

SIGN BYLAW #2003-1642

**A BYLAW OF THE CITY OF ESTEVAN, IN THE PROVINCE OF
SASKATCHEWAN TO REGULATE SIGNS, BILLBOARDS AND OTHER
ADVERTISING DEVICES WITHIN THE CITY OF ESTEVAN.**

Pursuant to the Authority granted under *Section 8* of the *Saskatchewan Cities Act* and the provisions of *Section 73(k)* of the *Saskatchewan Planning & Development Act, 1983*, and amendments thereto, the Council of the City of Estevan herein enacts as follows:

Section 1: Bylaw Title

This Bylaw is herein cited as “THE CITY OF ESTEVAN SIGN BYLAW”.

Section 2: Sign Bylaw Administration

The City Building Official and Land Development Services Manager, or any other designate established by a resolution of City Council, is herein appointed to administer and enforce the Sign bylaw.

Section 3: Sign Bylaw Purpose

The Purpose of this Bylaw is to;

- a) Regulate the erection and use of billboards, signs, and other advertising devices on land, buildings, or facilities owned by, or under the control of the City of Estevan.
- b) Regulate the public display of signs and advertisements in order to protect the aesthetics of the urban environment.
- c) Establish standards that regulate the nature, kind, size, and location of signs in order to promote orderly sign development, and further protect the Public health, safety, and general welfare of the community.
- d) Establish permit requirements as a precedent condition for erecting signs or other types of advertising devices or continuing the use of any sign, billboard, or advertising device.
- e) Establish procedures for removing signs or billboards or other advertising devices erected and/or maintained on City owned or controlled properties without a permit and/or license.
- f) Enact enforcement and penalty provisions for any signs erected without a permit or for any other cited infractions of the bylaw.

Section 4: Definitions

Unless otherwise stated, the words and phrases defined in this section shall have the following meaning when used in context to this bylaw;

4.1 General Definitions:

Alteration or Alter: means a structural modification, enlargement, or design modification of a sign or portion thereof but does not include routine maintenance, painting, or change in lettering or copy to an existing sign face.

Approving Authority: means the Council of the City of Estevan, or the City official(s) designated by Council to administer and/or enforce the bylaw.

Awning: means a framed structure attached to a building, generally made of canvas or cloth and which may be retractable, intended to provide protection from the elements.

Billboard Sign Corridor: means those corridor(s) designated pursuant to Section 6.2 a), where billboard signs may be placed.

Building Official: means the designated Building Official of the City of Estevan.

Canopy: a permanent roof-like structure extending from part or all of a building and constructed of some durable material such as metal, glass, or plastic, intended for purposes of providing shelter against the elements.

City Council: means the Council of the City of Estevan.

City of Estevan: means the municipal corporation of the City of Estevan.

City owned/controlled properties: means property either owned (titled) by the City or property constituting a public thoroughfare which may include streets, lanes, sidewalks, walkways and boulevards under the City's jurisdiction.

Electrical/Fire Codes: means the Electrical and Fire Codes enacted and/or adopted by the Province of Saskatchewan.

Encroachment Agreement: means an agreement entered into between the sign owner or sign lessee, and the City of Estevan which setforths the terms by which a sign may encroach across a property line onto property owned or controlled by the City of Estevan.

Erection or Erect: means the construction, placement and/or replacement of any sign, including alterations or relocations.

Ground Clearance: means the vertical distance between the underside of a sign face, and ground elevation.

Ground Rental Agreement: means an agreement entered into between the sign owner or sign lessee, and the City of Estevan which setforths the terms and conditions by which a sign may be erected and maintained on City owned/controlled properties.

Height of Sign: means the vertical distance measured from the highest point of the sign or sign structure to the bottom of the sign or sign structure at ground elevation.

Land Development Services Manager: means the designated Land Development Services Manager of the City of Estevan.

Landscaping: means any decorative features surrounding the base of a sign or sign structure including concrete/brick bases, planter boxes, decorative framing, and/or vegetation.

Maintenance: means the cleaning, painting, repair, or replacement of any defective parts of a sign in a manner that does not alter the basic design or structure of a sign.

Non-Conforming Signs:

- i) *Legal Non-Conforming:* means an existing sign which has been constructed, erected or placed in accordance with a prior bylaw (or permit) of the City in effect at the time of construction, erection, or placement, and as a result of the passage of this bylaw does not conform to the requirements of this bylaw.
- ii) *Illegal Non-Conforming:* means an existing sign which has been constructed, erected, and/or placed without a permit, or contrary to the bylaws of the City in effect at the time of construction, erection, or placement.

Sign: means a devise, structure, or fixture intended for the advertising or calling attention to any person, matter, object, or event, and shall include all types of signs defined in this bylaw.

Sign Face: means the designated area of a sign on which advertising or informational copy is permitted to be placed.

Sign Owner: means a person, business, or corporation in lawful ownership of a sign.

Sign Permit Application: means a form prescribed by the Approving Authority to be completed by any person or corporation who requests a permit to erect or alter a sign.

Sign Permit: means a written approval, permission, authorization, or license of the Approving Authority that authorizes the recipient to proceed with the erection, alteration or continuance of a sign at a specified location.

Street Furniture: means any fixture or structure located within a street right-of-way intended to enhance the urban landscape, including but not limited to benches, refuse containers, and street lamps.

4.2 Sign Types

Animated Sign: means any sign or part of a sign which changes physical position by a movement or rotation or which gives the visual impression of such movement or rotation.

Awning Sign: means a sign affixed to the surface of an awning but does not include signage painted or otherwise directly imprinted onto any awning.

Bench Sign: means a sign affixed or forming part of a bench used for pedestrian rest stops.

Billboard Sign: means a free-standing sign located within a designated ‘billboard sign corridor’ as defined within this bylaw, which draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other activity that is conducted, sold or offered at a location other than the premises on which the sign is located.

Canopy sign: means a sign affixed to the surface of a canopy but does not include signage painted or otherwise directly imprinted onto any canopy.

Directional Sign: means a sign which states safety or warning messages, traffic and/or parking directions, or other instructions, directions, or orders to persons making use of the premises on which the sign is located.

Election Sign: means a sign which promotes a candidate or party running in a municipal, school board, Provincial or Federal election.

Identification Sign: means a sign which is exclusively used for purposes of identifying a property owner name and address or warning the public against trespassing or danger from animals.

On-Premise Ground Sign: means a free-standing sign supported by one or more up-rights or placed in the ground, and not attached to any building or other structure having a principle function other than supporting a sign, and which advertises or displays commercial information related to the use or ownership of the property on which the sign is located.

Off-Premise Ground Sign: means a free-standing sign supported by one or more up-rights or placed in the ground, and not attached to any building or other structure having a principle function other than supporting a sign, and which draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other activity that is conducted, sold or offered at a location other than the premises on which the sign is located.

Portable Sign: means a sign that is mounted on a trailer, stand, or similar support structure which can be easily relocated to another location, and which usually has changeable copy.

Projecting Sign: means a sign which is attached to and projecting more than 304 millimeters (12 inches) from an outside building wall.

Roof Sign: means a sign erected upon or above the roof or parapet of a building.

Rotating Sign: means any sign or portion thereof which moves in a rotating or revolving manner.

Temporary Sign: means any sign banner, pennant, valance or advertising display, with or without frames, intended to be displayed for temporary periods of time. This classification does not include a portable sign.

Wall/Window sign: means a sign attached flat and parallel to the outside face of a building wall so that no part projects more than 304 millimeters (12 inches) from an outside building wall.

Section 5: General Regulations for all Signs

5.1 Sign Permit

Except as provided for in Section 5.4, no sign shall be erected, changed, or structurally altered except in conformity with a legally issued sign permit, and the requirements of this Bylaw.

5.2 Sign Permit Application Requirements

5.2.1 Every application for a sign permit shall be made on a form prescribed by the Approving Authority (Appendix 'C'), and shall contain the following information:

- a) The civic address and legal lot description where the sign is to be located.
- b) The name and address of the applicant, the lawful owner of the sign, and the registered owner of the property on which the sign is to be located.
- c) The type (i.e. ground, projecting, etc.) and number of sign(s) desired.
- d) A plot plan showing the location of the sign(s) on the site, including proposed setback distances from legal property lines.
- e) The dimensions (sign face area, height, ground clearance etc.), and the construction details/material specifications of each sign (including foundation), and whether there are any proposed projections or encroachments across the property line.
- f) The amount of sign projection from the face of building (where applicable).
- g) Details regarding any manner of illumination, animation, rotation, or intermittent lighting within the sign construction.
- h) Application fee prescribed pursuant to Section 7.1 (a).
- i) Any other information that the Approving authority may deem necessary for purposes of ensuring compliance with the bylaw.

5.3 Sign Permit Issuance

5.3.1. The Approving Authority shall review all applications for sign permits and shall;

- a) issue a sign permit for those applications which conform to this bylaw and refuse a permit for those applications which do not comply with the bylaw;
- b) when deemed necessary, refer the application to any municipal officer, department, or outside department or agency for comment, prior to rendering a decision on an application;
- c) maintain an updated record of all Sign permit applications, permit issuance's, permit conditions and related correspondence.

5.3.2 Any sign permit issued in connection with the construction of a sign shall be valid for a period of six (6) months from the date of issuance, and failing sign construction completion within this time, the said permit shall cease to be valid, and shall require re-application to the Approving Authority.

5.3.3 Where required pursuant to Section 5.9, Ground rental and/or Encroachment agreements shall form a prerequisite requirement of permit issuance.

5.4 Sign Permit Exceptions

5.4.1 The following signs shall be exempt from obtaining a sign permit, but must comply with all other applicable regulatory requirements of the Sign bylaw.

- a) Signs erected by or on behalf or pursuant to the authorization of a Federal, Provincial, or Municipal government body, including legal notices, identification and informational signs, traffic, directional, warning, or regulatory signs.
- b) Official signs of a noncommercial nature erected by Public utilities.
- c) Flags, pennants, or insignia of any governmental or non-profit organization when not displayed in connection with a commercial promotion or as an advertising device.
- d) Election signs.
- e) Real Estate signs identifying property for sale or rent.
- f) Wall/Window Signs
- g) Awning and Canopy signs
- h) Temporary Signs
- i) Portable signs located off City-owned or controlled properties.
- j) Construction signs that signify impending or on-going construction work on a site.
- k) On-premise Signs which identify any Religious, Cultural, Educational, or other Public institution.
- l) Directional signs.
- m) Advertising signage in or on an operational and licensed vehicle or trailer.
- n) Identification signs.
- o) Any decal or other form of signage which is painted on, or directly imprinted onto any window, wall, or other Architectural/Structural building feature.

5.5 Non-Conforming Signs

- a) Legal non-conforming signs may continue to be used and maintained, but shall not be replaced or altered except in conformity with a sign permit issued by the Approving Authority, in accordance with the provisions of this bylaw.
- b) Illegal non-conforming signs shall be removed by sign owners upon the sign owner receiving a written directive from the City for removal.
- c) Legal non-conforming status shall not apply to any sign located on City-owned or controlled properties for which the City has terminated ground rental, and directed the sign's removal.

5.6 General Sign Provisions

- a) Unless otherwise approved by City Council, all signs shall be located and maintained within the legal boundaries of private property in accordance with the provisions of this bylaw.
- b) All signs, including the property around the signs shall be maintained in a state of good condition and repair at all times, as determined by the Approving Authority.
- c) All support foundations for ground signs and/or proposed structural attachments to buildings (for projecting signs, canopies, canopy signs & awning, awning signs) shall be

subject to the applicable regulatory provisions of the City of Estevan Building Bylaw and National Building Code of Canada.

- d) Any sign that is electrified shall be constructed, erected, installed, and maintained in accordance with any applicable Canadian sign construction standards and the applicable electrical and fire code regulations adopted by the Province of Saskatchewan.
- e) Any sign overhanging above an on-site driving lane or parking area, shall maintain a minimum ground clearance of 4870 millimeters (16 feet).
- f) Any sign located within 3000 millimeters (10 feet) of a site access approach shall be void of any landscaping or visible obstruction measured from 750 millimeters (2.5 feet) above grade to 1800 millimeters (8 feet) above grade.
- g) No banner shall be located across any street without the prior approval of City Council, and in no case shall such banner contain any metallic or electrically conductive material.
- h) Election signs shall not be placed on City owned or controlled properties and all elections signs must be removed within seven (7) calendar days following the day of election.

5.7 Prohibited Signs

5.7.1. Nuisance and/or Unsafe Signs

- a) No sign shall be permitted to remain in a condition which the Approving authority deems a nuisance or unsafe as a result of improper sign maintenance, disrepair, damage, or any other cause.
- b) Any sign which the approving authority declares a nuisance or unsafe shall be required to be repaired to an acceptable condition or removed by the sign owner within 30 days of the sign owner receiving notice from the Approving authority as to the necessary remedies to be taken.
- c) Where the sign owner fails, neglects or refuses to comply with the direction of the notice issued by the Approving Authority, the Authority may undertake the necessary steps to have the sign removed and destroyed without compensation to the owner.

5.7.2. Signs interfering with Traffic Control Devices

- a) No sign, which by nature of it's shape, character, animation, or illumination shall interfere, obscure or cause confusion with any signage used for traffic management purposes.

5.7.3. Signs infringing on privacy rights and/or hazardous to Public Safety

- a) No sign shall be erected or maintained so as to obstruct any fire escape, emergency access, window, door or other building opening used for access or ventilation purposes.

- b) No animated, flashing, rotating, illuminated sign, or intermittent beacon shall, by virtue of its placement and/or operation, cause any negative impact or interference with any adjacent use of private property.

5.8 Prohibited Sign Locations

- 5.8.1 Unless specifically approved by City Council, no sign or portion thereof shall be placed on any City owned or controlled properties, or extend into, be attached, overhang, project or otherwise encroach into any City owned or controlled properties or facilities including public street rights-of-way, roadways, boulevards, sidewalks, walkways, street lights, power poles or any other type of street furniture.
- 5.8.2 No sign shall be attached to or supported by any tree or other vegetation.
- 5.8.4. No sign which commercially advertises, or draws attention to any commercial business or service shall be located in any residentially zoned district, unless such signage is located on a site which has been specifically approved for a non-residential use or occupancy. For the purpose of this section approved home based businesses shall not constitute a non-residential occupancy.

5.9 City Owned and/or Controlled properties

- 5.9.1. Where a sign applicant proposes the placement of a sign on City-owned or controlled properties, or where a sign will extend, overhang, project, or otherwise encroach into City controlled properties, the request shall be forwarded to City Council for consideration.
- 5.9.2 Any sign which City Council authorizes for placement on City-owned or controlled properties, shall be subject to a ground rental agreement between the City and sign applicant, and that agreement shall setforth provisions respecting the use and maintenance of the sign on the property, in addition to the payment of the associated ground rental fees by the sign applicant to the City, the amount of which is herein established under Section 7.1 (c) of this Bylaw.
- 5.9.3 Any sign which the approving authority authorizes to extend, overhang, project, or otherwise encroach into City controlled properties, shall be subject to an encroachment agreement between the City and sign applicant, and that agreement shall setforth any provisions deemed necessary by the Approving Authority to satisfactorily deal with the encroachment, in addition to the payment of a specified encroachment fee by the sign applicant to the City, the amount of which is herein established under Section 7.1 (d) of this Bylaw.
- 5.9.4 Any sign which has been unlawfully placed within City-owned or controlled properties or which extends, overhangs, projects or otherwise encroaches into City controlled properties without a requisite permit, shall be subject to removal by the City, without compensation to the sign applicant and/or sign owner.

Section 6: Sign Regulations by Type

6.1 Canopy & Awning Signs

- 6.1.1 Canopy and Awnings including any signage placed thereon shall provide for a minimum ground clearance of 2500 millimeters and may not be located closer than 900 millimeters to a vertical line from the curb face.

6.2 Billboard Signs

- 6.2.1 The City of Estevan herein establishes billboard sign corridors extending along Highway #47 North (*North East Quarter Section 27, Township 2, Range 8, West of the Second Meridian*) and Highway #47 South (*South West Quarter Section 14, Township 2, Range 8, West of the Second Meridian*) and designates billboard sign locations within the billboard sign corridors as herein shown in the attached Appendix 'A' & 'B'.
- 6.2.2 The Billboard sign corridors herein established shall be regulated and controlled by the Approving Authority in accordance with the provisions of this section.
- 6.2.3 All billboard signs proposed for location within the corridor shall be subject to a sign permit, annual ground rental fee, and ground rental/maintenance agreement entered into between the billboard sign owner and City of Estevan.
- 6.2.4 All billboard signs approved for placement within the billboard corridor(s) shall conform to the following standards:
- a) Sign face area shall be 18.58 m² (200 ft²)
 - b) Sign face width shall be 6.10 meters (20 feet)
 - c) Sign face height shall be 3.048 meters (10 feet)
 - d) Total height of Billboard structure (above grade) shall be 4.87 meters (16 feet).
 - e) Minimum depth of Billboard sign supports (below grade) shall be 3.048 meters (10 feet) , and shall not project above the top of the Billboard sign face.
- 6.2.5 All approved billboard signs shall be placed a uniform distance within the Billboard Corridor Boundary.
- 6.2.6 No auxiliary sign or display may be placed on or attached to a billboard sign.
- 6.2.7 Billboard signs may be double faced, or alternatively the rear of all billboard sign faces must be painted and maintained.
- 6.2.8 Any sign that has been unlawfully placed within the corridor without a requisite permit/ground rental agreement shall be subject to removal by the City, without compensation to the sign owner.

6.3 On-Premise Ground Sign

- a) Sites are permitted a maximum of one (1) on-premise ground sign per 7.50 meters (25 feet) of lot frontage.
- b) The maximum area of sign face per on-premise ground sign shall not exceed 7.5 m² (81 ft²) per every 7.5 meters (25 feet) of lot frontage. On-premise ground signs may be double faced, but shall not exceed twice the maximum permitted sign area for one face.
- c) On-premise ground signs shall not exceed 12.0 meters in height above grade.
- d) On-premise ground sign supports shall maintain a minimum 300-millimeter setback inside the legal boundary of the site.

6.4 Off-Premise Ground Sign

- a) Sites on which no on-premise ground signs are located, are permitted a maximum of one (1) off-premise ground sign per 30.0 meters of lot frontage.
- b) The maximum area of sign face per off-premise ground sign shall not exceed 7.5 m² (81 ft²) per every 30 meters (100 feet) lot frontage. Off-premise ground signs may be double faced, but shall not exceed twice the maximum permitted sign area for one face.
- c) Off-premise ground signs shall not exceed 12.0 meters in height above grade.
- d) Off-premise ground signs shall maintain a minimum 300-millimeter setback inside the legal boundary of the site.

6.5 Portable Signs

- a) Portable signs shall be located and maintained within the legal boundaries of private property, and shall not, without prior approval of the Approving authority, be placed on any City owned or controlled properties, including roadways, boulevards, and sidewalks.
- b) Portable signs shall be spaced no closer than 7.5 meters from any other portable sign on the same, or adjacent site.
- c) Portable signs which are not located on wheels and chassis shall be set in concrete footings of sufficient size and weight to prevent overturning.

6.6 Projecting Signs

- a) Projecting signs shall not exceed 9 m² on any one side, and may be double-faced.
- b) Projecting signs shall not project a distance greater than 1.82 meters from the building on which the sign is supported.
- c) Projecting signs shall provide for a minimum ground clearance of 2500 millimeters and may not be located closer than 900 millimeters to a vertical line from the curb face.

6.7 Roof Signs

- a) All roof signs shall provide a minimum clear space of 1.0 meter between the roof and the bottom of the sign.
- b) All roof signs shall be properly secured to, or bear upon masonry walls, columns, girders, or roof joists.

6.8 Identification Signs

- a) Freestanding identification signs shall not exceed 1200mm in height above grade.

Section 7: Fee Schedule

7.1 All Signs shall be subject to fees in the following prescribed amounts;

- a) Sign Permit Application Fee: (all signs) \$ 30.00
- b) Annual Ground Rental Fee (Billboard Corridors Only): \$ 325.00
- c) Annual Ground Rental Fee- (Portable/Bench Signs) (other City owned/controlled properties): - \$ 150.00
- d) Annual Encroachment Fee-All signs (City owned or controlled properties): \$ 50.00

Section 8: Enforcement & Penalty Provisions

8.1 Where the Approving authority cites an infraction to this bylaw, the Approving authority shall cause a written notice to be sent to the sign owner and/or property owner, advising of the infraction and directing the required remedies which are to be taken for purposes of bylaw compliance.

8.2 If within 30 days of the notice date, the sign/property owner fails, neglects or refuses to comply with the directive of the notice issued by the Approving Authority and/or the infraction has not been remedied, the Approving Authority shall deem the person in contravention of the bylaw and undertaken enforcement measures as provided for in the bylaw.

8.3 a) Every person who contravenes any provision of this bylaw is guilty of an offense.

b) Every person who is guilty of an offense is liable on summary conviction to:

- b.1 in the case of an individual, a fine of not more than \$1,500.00
- b.2 in the case of a corporation, a fine of not more than \$3,500.00
- b.3 in the case of a continuing offense, to a maximum daily fine of not more than \$100.00 per day.

8.4 Conviction of a person for a contravention of this Bylaw does not relieve the person from compliance with any provision(s) of the bylaw.

Section 9: Appeals

9.1 An applicant who is refused a sign permit by the Approving Authority on the basis that the proposed sign does not comply with any provisions of *Sections 6.3 through Section 6.8* of this bylaw [*excepting Section 6.5(a)*], may appeal the decision to the City of Estevan Development Appeals Board. The Board may, in accordance with its established procedures, consider the application, and either uphold the decision to refuse the permit or where the Board deems appropriate, issue a variance and direct that a permit be issued. A variance approval issued by the Board, may be subject to any conditions that the Board deems necessary to ensure the integrity of the bylaw.

Section 10: Compliance with other Regulatory Requirements

10.1 The provisions of this Bylaw does not relieve any person or corporation from compliance with any other regulation or requirement of the City, or from obtaining any other required license, permission, permit, or approval from the City or any other Provincial or Federal Authorities having jurisdiction.

Section 11: Severability

Any decision of a Court that one or more of the provisions of this bylaw are invalid in whole or in part does not affect the validity of the other provisions or parts of the provisions of this bylaw.

Section 12: Effective Date of the Bylaw

This Bylaw shall come into force and take effect on the date of the final reading thereof.

Section 13: Repeal of Previous Sign Bylaw

Bylaw 89-1296 and amendments thereto are hereby repealed.

CITY OF ESTEVAN

Tim Perry, Mayor

Yvette Wright, City Clerk.

Read a first time this 28th day of April ,2003

Read a second time this 9th day of June, 2003

Read a third and final time and adopted for use this 9th day of June, 2003.

This is the original document known as Bylaw 2003-1642 which was given three readings as shown in Motions 2003-271, 2003-425 and 2003-426 and is hereby annexed to the Council Meeting Minutes.

Yvette Wright
City Clerk

Tim Perry
Mayor