THE DISTRICT MUNICIPALITY OF MUSKOKA

BY-LAW 2021-33

Being a by-law to regulate the installation of signs on District Road allowances and in the vicinity of the limits thereof.

WHEREAS Section 11 (3) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended (the "*Act*") permits an upper-tier municipality to pass by-laws, subject to the rules set out in subsection (4), respecting structures, including fences and signs;

AND WHEREAS Section 59 of the *Act* provides that, without limiting Sections 9, 10 and 11, an upper-tier municipality may prohibit or regulate the placing and erecting of any sign, notice or advertising device within 400 metres of any limit of an upper-tier highway;

AND WHEREAS Section 63 of the *Act* provides that a by-law may prohibit or regulate the placing or standing of an object on or near a highway, and may provide for the removal and impounding or restraining and immobilizing of any object placed or standing on or near a highway;

AND WHEREAS Section 99 of the *Act* sets out rules which apply to a by-law of a municipality respecting advertising devices including signs;

AND WHEREAS Section 425 of the *Act* establishes that any person who contravenes any by-law of a municipality is guilty of an offence;

AND WHEREAS Section 445 of the *Act* provides that a municipality may make an order requiring a person who has contravened a by-law or who caused or permitted the contravention, or the owner or occupier of land on which the contravention occurred to do work to correction the contravention;

AND WHEREAS Section 446 (1) of the *Act* provides that where a municipality has the authority to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done by the person directed or required to do it, the matter or thing shall be done at the person's expense;

AND WHEREAS it is deemed necessary to regulate the placing and erecting of signs, notices and advertising devices on District Road Allowances and the lands adjacent thereto within the geographical area of the District Municipality of Muskoka.

NOW THEREFORE the Council of the District Municipality of Muskoka hereby ENACTS AS FOLLOWS:

A. Short Title

This by-law may be cited as the Sign By-law – Signs on District Road Allowances.

B. Definitions

In this by-law;

General definitions are as follows:

(a) **"Applicant"** means a person applying for a sign permit.

(b) **"Area Municipality"** means the Corporation of the Town of Bracebridge, the Corporation of the Township of Georgian Bay, the Corporation of the Town of Gravenhurst, the Corporation of the Town of Huntsville, the Corporation of the Township of Lake of Bays, or the Corporation of the Township of Muskoka Lakes.

(c) **"Connecting Link"** means the portion of the District road network through the a designated Urban Centre, Community Area and Special Policy Area. The Area Municipality will have full control of sign by-law along Connecting Links, but must meet District's minimum requirements for regulatory signs.

(d) **"Dark Sky Compliant"** means for internally lit signs, that there will be no more than 2.5 watts of lighting provided per square foot of sign. The message must be in light colour, with the background being dark in colour. For externally lit signs, the light must be focused on or directed on the sign, provide a maximum illumination of 5.0 watts of lighting per square foot of sign and be mounted at the top of the sign to ensure light is directed downward.

(e) **"District"** means the Corporation of the District Municipality of Muskoka.

(f) **"Engineer"** means the Commissioner of Engineering and Public Works appointed by Council for the District of Muskoka, from time to time, or a District employee acting on their behalf.

(g) **"Owner"** means any person described on the Sign and/or Sign Permit, or whose name, address or telephone number appears on the Sign, or who installed the Sign, or who 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 Owner of a Sign.

(h) **"Person"** includes an individual, Association, Firm, Partnership, Corporation, Trust, Organization, Trustee or Agent, and their heirs, executors or legal representatives.

(i) **"Sign"** shall include a notice, banner, advertising device or other similar structure.

(j) **"Sign Permit"** means any permit prepared and issued a separate form pursuant to this By-law.

(k) **"Private Property"** means those lands under private ownership located adjacent to a District Road Allowance, and not forming part of a Road Allowance.

Development Boundary definitions are as follows:

(l) **"Designated Urban Centre"** means lands within the boundaries of the following as designated by the District's Official Plan:

i. Bala Urban Centre;

ii. Community of Baysville;

iii. Bracebridge Urban Area;

iv. Gravenhurst Urban Centre;

v. Hidden Valley Settlement Area;

vi. Huntsville Urban Settlement Area;

vii. MacTier Secondary Urban Community;

viii. Port Carling Urban Centre; and

ix. Port Severn Secondary Urban Community.

(m) **"Designated Community Area"** means lands within the boundaries of the following as designated by the District's Official Plan:

i. Barkway;

ii. Dorset;

iii. Dwight;

iv. Foots Bay;

v. Glen Orchard;

vi. Hillside;

vii. Honey Harbour;

viii. Houseys Rapid;

ix. Killworthy;

x. Klueys Bay;

xi. Milford Bay;

xii. Muskoka Falls;

xiii. Port Sydney;

ix. Severn Bridge;

xx. The Port Carling Locks;

xxi. Torrance;

xxii. Utterson; and

xxiii. Windermere.

(n) **"Designated Special Policy Area"** means lands within the boundaries of the following as designated by the District's Official Plan:

i. Resort Village of Minett.

Sign Type definitions are as follows:

(a) **"Abandoned Sign"** means a sign which becomes vacant and unoccupied for a period of ninety (90) days or more, or any sign which pertains to a time, event or purpose seven (7) days after which it no longer applies.

(b) **"Animated Sign"** means any sign capable of displaying, by any means, variable images or such images together with words or text but does not include Changeable Message Signs.

(c) **"Banner Sign"** means a sign, flag, banner or other similar device composed of lightweight, flexible material such as cloth, plastic, canvas or other non-rigid material, which is mounted at each end, or tethered at one end, so as to allow movement by atmospheric conditions.

(d) **"Changeable Message Sign"** means any sign capable of displaying, by any means, variable words, or text, but not images.

(e) **"Cottage Association Sign"** means a sign grouping, identifying the names of the occupants of four (4) or more properties.

(f) **"Facia Sign"** means and includes any sign which is attached or affixed to the wall of any building or structure but shall not include any sign hanging or projecting from a building or structure.

(g) **"Field Advertising Sign"** shall mean a sign that advertises a business conducted or a product or service available elsewhere than upon the property upon which the sign is located but shall not include Temporary Signs.

(h) **"Ground Sign"** means any sign which is mounted on one (1) or more poles or supports and is less than or equal to 2 metres (7 feet) in height from the finished grade elevation to the base of the sign.

(i) **"Location Sign"** means any freestanding sign, that either names or identifies the property, occupant(s) or owner(s), or a business conducted, or advertises a product or service(s) available, or conveys a message placed solely for guidance on the property on which the sign is located.

(j) **"Perpendicular Sign"** means a permanent sign which is affixed to the face or wall of a building and which projects at a perpendicular angle to the face or wall;

(k) **"Pylon Sign"** means any sign which is mounted on a free-standing pole which is anchored to the ground by a concrete base or island and which is greater than 2 metres (7 feet) in height from the finished grade elevation to the base of the sign.

(l) **"Readaboard Sign"** means a temporary sign not permanently attached to the ground or structure and designated for the temporary placing of copy or messages.

(m) **"Real Estate Sign"** means a sign which advertises real property for sale, lease or development.

(n) **"Regulatory Sign"** means an "Official Sign" or "Warning Sign" or "Guide and information Signs" within the meaning of the *Highway Traffic Act* and such other traffic signs as may conform to the Manual of Uniform Traffic control devices and Ontario Traffic Manuals.

(o) **"Seasonal Sign"** means a sign identifying a specific tourist attraction operating on a seasonal basis which is deemed to be of special significance to the area such as Santa's Village, the Segwun, Muskoka Festival, Pioneer Village, etc.

(p) **"Special Event Sign"** means a sign identifying a specific event which may take place for one (1) day or a weekend such as Muskoka Arts and Crafts Festival, Muskoka Pioneer Days, Blood Donor Clinic, or civic non-commercial safety or welfare campaigns. Special event signs may include targeted promotional or marketing events such as 1-day sales or specific marketing events intended to draw customers (i.e. pancake breakfasts as part of a promotional festival).

(q) **"Standard Sign"** means any sign mounted on two (2) or more free-standing poles which are anchored to the ground by concrete bases or islands and which is greater than 2 metres (7 feet) in height from the finished grade elevation to the base of the sign.

(r) **"Temporary Sign"** shall mean any sign which is erected for a specific purpose and a defined period but shall not include a sign advertising a property for sale, lease or development. Without limiting the generality of the foregoing, temporary sign shall include portable trailers and readaboard signs.

C. Scope

1. Unless otherwise specifically exempted, all District Road Allowances shall be subject to the provisions of this By-law.

2. All District Road Allowances within the designated urban centres, community areas and special policy areas as designated by the District of Muskoka Official Plan shall be governed by the Area Municipality.

3. In the event that a specific location of a District Road Allowance cannot be determined to be within an identified designated area, the provisions of this By-law will apply.

D. Enforcement:

1. This By-law shall be enforced by that person, persons, agency or authority appointed by the Council of the Corporation of the District Municipality of Muskoka including:

   (a) the Engineer or their designate;

   (b) each person from time to time appointed as a Municipal Law Enforcement Officer to enforce any, or all, of the District By-laws; and

   (c) a Police Officer employed by the Ontario Provincial Police, or the Royal Canadian Mounted Police.

E. Signs Permitted on District Road Allowances

1. No person shall erect, place, or permit to be erected or placed, any sign within the limits of a District Road Allowance. Consideration in approving signage install will be given to both Scenic Corridors as defined in both the District of Muskoka Official Plan as well as any Area Municipal Official Plan. Approval for signage within designated Scenic Corridors shall be at the sole discretion of the District of Muskoka.

2. Notwithstanding Paragraph E(1) as set out above, the following signs may be permitted within the limits of a District Road allowance:

   a) regulatory signs;

   b) municipal road name signs;

   c) signs conforming to the specifications set forth in **Schedule "A"** attached hereto;

   d) temporary construction signs;

   e) political campaign signs;

   f) commemorative plaques;

   g) cottage association signs;

   h) perpendicular signs where expressly permitted by by-law of the applicable Area Municipality; and

   i) banner signs.

3. Notwithstanding Paragraph E(1) as set out above, seasonal and special event signs may be permitted subject to the approval of the Engineer.

F. Application for Sign Permits

1. Except as permitted by this By-law, no person shall erect, place or permit to be placed or erected, any sign within the limits of a District Road allowance or on property adjacent to a District Road and within 400 metres of the limit of the District Road allowance without first obtaining a permit therefore.

2. Applications for a permit shall be made on the standard form in use by the District.

3. Where the applicant proposes to erect a sign on property not owned by the applicant, the applicant shall include with the application the written permission of the property owner.

4. Applications for permits for Temporary Signs shall include the following information where applicable:

   a) a sketch showing the specification of what is to be erected and the location of the sign on the property.

G. Signs Permitted Without Permits

1. The following signs may be erected without a permit:

   a) regulatory signs in conformance with the current Ontario Traffic Manuals;

   b) municipal road name signs;

   c) real estate signs except those considered to be field advertising signs;

   d) one on-premises identification facia sign;

   e) one directional sign per entrance (such as "Parking", "Entrance" or "Exit") not exceeding 1 m^2 (10 ft^2);

   f) temporary construction signs not exceeding 9 m^2 (100 ft^2);

   g) commemorative plaques and cornerstones (of a non-advertising nature);

   h) flags or emblems of patriotic, civic, educational or religious organizations;

   i) perpendicular signs for which the Engineer is in receipt of a copy of a permit issued by the applicable Area Municipality, provided that the permit includes confirmation from the Chief Building Official of the Area Municipality that the sign complies with the Ontario Building Code, and that the owner of the sign has arranged for third-party insurance for any damages caused by the sign; and

   j) banner signs mounted on infrastructure owned by or under the jurisdiction of an Area Municipality by or with the consent of the Area Municipality

2. Political campaign signs shall comply with the applicable by-law of the Area Municipality in which the sign is located.

H. Construction and Erection of Permitted Signs

1. Where an applicant has been granted a permit for a sign of a type described in Schedule "A" to this By-law, the applicant may either:

   a) request the District to construct the sign at the rates specified in **Schedule "B"** to this By-law; or

   b) arrange for the construction of the sign PROVIDED that the sign conforms to the standards set forth in **Schedule "A"** hereto.

2. Where an applicant has been granted a permit for a sign not described in Schedule "A" attached hereto, the applicant shall erect and maintain the sign at their own expense.

3. All signs shall be erected in the approved location in accordance with this By-law and the terms and conditions in the permit.

4. Where the applicant has requested that the District erect the sign on their behalf, the District may erect the sign upon payment of the fees set forth in Schedule "B" attached hereto.

I. General Provisions and Regulations

1. Except as permitted by the provisions of this By-law, no person shall erect a sign which resembles any traffic control device, may confuse drivers or attempts to direct the movement of traffic, use of the words such as, but not limited to "Stop", "Slow", "One Way", "Danger", "Yield", or any similar words, phrases, symbols, lights or characters in such manner as to tend to interfere with, mislead, or confuse official signs or warning signs erected by the District or other public authority.

2. No person shall locate a sign in such a manner as to obstruct, impair or impede the view of any lane, street, highway intersection, regulatory sign, traffic signal or railway crossing.

3. All lights used to illuminate any sign, building or structure shall be arranged so that the light is not directed or deflected into neighbouring properties or traffic flow.

4. External illumination must be focused on or directed at the sign and be dark sky compliant.

5. No person shall attach or paint a sign on a fence, post, rock, tree, utility pole, bridge or any structure visible from the District Road.

6. For the purposes of this By-law, no distinction shall be drawn between legal non-conforming uses and other uses permitted under the applicable zoning by-law.

7. A change in the message displayed by a sign shall not in itself constitute an alteration requiring a new permit unless the frame or part thereof is altered or removed.

8. All signs shall in all respects be the responsibility of the permit holder of the sign or, except in the case of signs within the limits of a District Road allowance, the owner of the property on which the sign is located.

9. Except in special circumstances as expressly permitted by the Engineer, the use of flashing lights, intermittent lighting designed to create the illusion of movement, and the use of searchlights for the purpose of attracting attention, is prohibited.

10. Moving, swinging or revolving signs shall be and are prohibited.

11. In this By-law dimensions shown in parentheses are imperial equivalents of metric measures and are provided for convenience. Metric dimensions shall govern in all cases.

12. Notwithstanding anything to the contrary, Changeable Message Signs are prohibited, except within designated Urban Centres, Community Areas and Special Policy Areas.

13. Animated signs shall be and are hereby prohibited.

14. Except where expressly permitted by by-law of the applicable Area Municipality, perpendicular signs shall be and are prohibited.

15. No person shall erect, locate, display or retain any sign that is within a sight triangle at the intersection of two roads, where such sight triangle measures 7.5 metres (25 feet) in dimensions, except real estate signs or real estate open house signs: and event signs that are no high than 1.0 metre (3.3 feet) from the established grade.

J. Additional Standards for Sign Types

No person shall erect or place or permit to be erected or place the following signs, except in accordance with the following:

Regulatory Signs

Regulatory Signs shall meet the minimum standards:

a) located as per the following:

   i) 0.6 to 2.0 metres for the edge of shoulder when the road consists of a rural cross section;

   ii) 0.3 metres from face of curb when curb and gutter is present; and

   iii) 1.0 metre behind guiderail;

b) reference OPSD 900 series for sign location requirements;

c) sign support hardware is required to meet OPSS.MUNI 703;

d) all regulatory signs shall meet a minimum standard as detailed in Ontario Traffic Manual Book 5;

e) all warning signs shall meet a minimum standard as detailed in Ontario Traffic Manual Book 6;

f) all guide and information signs shall meet the minimum standard detailed in Ontario Traffic Manual Book 8; and

g) on connecting links, regulatory signs shall meet minimum specified provisions specified in Section I(1) of this By-law.

Field Advertising Signs

Field Advertising Signs shall not:

a) be placed within 3 metres (10 feet) of the limit of a District Road allowance;

b) be greater than 4 metres (13 feet) in length or 8 metre (26 feet) in height from the ground to the top of the sign;

c) be greater than 11 m^2 (120 $feet^2$) in area except:

   i) if greater than 11 m^2 (120 $feet^2$) but not over 30 m^2 (325 ft^2), the sign must be set back at least 46 metres (150 feet) from any property limit and must not exceed 8 metres (26 feet) in height or 8 metres (26 feet) from the ground to the top of the sign;

   ii) if greater than 30 m^2 (325 $feet^2$) but not over 60 m^2 (650 $feet^2$) the sign must be set back at least 84 metres (275 feet) from any property limit and must not exceed 11 metres (35 feet) in height from the ground to the top of the sign;

d) exceed one (1) in number at any location and must be on the right facing traffic;

e) be located within 150 metres (500 feet) of another Field Advertising Sign regardless of which side of the roadway the other sign is located;

f) be placed prior to the issuance of a permit for the sign; and

g) be placed adjacent to a curve in the highway where it would be distracting to motorists.

Location Signs

A Location Sign shall not:

a) be placed within 3 metres (10 feet) of the limit of a District Road allowance

b) be more than 3 m2 (30 feet2) in area;

c) exceed two (2) in number and each sign shall face in a direction different from the other;

d) be placed more than 400 metres (one quarter mile) from the commercial establishment identified;

e) be placed less than 46 metres (150 feet) from the sign of another establishment or from an intersection;

f) be placed prior to the issuance of a permit for the sign(s); and

g) be permitted where a standard identification sign has been erected to identify the establishment or to direct traffic to the establishment.

Seasonal Signs

A Seasonal Sign:

a) may be permitted on a District Road allowance only if a suitable location beyond the District Road allowance is not available;

b) shall be permitted only if the sign meets with District approval as to type, size and location;

c) may be permitted for a specified time period only;

d) shall be permitted to remain in place not for a time period longer than five (5) months; and

e) in the event that a seasonal sign is not removed within seven (7) days of the date of expiry of the permitted time period, the District may remove the same at the owner's expense without notice to the owner.

Special Event Signs

A Special Event Sign:

a) may be permitted on a District Road allowance only if a suitable location beyond the District Road allowance isn't available;

b) shall be permitted only if the sign meets with District approval as to type, size and location;

c) shall not be placed prior to the issuance of a permit for the sign(s); and

d) shall be subject to a time limit not to exceed fourteen (14) days before, and seven (7) days after, the specific event.

Real Estate Signs

A Real Estate Sign shall:

a) not exceed 0.7 m^2 (8 ft^2) in area;

b) be temporary in nature;

c) be self-supporting; and

d) be placed on the property it advertises.

Temporary Signs

A Temporary Sign shall not:

a) be placed within 3 metres (10 feet) of the limit of a District Road allowance;

b) exceed 1.5 metres (5 feet) in height;

c) have a sign face area in excess of 1.5 m2 (16 square feet); and

d) be permitted to remain in place for a period longer than 30 days.

Pylon or Standard Sign

A Pylon or Standard Sign shall not:

a) be placed within 3 metres (10 feet) or a distance equal to ½ the height of the sign limit of a District Road allowance, whichever is greater; and

b) exceed a height of 12 metres (40 feet) measured from the finished grade elevation to the base of the sign.

Ground Signs

A Ground Sign shall not:

a) exceed a maximum height to the bottom of the sign of 2 metres (7 feet);

b) be permitted on a property if a Pylon or Standard type sign presently exists on the property;

c) be placed within 3 metres (10 feet) of the limit of a District Road allowance; and

d) exceed a maximum face area of 7 m2 (75 feet2).

Cottage Association Signs

A Cottage Association Sign shall:

a) not exceed 3 m2 (30 feet2);

b) display the name of the cottage association;

c) usually be located at the entrance to a private road; and

d) shall be located at the limit of the District Road allowance.

Changeable Message Signs

a) Notwithstanding Section G.12 of this by-law, Changeable Message Signs may only be used for all or as a component of a Location Sign, Ground Sign or Pylon Sign. All of the standards and requirements applicable to Location Signs, Ground Signs or Pylon Signs continue to apply regardless of whether or not a Changeable Message Sign forms all or part of the said signs;

b) Changeable Message Signs shall be designed and operated in a manner such that the words or text may not change more frequently than once every three (3) minutes, except for signs that alternate solely between current time and current temperature, which may not change more frequently than once every fifteen (15) seconds;

c) Changeable Message Signs shall be designed and operated in a manner such that word or text changes are achieved within one (1) second for signs activated by electric or electronic means and within two (2) seconds for signs activated by mechanical, hydraulic or other means;

d) Transition effects including, but not limited to wipe, slide, fade or pixelate shall be and are hereby prohibited;

e) Changeable Message Signs shall be designed and operated in a manner such that in the event of a malfunction the displayed image becomes fixed or blacked out; and

f) Notwithstanding anything to the contrary, Changeable Message Signs:

   i) shall not exceed 3.2 m2 (32 feet^2) in size; and

   ii) the maximum number of lines of text shall be four (4).

Banner Signs

A Banner Sign shall:

a) where permitted on a District Road Allowance without a permit, be mounted so that no part of the sign lies within the space bounded by the surface of the road a vertical plane through the left edge of the travelled road, a horizontal plane 5.5 metres (18 feet) above the surface of the road and a vertical plane through the right edge of the travelled road;

b) except where permitted on a District Road allowance without a permit, comply with all requirements applicable to Temporary Signs; and

c) be mounted such that no part of the sign is less than 2.4 metres (8 feet) above ground level.

K. Maintenance of Signs

Where a sign is located on private property, the owner, lessee, permit holder or agent of the property upon which any sign is located and the owner or lessee of the sign, shall maintain or cause to be maintained, such sign in a property state of repair so that it does not become unsafe, unsightly or defective.

Subject to Section E.(3) of this By-law, where a sign is located within the limits of a District Road allowance, the owner or lessee of the sign shall maintain or cause to be maintained such sign in a proper state of repair so that it does not become unsafe, unsightly or defective.

Where the owner of a sign of a type described in **Schedule "B"** of this By-law has continuously paid the annual maintenance fee in accordance therewith, the sign shall be maintained by the District. A failure to pay any amounts due upon demand shall entitle the District to remove the sign without notice.

L. Enforcement, Removal of Signs, Violations and Penalties

1. Removal of Signs

a) Any sign that is lawfully erected or displayed on or before this By-law comes into force, but does not comply with this By-law shall be:

i) made to comply with this by-law by the owner at their expense on or before January 1, 2023; or

ii) removed by the owner thereof or by the owner of the land on which it is situated, at such time as the sign requires repair, alteration, or replacement.

b) When any sign has fallen into such a state of disrepair, or is unsafe, unsightly, or defective that it ought, in the opinion of the Engineer, to be repaired or removed, the sign shall be removed in accordance with the provisions of this By-law.

c) All signs which have become outdated for any reason shall be removed within seven (7) days of the occurrence which caused the sign to be outdated, provided that where a lawful sign has become outdated, an appropriate change of message shall constitute removal for purposes of this Section.

d) Real estate signs and similar temporary signs installed on any property shall be removed in the timeframes stipulated in this By-law Additional Standards for Sign Types, by the owner of such signs or by the owner of the property on which such signs were erected.

e) Legal signs which, in the opinion of the Engineer, are considered nuisance or junk signs (eg. tree service, pro painters, etc.) that may be nailed to poles, trees, etc. may be removed and disposed of by the Engineer without notice.

2. Removal of Signs in Contravention of this By-law

a) Any person who has caused a sign to be erected, displayed, or altered without first having obtained a permit to do so, or, having obtained a permit, has caused a sign to be erected, displayed or altered contrary to the provisions of this By-law or the terms and conditions of the permit, shall make such sign comply with this By-law and the permit or shall remove such sign or other advertising device within fourteen (14) days of service of notice from the District that such sign is in contravention of this By-law.

b) Any notice required to be served pursuant to this By-law may be served in any one of the following ways:

i) by prepaid registered mail to the owner of the lands on which the sign is situate at the address of such owner shown on the last revised assessment roll;

ii) by posting a conspicuous notice on or near the sign or other advertising device;

iii) by personal service on any person apparently in occupation and control of the lands on which the sign is situate; or

iv) if a sign permit has been applied for, by prepaid registered mail to the owner of the lands named in the sign application.

c) Where the notice is served by mailing or posting, the notice shall be deemed to have been served on the date it was submitted to the Post Office or posted, as the case may be.

d) Such notice shall be in writing, and if possible, identify by municipal address the lands upon which the sign is situate, and shall specify the particulars of non-compliance with this By-law.

e) Such notice shall be signed by the Engineer and shall state that the sign must be pulled down and removed at the expense of the owner of the sign within fourteen (14) days from the date of service of the notice unless the sign is made to comply with this By-law before such time elapses.

f) Upon the expiry of such fourteen (14) day period, if the sign has not been made to comply with this By-law or has not been removed by the owner, the Engineer may cause such sign to be pulled down or removed at the expense of the owner of the sign. Any costs incurred by the District may be recovered as municipal taxes on the property where the sign was located or may be recovered by action.

g) Notwithstanding Paragraphs L.2(a)(b)(c) and (d), as set out above, a readaboard sign that is erected or displayed without a permit or is erected or displayed contrary to the conditions in respect of which a permit was issued or which continues to stand or be displayed after the permitted time period has expired, shall be removed by the owner within seven (7) days after service of the notice referred to in Paragraph a), and if it has not been removed by the owner the Engineer may cause such sign to be removed at the expense of the owner of the sign.

3. Violations/Penalties

a) Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction, is liable to a fine not exceeding two thousand dollars ($2,000.00) (exclusive of costs), for every day or part thereof upon which such offence occurs or continues.

b) In addition to any other person who commits an offence or the owner of the land or the building, the lessee of the land, the building and the occupant of the property on which the sign is located, shall be deemed to commit the offence and is liable to a fine in accordance with Paragraph 3(a) as set out above.

c) Prosecution under this By-law shall not preclude any other legal actions requires to recover damages, required to repair, replace, or restore damages real or personal property as the case may be.

M. Severability

a) If any portion of this By-law shall be found by a court of competent jurisdiction to be invalid for any reason, the said portion shall be deleted here from and the remaining portions of the by-law shall remain in full force.

N. Conflict

a) This By-law shall not be construed to reduce or mitigate any restrictions or regulations lawfully imposed by the District, or by any Governmental authority having jurisdiction to make such restrictions or regulations.

b) If there is a conflict between a provision of this By-law and a provision of any other District By-law, the provision that establishes the higher standard to protect the health and safety of the public, and to maintain a clean and tidy condition on land, shall apply.

O. General

1. This By-law shall come into force and take effect on the day of passage.

2. By-law 89-112, and all amendments, shall be and are hereby repealed.

Enacted and **Passed** this 18th day of October 2021.

THE DISTRICT MUNICIPALITY OF MUSKOKA

Per:

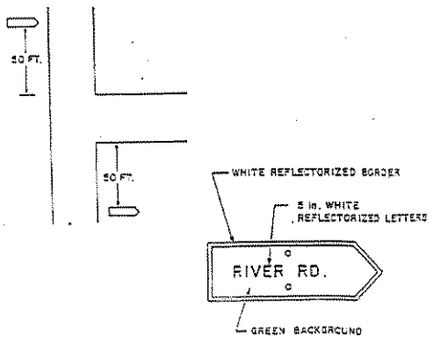
District Chair J. Klinck

District Clerk A. Back

Schedule "A"
to By-Law 2021-33

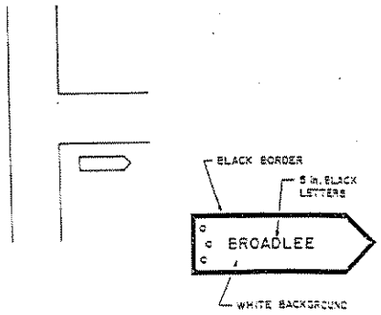
Standards - Personal Direction

- one sign, double sided
- white painted background
- black lettering and border - non-reflectorized
- signs to be 8 inches in depth/48 inches in length
- signs to be end mounted on minimum 4 x 4 wood post
- signs to be 6 to 8 feet above road level
- sign to be placed adjacent to the roadway or entranceway
- sign to be placed minimum of 12 feet from the edge of pavement or 6 feet from edge of roadway
- signs not to be placed in center of ditch



Standards - Private Roadway

- two signs each single sided
- painted green background
- white reflectorized border and white 5 inch reflectorized lettering
- signs to be 8 inches in depth/48 inches in length
- signs to be center mounted on minimum 4 x 4 wood post
- signs to be 6 to 8 feet above road level
- signs to be placed minimum of 12 feet from edge of pavement or 6 feet from edge of roadway
- signs to be placed adjacent to the roadway or entranceway
- signs not to be placed in center of ditch



Standards - Commercial Resort

- one sign, double sided
- white reflectorized background
- brown border and lettering
- signs to be 8 inches in depth/48 inches in length
- signs to be. end mounted on minimum 4 x 4 wood post
- signs to be 6 to 8 feet above road level
- signs to be placed minimum of 12 feet from edge of pavement or 6 feet from edge of roadway
- signs not to be placed in center of ditch

