

**CITY OF MELVILLE
BYLAW NO. 08/2019
The Signage Bylaw**

<p style="text-align:center"><i>(Consolidated for Office Use)</i> Includes Amendments from Bylaw No. 18/2019 passed by Council on December 2, 2019</p>
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The Council of the City of Melville enacts:

1. Short Title

- (a) This Bylaw may be cited as The Signage Bylaw

2. Purpose

- (a) The purpose of this Bylaw is to administer and regulate signs located on public and private property within the City of Melville.

3. Definitions

In this bylaw:

- a) “Billboard Sign” shall mean a sign that is an aesthetically designed poster, panel or painted bulletin and includes any panel structure, pole, board, or object designed exclusively to support such poster, panel or painted bulletin.
- b) “Billboard Sign Face” shall mean that part of the billboard sign which forms the frame or panel on which a copy, poster, painted bulletin or other display may be placed.
- c) “Billboard Sign Support” shall mean that part of the billboard sign designed to structurally support a sign face as defined in this bylaw.
- d) “Bylaw Enforcement Officer” shall mean the Bylaw Enforcement Officer for the City of Melville and anyone acting or authorized to act in their behalf.
- e) “City” shall mean the City of Melville and/or its authorized representatives.
- f) “Portable Sign” shall mean a free standing sign mounted on a trailer, stand or similar support structure which is designed in such a manner that the sign can readily be relocated to provide advertising at another location, and may include copy that can be changed manually through the use of attachable characters.

- g) “Private Property” shall mean any real property that is not owned or under control and management of the City of Melville.
- h) “Public Sidewalk” shall mean any sidewalk included on public property.
- i) “Public Property” shall mean any real property owned or under control and management of the City of Melville including the sidewalks and public highway.
- j) “Public Property Use Permit” shall mean a permit issued by the City of Melville allowing the Permit Holder the right to occupy public property for the purpose prescribed in the guidelines of section
- k) “Planning Manager” shall mean the Planning Manager for the City of Melville and anyone acting or authorized to act in their behalf.
- l) “Sandwich board” means a self-supporting sign which is set upon, but not attached to, the ground and has no external supporting structure and does not exceed 1.2 square meters (12.9 square feet) in area.

4. Scope

- a) This bylaw shall apply to the erection, installation, removal, ownership, replacement and maintenance of all signs on public or private property within City Limits.
- b) No sign, other than the signs listed within this bylaw, shall be erected, installed, or maintained on public property within City Limits by any person or corporation.
- c) No person or corporation shall erect, install, replace or maintain any sign in whole or in part on public or private property within City Limits, except in conformity with the provisions of this bylaw.

5. Responsibility

- a) The owner of a sign or the owner of the property upon which the sign is located shall be responsible for carrying out the provisions of this Bylaw.
- b) Any person who wishes to erect, install, suspend or use any sign, unless otherwise provided under this Bylaw, shall make application for a sign permit from the department of Planning Services.

6. Conditions of Sign Permit Approval

- a) All sign permit application approvals shall be subject to the following conditions:
 - i. The business to be advertised must have a valid City of Melville Business License;
 - ii. The applicant for which the sign is to be placed must have permission from the property owner; and
 - iii. The owner of the sign shall comply with all applicable bylaws of the City of Melville.

7. Administration

7.1 Application for a Sign or Public Property Use Permit

- a) Unless otherwise provided by this bylaw, no person or corporation shall erect, install, replace, construct, relocate any sign without first obtaining a sign permit or a Public Property Use Permit from the City, Appendix A and Appendix B.
- b) An application for a sign permit or a Public Use Property Permit shall be obtained and filed with the City of Melville.
- c) Every application for a sign permit or public use property permit shall be reviewed by the Director of Public Works and Planning Services, the Planning Manager, the Development Officer, the Bylaw Officer, or designate to ensure the application conforms to this Bylaw. When deemed necessary the application may be referred to City Council for consideration.
- d) Any free standing or affixed signs are required to apply for a development permit and building permit.
- e) Sign permit fees are set forth in the following schedule and are non-refundable:

2019

Billboard Sign	\$300.00
½ Billboard Sign	\$150.00
Portable Sign	\$50.00 per month or \$150.00 from January to June inclusive and \$150.00 from July to December inclusive.
Public Use Property Permit and Sandwich Boards	No Cost

2020

Billboard Sign	\$350.00
½ Billboard Sign	\$175.00
Portable Sign	\$55.00 per month or \$160.00 from January to June inclusive and \$160.00 from July to December inclusive.
Public Use Property Permit and Sandwich Boards	No Cost

2021

Billboard Sign	\$400.00
½ Billboard Sign	\$200.00
Portable Sign	\$60 per month or \$170.00 from January to June inclusive and \$170.00 from July to December inclusive.
Public Use Property Permit and Sandwich Boards	No Cost

7.2 Termination of Sign Permits and/or Public Property Use Permits

- a) A permit shall expire, and the right of the sign owner under the permit shall terminate if:

- i) A change in sign face is undertaken without the City's authorization, this provision does not apply to portable signs.
- ii) The permit holder does not pay the annual sign licensing fee within the thirty (30) days of notification issued by the City.
- iii) Non-compliance to a work order within (30) thirty days of notification issued by the City.

7.3 Permit Holder's Responsibilities

- a) Neither the granting of a sign permit nor the approval of the plans nor any inspections made by the Planning Manager and/or Development Officer and/or the Bylaw Enforcement Officer shall in any way relieve the permit holder from the requirement for full compliance with the provisions of the Bylaw and from full responsibility for any work required by the Planning Manager and/or Development Officer and/or the Bylaw Enforcement Officer in accordance with this bylaw.
- b) The provisions of this bylaw shall not be construed as relieving or limiting the responsibility or liability of any permit holder from personal injury or property damage resulting from the placing of such sign, or resulting from the negligence or wilful acts of such person, his agents, or employees, in the construction, maintenance, repair or removal of any sign erected in accordance with the permit issued hereunder. Nor can it be construed as imposing upon the municipality or its officers or employees any responsibility or liability by reason of the installation, removal or approval of any signs, materials, or devices, under provisions of this bylaw.

7.4 Powers of the Planning Manager and/or Development Officer and/or Bylaw Enforcement Officer

The Planning Manager and/or Development Officer and/or Bylaw Enforcement Officer may:

- a) Require a change to the plans or specifications submitted to him/her and, in the sign permit or public property use permit, set out his/her directions as to the actual manner in which the work is to be carried out, and it shall be the duty of the permit holder to carry out those directions;

- b) Revoke, terminate, or refuse the permit where in his/her opinion the work done or proposed fails to meet the requirements of this bylaw or other regulations pursuant to any other Act;
- c) Order the permit holder to repair, replace, remove, maintain or perform any other work to a sign where the plans approved in accordance with the sign permit have not been complied with;
- d) Order the permit holder to repair, remove, replace, maintain or perform any other work to a sign which has been deemed unsightly by Council, the Planning Manager and/or Development Officer and/or the Bylaw Enforcement Officer;
- e) If the permit holder does not comply with the order issued pursuant to the provisions of this bylaw, the Planning Manager, Development Officer or the Bylaw Enforcement Officer shall direct the removal of the sign.

8. Billboard Sign Regulations and Standards

8.1 Permitted Use

- a) The content of a billboard sign shall be limited to commercial advertising for businesses or enterprises, or the use of patronage of a special business, or the promotion of any activity, any of which must be located within the municipal boundaries of the City of Melville.
- b) Advertising used shall reflect the Canadian Code of Advertising Standards administered by the Advertising Standards Council of the Canadian Advertising Foundation.

8.2 Billboard Sign Construction

- a) Billboard sign faces shall be eight (8) feet in height (2.438 metres) and twelve (12) feet in width (3.658 metres);
- b) Half sign billboard faces shall be eight (8) feet in height (2.438 metres) and six (6) feet in width (1.829 metres);
- c) Billboard sign faces shall be adequately secured to plywood sheeting that is a minimum of (5/8") five eights of an inch thick.

- d) Billboard signs shall be mounted with the bottom edge of the signboard at least six (6) feet (1.829 metres) off the ground;
- e) Billboard sign supports shall not project over top the billboard sign face.

8.3 Billboard Sign Location

All billboards shall be erected on the posts provided by the City which are located in the South and North entrance sign corridors.

8.4 Billboard Sign Installation

The City shall install all billboard signs upon the completion and approval of a Sign Application Permit, Appendix A. The billboard signs shall be delivered to the City of Melville in three sections that are eight (8) feet in height and four (4) feet in width for installation. (Amending Bylaw No. 18/2019)

8.5 Maintenance Requirements

Billboard signs shall be continually maintained by the sign owner to ensure that the sign remains in a state of good repair, reflective of the sign's original condition, and where inadequacies are evident, the permit holders shall undertake any repairs, repainting, replacements or other work deemed necessary by the City. All repairs or replacement of the billboard sign shall be at the cost of the owner.

8.6 Prohibitions

- a) Billboard signs shall not display intermittent flashing or rotating lights and/or have any moving or rotating parts.
- b) Billboard sign faces and/or advertising text which in any way resemble an official sign, standard, or commonly used traffic control device are prohibited.

9. **Portable Sign Regulations and Standards**

9.1 Permitted Use

- a) The content of a portable sign shall be limited to commercial advertising for businesses or enterprises, or the use of patronage

of a special business, or the promotion of any activity, any of which must be located within the municipal boundaries of the City of Melville.

- b) Advertising used shall reflect the Canadian Code of Advertising Standards administered by the Advertising Standards Council of the Canadian Advertising Foundation.

9.2 Portable Sign Construction

- a) Portable signs shall be a maximum of eight (8) feet wide (2.44 metres) and eight (8) (2.44 metres) feet high including the support stand (3.05 metres);
- b) The frame shall be constructed of metal and must be anchored in a manner that will withstand weather extremities.
- c) The face of the portable sign shall have interchangeable letters.

9.3 Portable Sign Location

- a) All portable signs located on public property shall be located within the South and North entrance sign corridors as per the discretion of the Planning Manager and/or the Development Officer. The Planning Manager and/or the Development Officer shall choose an appropriate location for each portable sign upon application by a sign owner.
- b) All portable signs located on private property shall have the property owners permission and shall have the approval of the Planning Manager, Development Officer or Bylaw Officer to place the portable sign in that location.

9.4 Portable Sign Installation

All portable signs shall be set up in a location that has been approved or chosen by Planning Manager, Development Officer or Bylaw Officer.

9.5 Maintenance Requirements

Portable signs shall be continually maintained by the sign owner to ensure that the sign remains in a state of good repair, reflective of the sign's original condition, and where inadequacies are evident, the sign owners shall undertake any repairs, repainting, replacements or other work deemed necessary by the City.

Portable sign owners shall be responsible for the maintenance of the land, including the trimming and cutting of all grass and weeds immediately surrounding a portable sign, to a minimum radius of one metre.

9.6 Prohibitions

- a) Portable signs shall not display intermittent flashing or rotating lights and/or have any moving or rotating parts.
- b) Portable sign faces and/or advertising text which in any way resemble an official sign, standard, or commonly used traffic control device are prohibited.

9.7 Sign Face Regulations

All portable signs must have a display message on the sign face at all times. If a portable sign is set up within the sign corridor without a display message, the portable sign owner will be ordered to remove the portable sign within 3 days of notification from the City.

All portable signs must have the sign owners name and phone number displayed on the structure.

10. Free Standing and Affixed Sign Requirements for Zones

10.1 Urban Holding District (UH)

- a) Signs and billboards are prohibited except for fascia signs showing the name of the occupants, information signs bearing no advertising, and signs bearing notice of sale or lease or other information relating to a temporary condition affecting the premises. No sign shall have an area exceeding 0.4 m².

10.2 Residential District (R1) (R2) and Residential Mobile Home District (RMH)

- a) Signs and billboards are prohibited except for fascia signs for home businesses (Section 5.2 of the Zoning Bylaw) and bed and breakfast homes (Section 5.3 of the Zoning Bylaw); those showing the names of occupants; signs for each institutional building or use; and signs bearing notice of sale or lease or other information relating to a temporary condition affecting the premises.

10.3 Community Services District (CS), Central Commercial District (C1) and Industrial District (M)

- a) **no more than two (2) signs affixed to the building and one (1) freestanding sign shall be permitted on the premises (Amending Bylaw No. 18/2019)**
- b) no affixed sign shall be in excess of 3.3 m² in area; however the two signs may be combined and the total facial area shall not exceed 6.5 m²
- c) permitted signs may be double faced
- d) the maximum height of a permitted sign shall be 6.0 m.
- e) the size of any single face area on a free standing sign must not exceed 6.5 m² in size
- f) no sign shall be illuminated unless the source of light is steady and suitably shielded.

10.4 Highway Commercial District (C2)

- a) **no more than three (3) signs, affixed or freestanding shall be permitted on the premises (Amending Bylaw No. 18/2019)**
- b) free standing signs are subject to a spacing requirement of 30 meters from any other free standing sign measured linearly along the property line
- c) free standing signs must not exceed 14 meters in height
- d) the size of any single face area on a free standing sign must not exceed 19 m² in size
- e) permitted signs may be double faced
- f) no sign shall be in excess of 3.3 m² in area that is affixed to the building; however the two signs may be combined and the total facial area shall not exceed 6.5 m² and shall not be illuminated unless the source of light is steady and suitably shielded.

11. Public Property Use Permit Regulations and Standards

11.1 Procedure for Application

- a) All requests for the temporary use of a sidewalk or other public property must be submitted to the City on the prescribed form, Appendix B.
- b) Applications must be made as soon as possible in each year or at a minimum of at least one week prior to the actual day for use of the sidewalk or other public property.
- c) Once the application is approved, a Public property Permit will be issued by the City of Melville.
- d) Permits may be issued on a day to day basis or yearly.
- e) The Planning Manager or Development Officer shall be responsible for issuance of public property use permits.

11.2 Regulations and Standards

- a) Displays:
 - i) Displays shall only be permitted when the store is open for business.
 - ii) Displays must project no more than (4) four feet (1.2 meters) from the building or property line onto the sidewalk.
 - iii) Sale merchandise must be from the retail business carried on within the abutting building.
- b) Sandwich Boards:
 - i) May be located directly in front of the business or adjacent to the street curb. Signs shall not block or interfere with the movement of pedestrians.
 - ii) Shall only be displayed when the store is open for business.
 - iii) Shall not exceed (4) four feet (1,2 meters) in height and 2.5 feet (.76 meters) in width. All signs shall be weighed down so as to prevent being tipped or blown over.

- iv) Only one board sign shall be permitted per business and the sign shall be placed in front of the applicant's business only.
- v) Groups or organizations from within the City may set up signs in front of businesses provided they obtain permission from the respective business prior to erecting the sign. Signs located on other public property must receive permission from the City.

11.3 Compliance

The City reserves the right to remove any display or sign in the event of any emergency situation or which causes any interference with vehicular or pedestrian traffic or any work that is to be performed upon the sidewalk or other public property by or on behalf of the City in the event of any emergency situation.

12. **Appeal Process**

An appeal process shall be established in accordance with the following provisions for the sole purpose of this bylaw.

- a) Any permit holder whose sign permit application is refused or permit is revoked due to non-compliance with the provisions of this bylaw, may appeal such decision in writing to the Council within fifteen (15) days being notified of such infraction or non-compliance.
- b) Upon hearing the appeal the Council shall render a decision within fifteen (15) days of receipt of such appeal.
- c) Notwithstanding that granting, an appeal for a permit holder may cause a variance to this bylaw, such a decision by the Council shall not relieve any other permit holder to the obligations and provision of this bylaw, and in no way shall any decision alter or invalidate any provision of this bylaw.

13. **Severability**

A decision of a Court that one or more of the provisions of this bylaw are invalid in whole or in part does not effect the validity, effectiveness, or enforce ability of the other provisions or parts of this bylaw.

14. Offences and Penalties

Any person or corporation who contravenes any provision of this bylaw will have their sign(s) removed.

15. Repeal

That Bylaw No. 03/2015 passed on the 19th day of January, 2015 is hereby repealed.

INTRODUCED and **READ** a first time this 6th day of May, 2019.

READ a Second time this 6th day of May, 2019.

READ a Third time and **PASSED** this 6th day of May, 2019 with the unanimous consent of all Council members present.

Mayor

City Clerk

APPENDIX A

**City of Melville
SIGN APPLICATION PERMIT**

I hereby apply under the provisions of Bylaw 03/2015 for permission to erect or replace a sign; details of which are as follows:

General Description:

Billboard _____ Portable Sign _____

Area of sign _____ (Sq. Ft.) Height _____ Width _____

Sign Value \$ _____

Structure: Steel _____ Wood _____ Other (Name) _____

Message on Sign: _____

Business Name: _____

Business Mailing Address: _____

Applicants Name: _____

Sign Location: _____

Lot _____ Block _____ Plan# _____

I/we further agree to pay the applicable license fee, and i/we understand that the issuing of a permit does not relieve us from complying with all Bylaw though not called for in the specifications or shown on plans and/or application permit submitted.

License Fee \$ _____ Term of Permit _____ Permit

Date _____

Signature - Permit Holder

Approved - City of Melville

NOTE: Applications for a portable sign permit shall be passed onto the Public Works Manager so as a suitable sign location can be determined.

**APPENDIX B
City of Melville
PUBLIC PROPERTY USE PERMIT**

Permit # _____

1. Applicant:

Name: _____

Address: _____

Telephone: _____ Fax: _____

2. Location:

Specify Location: _____
(Street Address, Store Location, etc.)

Specify Display Type: _____
(Sidewalk sale display, sandwich board, outdoor restaurant, etc.)

Proposed Menu/Food Service: _____
(Attach list if necessary)

Outdoor Restaurant Hours of Operation: _____

3. Permit Validity:

From: _____, 20____ To: _____, 20____

Important - Read Before Signing

In consideration of granting this permit, the applicant agrees to save harmless and keep indemnified the City of Melville from all action, causes of actions and demands whatsoever, which may be made against the city in consequence of the granting of this permit or of anything done there under by the applicant, his employees or agents and pay the City for all damages done to any pavement, boulevard, sidewalk, curb and gutter while used by the applicant.

The City of Melville reserves the right to remove any display, sign or other structures which causes any interference with vehicular or pedestrian traffic or in the event of any emergency situation or interferes with any work that is to be performed upon the sidewalk or other public property by or on behalf of the City.

The applicant shall indemnify and save the City harmless from and against all costs, losses, claims, actions or causes of action arising from the applicants activities under the permit.

Signature of Applicant

Approved - City of Melville

Date of Issuance: _____, 20____

APPENDIX C

**City of Melville
MAP OF NORTH SIGNAGE CORRIDOR**

(attached hereto and forming part of these minutes)

North Signage Corridor



APPENDIX D
City of Melville
MAP OF SOUTH SIGNAGE CORRIDOR

(attached hereto and forming part of these minutes)

South Signage Corridor

