tulip Festival;

“major special event sign” means a street banner, decorative banner, or rigid sign placed on a utility pole that advertises or promotes a major special event;

“major tourism attractor” means a facility designed to provide entertainment primarily for tourists, and which attracts at least 50,000 tourists annually, but does not include facilities designed primarily for retail shopping, or cinema theatres;

“mobile sign” means a sign that is,

- (a) temporary,
- (b) designed for the manual rearrangement of copy on the sign face, and
- (c) part of, or attached to, a readily relocatable wheeled trailer or frame without wheels, for use in another location,

but does not include,

- (a) a portable sign; or
- (b) a sign attached to a vehicle where the principle use of that vehicle is the transportation of people, goods or other materials;

“multi-occupancy building” means a commercial or mixed use development in which a number of occupants share facilities such as parking and provide varied products and services for the general public;

“non-rigid” means constructed of a light flexible material such as cloth, plastic, paper or light weight cardboard;

“official sign” means a sign placed by the City to control and regulate the movement of vehicles and pedestrians and includes a sign approved by the Ministry of Transportation of Ontario, and includes signs described in Regulation 615 to the Highway Traffic Act, R.S.O., 1990, Chapter H.8, both as amended from time to time;

“outer boulevard” means that part of the boulevard lying between any sidewalk and the roadway or the near edge of the shoulder where such exists;

“owner” means any person described on the sign, or whose name or address or telephone number appears on the sign, or who installed the sign, or is in lawful control of the sign, or who benefits from the message on the sign, and for the purposes of this by-law there may be more than one sign owner;

“pathway” means those parts of the highway set aside by the City for the joint use of pedestrians and cyclists;

“person: means an individual, association, firm, partnership, incorporated company, corporation, agent or trustee, and the heirs, executor or other legal representatives of a person, and for the purposes of this by-law includes an owner;

“place” means affixing, attaching, installing, erecting or causing or arranging for the affixing, attaching, installing or erecting of a sign and “placing” or “placement” have a corresponding meaning;

“portable sign” means a rigid freestanding moveable sign not fastened by any means to the ground or any structure, and includes an A-Frame sign;

“poster collar” means a structure installed on a utility pole or other structure by the City or the National Capital Commission for the placement of poster signs;

“poster sign” means a temporary sign of non-rigid material having dimensions not greater than two hundred and eighty millimeters (280 mm) in width and four hundred and thirty five millimeters (435 mm) in height with the upper extremity of the poster not greater than two hundred and fifty centimeters (250 cm) from the ground;

“public service” means the supply to the general public of necessities or conveniences and includes the production, supply and transmission of gas, oil, sewer, water and electric power or energy, and all telephone, cable television and other telecommunications lines;

“public service sign system” means any system of signs placed on street furniture and other facilities, provided by others for the convenience of the public in accordance with the terms of a sponsorship or partnership agreement with the City regarding responsibilities for installation, maintenance, design standard, location and advertising revenue, and includes signs on street furniture and other facilities such as information kiosks identifying business areas, community bulletin boards, telephone kiosks, bicycle racks, recycling and litter collection centres, benches, and shelters at bus stops;

“public utility” means a board, commission, or corporation including the City, that owns or operates a public service;

“residential accessory sign” means a sign which includes street or postal address information on a roadside mailbox or identification of the provider of roadside newspaper boxes for individual subscribers;

“rigid” means a sign face of solid material designed to maintain a flat shape and includes plywood, plastic corrugate or heavy weight cardboard;

“roadway” means that part of the highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder, and where a highway includes two or more separate roadways refers to any one roadway separately and not to all of the roadways collectively;

“rotary sign” means a free standing moveable sign that rotates around a central axis;

“service or product finding sign” means a rigid or non-rigid sign which advertises services and products, and which contains information on how to contact the person offering such services or products, and which is not located adjacent to the premises which offers such services or products;

“shoulder” means that part of a highway immediately adjacent to the roadway and having a surface of asphalt, concrete or gravel for the use of vehicles;

“sidewalk” means those parts of a highway set aside for the use of pedestrians or used by the general public for the passage of pedestrians;

“sign” means any visual medium used to convey information by way of words, pictures, graphics, emblems or symbols, or any device used for the purpose of providing direction, information, identification, advertisement, business promotion or the promotion of a product, activity, service or idea;

“sign face” means that portion of the sign upon, against or through which the message of the sign is displayed, but does not include the sign structure;

“special event” means a festival or non-profit community sponsored event intended to promote involvement in city-wide or community activities and services and includes a major special event and a community special event;

“special event sign” means a sign that advertises or promotes a special event and includes a major special event sign and a community special event sign;

“special program sign” means a sign which is part of a system or network of signs of a standard design approved for use by the City for specific information purposes, or signs which are placed on a system or network of facilities which have been provided by others for public use and includes a City sign system, a

community identification sign system, a community information sign system and a public service sign system;

“street banner” means a banner that extends across a roadway and which advertises a major special event;

“tourism-oriented sign system” means a wayfinding sign system which provides directional information for the travelling public to scenic routes, points of interest, and tourism-oriented services and attractions;

“traffic control device” means a sign, traffic control signal or other device placed for the purpose of regulating or directing vehicular, pedestrian or other traffic within the highway and includes the utility pole, post or other supporting members, control boxes and other ancillary elements;

“wayfinding sign” means an individual sign which is not part of a wayfinding sign system, placed for the purpose of guiding or providing direction for the travelling public to an activity, service or product which is available at a location not immediately adjacent to where the sign is located, and includes business, real estate for sale or lease, garage sale, auction, model home and similar wayfinding signs;

“wayfinding sign system” means a system or series of signs designed in partnership with the City and in locations approved by the City to provide a standardized City wide system of signs which the travelling public will come to recognize as providing certain kinds of information, and includes a homebuilders temporary wayfinding sign system and a tourism-oriented sign system;

“utility pole” means a pole installed on a highway by the City or a public utility and includes a decorative lamp post, streetlight pole and traffic control signal pole;

“variable message” means the re-arrangement of numerals, letters or copy applied directly to the sign face and which is specifically designed and intended to be periodically re-arranged.

PROHIBITIONS

2. No person shall place on a highway,
 - (a) a mobile sign,
 - (b) a ground-mounted sign other than an election sign,
 - (c) a rotary sign,
 - (d) a service or product finding sign except in the form of a poster sign or a sign permitted as part of a public service sign system pursuant to Section 12 hereof, or
 - (e) a wayfinding sign.

3. No person shall place a sign on a highway that,
- (a) is on the roadway,
 - (b) is on the shoulder,
 - (c) is on the central boulevard,
 - (d) is on a guiderail,
 - (e) is on the sidewalk,
 - (f) is on a tree or shrub,
 - (g) is on a decorative lamp post,
 - (h) in the opinion of the General Manager, impedes or obstructs City maintenance operations, including but not limited to roadway and sidewalk snow plowing and removal operations,
 - (i) in the opinion of the General Manager, impedes or obstructs the passage of pedestrians or vehicles, or impedes a pedestrian's or driver's view of a traffic control device or other physical element of the highway,
 - (j) is within three metres (3m) of an intersection,
 - (k) is illuminated or includes video, animation or other changing information,
 - (l) uses retro-reflective material,
 - (m) interferes with or obstructs a loading zone or bus stop,
 - (n) includes content which is in violation of any law,
 - (o) resembles, conceals, obstructs or obscures a traffic control device or official sign including supporting post, utility pole or structure, except that a sign which is permitted on a utility pole may be placed on a utility pole on which a no parking sign is located if it does not conceal, obstruct, or obscure the no parking sign,
 - (p) is attached or secured to any traffic signal control box, official sign, authorized sign, traffic signal, a pole supporting the above, bench, planter, public waste receptacle, tree guard, fence, bicycle rack, except as specifically provided elsewhere in this by-law, or by using a chain or other method of attachment other than that defined by the City,
 - (q) is not securely fastened to its support, or
 - (r) in the opinion of the General Manager, creates a hazard, which could cause injury or result in damage to any person, property or thing.
4. No person shall place a sign on a highway within the City except as provided in Sections 7 to 18 inclusive of this by-law.
5. No person shall place a sign on a traffic control device or on a utility pole or other pole or post except as provided in Sections 7 to 18 inclusive of this by-law.

GENERAL REGULATION

6. (1) No person shall place a sign on a highway,
 - (a) by excavating, digging, drilling, driving or cutting into asphalt, concrete, bricks or other improved hard surface for the purpose of imbedding a sign or its supports,
 - (b) by using nails, rivets, screws, or by drilling into wooden, aluminum or concrete poles or any other highway structure for the purpose of placing a sign or its support,
 - (c) in a location and in a manner which may damage a public utility, and no sign support shall be driven into the ground to a depth;
 - (i) greater than three hundred millimeters (300 mm) without first obtaining permission from any public utility having underground utilities within the highway; or
 - (ii) less than three hundred millimeters (300 mm) without obtaining locate information, if necessary to ensure that no damage occurs to any underground utility.
- (2) The location at which a sign has been placed shall be restored, upon its removal, to a condition satisfactory to the General Manager and, if it is not, the General Manager may restore the location and recover the costs of doing so from the sign owner.

RESIDENTIAL ACCESSORY SIGNS

7. Despite Sections 4 and 5 hereof, a residential accessory sign may be placed on an outer boulevard on either side of the roadway along the frontage of the premises receiving roadside delivery services provided the mail or newspaper box on which it is placed does not overhang the shoulder or roadway or interfere with City maintenance operations.

BUSINESS ACCESSORY SIGNS

8. Despite Sections 4 and 5 hereof, a business accessory sign may be placed on an inner or outer boulevard, but only where the physical location of the building in which the business resides is so close to the highway so as to preclude the sign from being located off the highway, and provided that,
 - (a) no sign is placed within fifty centimeters (50 cm) of a curb or sidewalk, or where there is no curb or sidewalk, within two metres (2 m) of the roadway or within fifty centimeters (50 cm) of the edge of a shoulder where such exists,
 - (b) no sign is placed within ten metres (10 m) of an intersecting street as measured from the curb, or where there is no curb, as measured from the edge of the roadway,
 - (c) no sign is placed adjacent to a loading zone or within twenty metres (20 m) of the approach side of a bus stop,
 - (d) no more than one sign is placed for each business and it is located immediately adjacent to the place of business within the area that would

be formed if its leasehold or other property lines were projected into the boulevard,

- (e) no sign is located immediately adjacent to a multi-occupancy building within the area that would be formed if its leasehold or other property lines were projected into the boulevard, and
- (f) the sign is placed only during business hours.

FARM ACCESSORY SIGNS

9. Despite Sections 4 and 5 hereof, farm accessory signs may be placed on an inner or outer boulevard, provided that,

- (a) the signs are placed within five hundred metres (500 m) from the entrance to or location of a farm produce outlet,
- (b) no more than one sign is placed for each approaching direction,
- (c) no sign is placed within fifty centimeters (50 cm) of the edge of a shoulder or sidewalk and two metres (2 m) of a roadway; and,
- (d) the sign is placed only during the hours of operation of the farm produce outlet.

ELECTION SIGNS

10. Despite Sections 4 and 5 hereof, election signs may be placed on an inner boulevard, provided that,

- (a) the sign is not placed more than thirty (30) days immediately preceding the election date,
- (b) no sign is placed within fifty centimeters (50 cm) of a sidewalk, or where there is no sidewalk, within two metres (2 m) of the roadway or within fifty centimeters (50cm) of the edge of a shoulder where such exists; and
- (c) the sign and its appurtenances are removed within forty-eight (48) hours following the election date.

COMMUNITY SPECIAL EVENT SIGNS

11. Despite Sections 4 and 5 hereof, community special event signs may be placed on an inner or outer boulevard, provided that,

- (a) the sign is not placed more than twenty one (21) days immediately preceding the special event date,
- (b) no sign is placed within fifty centimeters (50 cm) of a curb or sidewalk, or where there is no curb or sidewalk, within two metres (2 m) of the roadway or within fifty centimeters (50 cm) of the edge of a shoulder where such exists, and,
- (c) the sign and its appurtenances are removed within forty eight (48) hours following the community special event date.

POSTER SIGNS

12. Despite Sections 4 and 5 hereof, poster signs may be placed on a utility pole located on an inner or outer boulevard, or on a community bulletin board, in accordance with the following provisions:

- (a) not more than one poster sign per owner providing the same information or advertising the same company, organization, service, product, message or event is placed on the same utility pole or community bulletin board,
- (b) the utility pole does not support a traffic control device other than a no parking sign,
- (c) the poster sign is not attached by way of a self adhesive backing, glue, thumbtacks, nails or any other metal device, other than staples,
- (d) the date the poster sign is placed is displayed on the lower right hand corner in characters not less than five millimetres (5 mm) in height,
- (e) the poster sign is removed within twenty one (21) days of the date the poster sign was placed or within forty-eight (48) hours of the occurrence of an event advertised on the poster sign, whichever is the shorter period, and
- (f) no poster sign shall be placed on a utility pole within 200m of a poster collar.

POSTER COLLARS

13. Despite Sections 4 and 5 hereof, poster signs may be placed on a poster collar provided that,

- (a) there is on the poster collar only one poster sign per owner providing the same information or advertising the same company, organization, service, product, message or event,
- (b) it is attached with tape, and
- (c) it is removed by 8:00 a.m. on the first or fifteenth day of each month, after which time the City or the National Capital Commission may remove or cause to be removed the poster sign.

BANNERS

14. (1) Despite Sections 4 and 5 and subject to subsections (2), (3) and (4) hereof, a person may place a banner on a highway if a permit has been issued by the General Manager.

- (2) Subject to subsections (3) and (4) hereof, the General Manager shall issue a permit for a decorative or street banner provided that,
 - (a) the applicant provides such information as the General Manager may require,
 - (b) a processing fee of fifty dollars (\$50.00) is paid per group of decorative banners and per street banner, which is not refundable in whole or in part,

- (c) an inspection fee of fifty dollars (\$50.00) is paid per group of decorative banners and per street banner, which is not refundable in whole or in part,
 - (d) the applicant enters into an agreement to indemnify and save harmless the City and the owner or lessee of the utility pole or structure from all claims of liability that may occur as a result of the presence of the decorative banner or street banner, and
 - (e) the applicant secures third party liability insurance with a minimum limit with no deductibility provision, of two million dollars inclusive, for bodily injury and property damage for any one occurrence, with the City and the owner or lessee of the utility pole shown as an additional named insured, and provides to the City an original signed certificate of insurance for such policy, such certificate to be in a form and with an insurance company acceptable to the City.
- (3) In the case of a decorative banner, an application for a permit may be approved by the General Manager, provided that,
- (a) the total sign face area of the decorative banner placed per pole does not exceed one hundred and forty centimeters (140 cm²), except this shall not apply if the supporting pole has been specifically designed and equipped to accommodate a larger decorative banner,
 - (b) permission is obtained from the owner or lessee of the utility pole to which the decorative banner will be attached,
 - (c) the applicant abides by specific fastening conditions stipulated by the owner or lessee of the utility pole to which the decorative banner will be attached,
 - (d) where deemed necessary by the General Manager, the decorative banner is erected by the City at the applicant's cost,
 - (e) the highest extremity of the decorative banner is a maximum of five metres (5 m), as measured from the ground unless the supporting pole has been specifically designed and equipped to accommodate a decorative banner,
 - (f) the lowest extremity of the decorative banner is a minimum of three metres (3 m), as measured from the ground,
 - (g) the General Manager may renew the permit annually,
 - (h) when a major tourism attractor banner is approved, the following additional conditions shall apply,
 - (i) in general rural areas, a banner shall not be permitted to be erected on a utility pole located in front of or within sixty metres (60 m) of a private residence, and
 - (ii) the banners shall be removed during the periods of time that the major tourism attractor is closed, when the closure period exceeds sixty (60) consecutive days.

- (4) In the case of a street banner, an application for a permit may be approved by the General Manager provided that,
- (a) permission is obtained from the owner or lessee of the utility pole to which the street banner will be attached,
 - (b) the applicant abides by specific fastening conditions stipulated by the owner or lessee of the utility poles or other structures to which the ends of the street banner will be attached,
 - (c) where deemed necessary by the General Manager, the street banner is erected by the City at the applicant's cost,
 - (d) the lowest extremity of the street banner is a minimum of six metres (6 m), as measured from the centreline of the roadway,
 - (e) the street banner is only placed for the purpose of informing the public of an event with a specific date, and is not placed more than twenty one (21) days immediately preceding the event date, and is removed within forty-eight (48) hours immediately following the event date, and
 - (f) no more than two (2) street banners are placed per event.
- (5) No banner application shall be approved that includes statements, words, or pictures of an obscene, pornographic, immoral, racist or sexist nature, or promotes or advertises gambling, tobacco or alcohol products.
- (6) Despite the provisions of paragraphs 14(2)(b), (c) and (e) hereof, the General Manager may, when deemed appropriate by the General Manager, waive all or part of the requirements of those paragraphs for registered charitable and non-profit organizations such as the United Way, Santa Claus Parade, and local community associations.

RIGID SIGNS ON UTILITY POLES

15. Despite Sections 4 and 5 of this by-law, a rigid sign may be placed on a utility pole located in an inner or outer boulevard for a major special event, provided that,
- (a) it is placed by the City in partnership with the sponsor of a major special event,
 - (b) the signs are provided to the City at the sponsor's cost;
 - (c) where deemed necessary by the General Manager, the City's costs for placing such signs shall be paid by the event sponsor,
 - (d) the sign is not placed more than twenty one (21) days immediately preceding the special event date and removed within forty eight (48) hours following the major special event date,
 - (e) permission is obtained from the owner or lessee of the utility pole to which the sign will be attached,
 - (f) specific fastening instructions stipulated by the owner or lessee of the utility pole are complied with, and
 - (g) it has dimensions less than ninety centimeters (90 cm) in width and one hundred and twenty centimeters (120 cm) in height, and the lowest

extremity of the sign is at least two metres (2 m) as measured from the ground.

COMMUNITY IDENTIFICATION SIGN SYSTEMS, COMMUNITY INFORMATION SIGN SYSTEMS AND TOURISM-ORIENTED SIGN SYSTEMS

16. Despite Sections 4 and 5 of this by-law, a sign which is part of a community identification sign system, a community information sign system, or a tourism-oriented sign system may be placed on a highway by the General Manager, and the person requesting the sign system may be required by the General Manager to pay for the cost of installing the sign and the cost of the sign and required materials.

PUBLIC SERVICE SIGN SYSTEMS

17. Despite Sections 4 and 5 of this by-law, a person may place a sign on a highway that is part of a public service sign system provided it is of a type and design and in a location defined in the terms of a partnership or sponsorship agreement with the City.

HOMEBUILDERS TEMPORARY WAY-FINDING SIGN SYSTEMS

18. (1) Despite Sections 4 and 5 of this by-law, a person may place a sign on a highway which is part of a homebuilders temporary wayfinding sign system if a twelve month permit has been issued by the General Manager, and the General Manager shall issue a permit provided that,
- (a) the applicant provides such information as the General Manager may require,
 - (b) the applicant obtains a road cut permit from the City,
 - (c) a processing and technical review fee of one hundred dollars (\$100.00), and a permit fee of one thousand dollars (\$1000.00) are paid for each system of signs, both of which are not refundable in whole or in part,
 - (d) the applicant enters into an agreement to indemnify and save harmless the City from all claims of liability that may occur as a result of the homebuilder temporary wayfinding sign system being placed on the highway,
 - (e) except in so far as insurance protection is required by the City's Road Cut By-law, the applicant secures third party liability insurance with a minimum limit and no deductibility provision of one million dollars inclusive, for bodily injury and property damage for any one occurrence, with the City shown as an additional named insured, and provides to the City an original signed certificate of insurance for such policy, such certificate to provide that thirty (30) days prior written notice shall be given to the General Manager in the event of any material amendment to or cancellation or termination of the policy and to be in a form and with an insurance company acceptable to the City, and

- (f) the applicant enters into an agreement with the City by which the applicant agrees that,
 - (i) the sign will be built to City standards,
 - (ii) the sign will be built with three (3) builder name panels, one of which will be used by the applicant,
 - (iii) the two remaining panels will be made available to subsequent homebuilders, upon request of those homebuilders,
 - (iv) the subsequent homebuilders may install panels, to be constructed and installed at their cost, and
 - (v) the applicant will recover from subsequent homebuilders no more than one third of the combined prorated cost of the road cut permit fee, the processing and technical review fee, the permit fee paid pursuant to this by-law, the construction costs of the base sign, and any insurance costs.
- (2) No person shall install a builder name panel without the permission of the permit holder.
- (3) The permit referred to in subsection (1) of this Section may be renewed by the applicant annually, by application to the City, and by payment of a renewal permit fee for each year of renewal of one thousand dollars (\$1,000.00) for each system of signs, which is not refundable in whole or in part.

CONFEDERATION BOULEVARD

- 19. (1) In this Section, Confederation Boulevard means the highways of,
 - (a) Elgin Street between Wellington Street and Lisgar Street,
 - (b) Wellington Street/Rideau Street between the Ottawa River Parkway and Sussex Drive,
 - (c) Sussex Drive between Rideau Street and the Rockcliffe Parkway,
 - (d) St. Patrick Street between the Alexandra Bridge and Sussex Drive; and
 - (e) MacKenzie Avenue between Murray Street and Rideau Street.
- (2) No person shall place a sign on Confederation Boulevard without prior approval from the National Capital Commission.
- (3) A sign on Confederation Boulevard is otherwise subject to the provisions of this by-law.

OTHER LAWS

- 20. Nothing in this by-law relieves any person of the responsibility for adhering to other applicable laws which regulate signs, or for obtaining the approval of the Federal or Provincial governments or agencies thereof as required, or for obtaining the approval of the property owner or owner of a utility pole or other structure on which a sign is located.

ENFORCEMENT

21. The General Manager is responsible for the administration of this by-law and the by-law may be enforced by Municipal By-law Officers appointed by the City.

REMOVAL AND FEES FOR REMOVAL AND RETRIEVAL

22. The following provisions shall apply to the removal of signs,
- (a) no person shall remove or cause to be removed any lawfully placed sign, other than persons authorized by this by-law or the owner of the sign,
 - (b) the General Manager may remove or cause to be removed immediately without notice, and at the expense and risk of its owner, a sign that is placed or operated in contravention of this by-law,
 - (c) except in the case of a poster sign which need not be stored by the City, a sign removed pursuant to this section shall be stored by the City for at least thirty (30) days, during which time the owner or agent may retrieve the sign upon payment to the City of fifty dollars (\$50.00) for each sign with a sign face of less than hundred square centimeters (100 cm²), one hundred dollars (\$100.00) for each sign with a sign face of one hundred square centimeters (100 cm²) or greater but less than two hundred square centimeters (200 cm²), and one hundred and fifty dollars (\$150.00) for a sign with a sign face of two hundred square centimeters (200 cm²) or greater,
 - (d) where a sign is so large or so placed that the cost of taking it down and removing it exceeds the amount provided in subsection (3) hereof, the amount provided in subsection (3) hereof shall not apply and the amount shall be the City's cost of taking down, removing and disposing of the sign, plus an administrative fee of fifteen (15%) percent,
 - (e) where a sign has been stored for a period of at least thirty (30) days, or in the case of poster signs not stored, the sign or poster sign may be destroyed forthwith or otherwise disposed of by the City without any notice or compensation to the owner thereof,
 - (f) the City shall not be liable for any damage to or loss of a sign that was displayed in contravention of the provisions of this by-law and removed by the General Manager.
 - (g) the City shall not be liable for any loss of revenue resulting from the removal of a sign pursuant to the provisions of this by-law.
 - (h) despite subsection (1), a public utility performing a maintenance function on a utility pole may take down or remove or cause to be removed immediately without notice, and at the risk of its owner, a sign or poster that interferes with the public utility's maintenance function.

LIABILITY

23. The owner of and any persons placing, erecting or maintaining any sign or sign structure shall be liable and responsible for such sign or sign structure. The City is hereby indemnified from and against all manner of claims for damages, loss, expense or otherwise arising from the placement, erection, maintenance, removal or falling of such sign, sign structure, or part thereof.

OFFENCE AND PENALTIES

24. (1) Every person who contravenes any provision of this by-law is guilty of an offence.
- (2) Every person who is convicted of an offence is liable to fine of not more than five thousand dollars (\$5,000.00) as provided for in the Provincial Offences Act, R.S.O. 1990. Chapter P.33, as amended.
- (3) When a person has been convicted of an offence under this by-law,
- (a) the Ontario Court of Justice; or,
 - (b) any court of competent jurisdiction thereafter, may, in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the act by the person convicted directed toward the continuation of the offence.

VALIDITY

25. If a court of competent jurisdiction declares any provision or part of a provision of this by-law to be invalid or of no force and effect, it is the intention of the Council in enacting this by-law, that each and every other provision of this by-law be applied and enforced in accordance with its terms to the extent possible according to law.

LAWFULLY EXISTING SIGNS

26. Nothing in this by-law prohibits or regulates signs or other advertising devices lawfully erected or displayed on the day the by-law comes into force, if the sign or advertising device is not substantially altered, and the maintenance and repair of the sign or advertising device or a change in the message displayed shall be deemed not in itself to constitute an alteration.

BY-LAW NOT APPLICABLE

27. The provisions of this by-law do not apply to a sign placed,
- (a) by the City;
 - (b) by the City as a traffic control device, or which is part of a City sign system;
 - (c) pursuant to an agreement with the City; or

- (d) as a permanent or temporary aerial encroachment pursuant to the City's Encroachment By-law 2003-446, as amended, which is affixed to a building.

HEADINGS

28. The headings contained in this by-law are for the purposes of convenience and reference only, and do not form part of this by-law.

INTERPRETATION

29. (1) In this by-law, the following abbreviations and symbols stand for the words respectively set forth opposite thereto as follows,
- (a) cm means centimeter,
 - (b) m means metre,
 - (c) m² means square metre, and
 - (d) mm means millimeter.
- (2) Where a distance is used in this by-law as part of a prohibition within a specified distance of an object, structure, land or part of a highway, such distance shall be measured,
- (a) along the curb or edge of the roadway from a point in such curb or edge opposite such object, structure, land or part of a highway, unless the context otherwise requires, and
 - (b) from such point in the curb or edge in all directions.

CONFLICT WITH OTHER BY-LAWS

30. The signs described in this by-law and their placement on City highways are exempt from the provisions of the City's Encroachment By-law No. 2003 - 446, as amended, and amendments thereto.

REPEAL

31. The following by-laws are repealed,
- (a) City of Ottawa By-law Number 121-96, being a by-law of The Corporation of the City of Ottawa regulating the placing of signs on streets, and amendments thereto;
 - (b) Part 2.12 of the Regulatory Code of The Regional Municipality of Ottawa Carleton, "Signs";
 - (c) Township of Osgoode By-law No. 35-1998, being a by-law to regulate signs on Township Roads, as amended; and
 - (d) City of Gloucester By-law No. 71 of 1991, being a by-law to regulate the placing of temporary marketing/directional signs on City Roads and Streets, as amended.

32. In the event of any conflict between the provision of the following by-laws and amendments thereto regarding the regulation of signs on highways, the provisions of this by-law shall prevail, but nothing in this by-law shall invalidate the enforceability of other provisions of such by-laws.

- (a) Village of Rockcliffe By-law 89-36 being a By-law of the Corporation of the Village of Rockcliffe Park to amend By-law 88-33 being a by-law respecting signs and advertising devices, as amended;
- (b) City of Kanata By-law No. 66-98, being a by-law of the City of Kanata regulating signs and other advertising devices, as amended;
- (c) City of Cumberland By-law No. 72-88, being a by-law to regulate and prohibit signs and other advertising devices in the Township of Cumberland, as amended;
- (d) Township of Goulbourn By-law No. 23-96, being a by-law of the Corporation of the Township of Goulbourn regulating the use or display of permanent, portable and temporary signs and other advertising devices, as amended;
- (e) City of Vanier By-law No. 3256, being a by-law for prohibiting and regulating signs and other advertising devices and the posting of notices within the City of Vanier, as amended;
- (f) City of Nepean By-law No. 002-99, being a bylaw of The Corporation of the City of Nepean regulating permanent signs and other advertising devices, as amended, and No. 165-93 being a by-law of The Corporation of the City of Nepean to regulate the use or display of portable and temporary signs, as amended;
- (g) Township of Rideau By-law No. 84-82, being a bylaw to regulate the size, use, location and maintenance of signs within the Township of Rideau, as amended; and
- (h) Township of West Carleton By-law No. 55-1997, being a by-law to regulate billboard signs in the Township of West Carleton, as amended.

TITLE

33. This by-law may be referred to as the Signs on City Roads By-law.

ENACTED AND PASSED this 8th day of October, 2003.

CITY CLERK

MAYOR

BY-LAW NO. 2003 - 520

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A by-law of the City of Ottawa to regulate signs and advertising devices on City roads.

-0-

Enacted by City Council at its meeting of October 8, 2003.

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LEGAL SERVICES

R.2.5.149

COUNCIL AUTHORITY:

City Council of October 8, 2003

TTC Report , Item