



**Signage and Advertisement Regulations
April 2019**

SIGNAGE & ADVERTISEMENT REGULATIONS

1. APPLICATION OF THESE REGULATIONS

Pursuant to Part III of the Town of Torbay Development Regulations, these regulations shall apply to signs and advertisements where permitted in the Use Zone Tables in Schedule C.

2. DEFINITIONS

For the purpose of this section, the following definitions shall apply:

- a) "Above the surface of the ground" means measured vertically from the horizontal projection of the highest point of the ground immediately below a sign as determined by the Council to the highest point of the sign or the pole as determined by the Council.
- b) "Banner sign" means a sign produced on cloth, paper, fabric or other combustible material of any kind, either with or without frames.
- c) "Bench sign" means a sign painted, located on or attached to any part of the surface of a bench, seat, or chair placed adjacent to a public place or street.
- d) "Billboard" means a sign and its structure and component parts which are intended to advertise or call attention to any matter, object, event or person, where the sign face is usually leasable and where the subject matter is not related to a use at or around the parcel of land on which the billboard is located.
- e) "Building face" means the total area of a building between the finished surface of the ground and the eaves of any architectural elevation.
- f) "Bus shelter advertisement" means an advertisement that is painted, located on, attached, or forms part of a bus shelter placed or erected adjacent to or on a public place or street.
- g) "Canopy sign" means a sign that is a part of or attached to an awning, canopy or other fabric, plastic, or structural protective cover over a door, entrance, window or outdoor service area.
- h) "Construction sign" means a temporary sign erected on the premises or land on which development or construction is taking place, during the period of such construction, indicating the names of the planners, architects, engineers, landscaped architects, contractors or similar artisans and the owners, financial supporters, sponsors and similar individuals or firms having a role or interest with respect to the structure or project.
- i) "Corner lot" means a lot or parcel of land abutting upon two or more streets at their intersection or upon two parts of the same street forming an interior angle of less than 135 degrees.
- j) "Election sign" means any sign used to promote a candidate or party during a school board or municipal, provincial or federal election.
- k) "Electrical sign" means a sign that utilizes an electrical source.

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- l) "Ground sign or pylon sign" means a sign affixed to, supported by or placed upon the ground whether the ground is paved or unpaved, and which is supported by one or more uprights, in or upon such ground and not attached to any building.
 - m) "Illuminated sign" means a sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed towards the sign.
 - n) "Inflatable signs" means a sign or display that is capable of being expanded by air or other gas and used as a temporary basis to advertise a product or event.
 - o) "Marquee" means any permanent roof like structure projecting beyond a building or extending along and projecting beyond the wall of a building, generally designed and constructed to provide protection from the weather.
 - p) "Marquee sign" means a sign printed upon, or attached to a marquee.
 - q) "Menu Board" means a sign erected as part of a drive-through facility and used to display and order products and services available in association with a drive through business.
 - r) "Off-site directional sign" means a sign which directs traffic to a specific property, business or event and the sign is located on a property or building separate from the property, business or event to which it relates. A billboard sign is not an off-site directional sign.
 - s) "Pre-menu board" means a sign erected as part of a drive-through facility and only used to display products and services available in association with a drive through business.
 - t) "Portable sign" means an illuminated or non-illuminated sign which is movable from one location to another and which is not attached to a fixed structure or does not have supports imbedded in the ground.
 - u) "Projecting sign" means a sign other than a wall sign so constructed and so erected as to be rigidly attached at one end to a building, metal pole or other structure and projecting out from the surface of the building pole or other structure to which it is attached.
 - v) "Real estate sign" means a sign pertaining to the sale or lease of the premises or a portion of the premises, on which the sign is located.
 - w) "Roof sign" means a sign that is erected, constructed and maintained above the roof of a building, within the peripheral dimension of such building and fastened or attached to or supported on such roof
 - x) "Sidewalk sign" means a free standing sign erected on but not permanently anchored in the ground. Without limiting the generality of the foregoing, this definition includes signs referred to as A-frame, T-frame, sandwich boards, and menu boards, but shall not include any other sign defined in these regulations.
 - y) "Sign face" means the area or display surface used for the advertisement or message.
 - z) "Sight Triangle" means a triangular- shaped portion of land established at street intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. The triangular-shaped portion of land is formed by the street lines and a line drawn from a point in one street line to a point in the other street line, each such point being 7.5 m measured along the street from the point of intersection of the street lines where the posted

speed limit is 50 km/h or less. For speed with posted speed limits greater than this, the sign triangle to be determined by the Town's Consulting Engineer.

- aa) "Wall sign" means a sign which is painted on or attached directly against the surface of or against or within a recess in the wall or a column or other perpendicular portion of a building and approximately parallel thereto and which extends not more than 30 cm from the architectural feature on which it is attached, and shall include a fascia sign.

3. PERMIT EXEMPTIONS

The following signs shall not require permits:

- 1) Election signs of any candidate or political party during a federal, provincial, municipal, or regional school board election, subject to the provisions of Section 4 of these Regulations.
- 2) Temporary signs relating to Federal, Provincial or Municipal public works.
- 3) Notices required by law to be posted.
- 4) Regulatory, warning, directional, guide or informational signs erected by a Federal, Provincial or Municipal Authority or a community group approved by the Council.
- 5) Signs placed by a telephone, telegraph or electric power company to indicate danger.
- 6) Non-illuminated real estate signs not exceeding 0.465 m² in total area advertising the sale or rent of a building or lot upon which the sign is located subject to the provisions of section 5 of these regulations.
- 7) A flag, emblem or insignia of any nation, country or province.
- 8) One construction sign not exceeding 9 m² in total area related to the development of a property provided such sign is located on the site on which the work is being carried out and is removed at the conclusion of the development or at such time as determined by Council.
- 9) Signs with existing Provincial and or Municipal approvals.

4. ELECTION SIGNS

Election signs shall be subject to the following conditions:

- 1) The erection of election signs shall be permitted on private property provided the property owner has given consent for the erection of such a sign and that the sign does not cause an obstruction to neighboring properties.
- 2) The erection of election signs shall be permitted on vacant land owned by the Council, provided the signs do not cause an obstruction to the traveling public or the work of the Council, and provided the signs are not located within the far limits of the carriageway at any street intersection.
- 3) Election signs shall not be affixed or attached to existing municipal buildings, structures or signs.

- 4) Candidates shall remove their election signs within 36 hours after the close of polls on Election Day and shall ensure that the site is cleaned up.
- 5) If the Candidate fails to remove his or her election signs within 36 hours after the polls close on Election Day, the Council may remove them and dispose of them and the candidate shall be responsible for the cost of the removal and disposal of such signs.
- 6) No permit fee shall be required for election signs of any candidate or political party during a federal, provincial, municipal or regional school board election; however, if a portable sign is used for the purpose of election signage, permits shall be required as outlined by the portable sign regulations, Section 14.10.

5. REAL ESTATE SIGNS

Real estate signs shall be subject to following conditions:

- 1) No real estate sign shall be affixed to any utility pole or municipal building, structure or sign or be erected or placed on publicly owned land without the permission of the property owner.
- 2) There shall be a limit of one double-faced sign per property or for every 30 m of lot frontage.
- 3) A corner lot may carry two double-faced signs, one sign for each street.
- 4) Portable real estate open house signs shall also be permitted provided their placement does not obstruct vehicular or pedestrian movement, and the duration of such placement is limited to the time of the actual open house.
- 5) A real estate sign marking that the property is "sold" may appear for a limit of two weeks from the date of the closing of the transaction.
- 6) If the real estate agent fails to remove his or her signs within two weeks from the date of the closing the transaction, the Council may remove them and dispose of them and the candidate shall be responsible for the cost of the removal and disposal of such signs.

6. BENCH AND BUS SHELTER SIGN AND ADVERTISEMENT

Bench signs and bus shelter advertisements shall be approved in accordance with the requirements and conditions as determined by the Council.

7. PROHIBITED SIGNS

- 1) Notwithstanding the provisions of this schedule, the Council may refuse any sign or advertisement that, in the opinion of the Council, is considered hazardous to road traffic by reason of its sitting, color, animation, illumination or structural condition or is considered detrimental to the amenities of the surrounding area.

- 2) No signs or advertisements of any type are permitted to be posted on utility poles, any part of a Municipal, Provincial or Federal sign, or on any Municipal, Provincial or Federal infrastructure such as fences, guardrails, bridges, archways, buildings, etc.

8. STATIONARY VEHICLE SIGNS

Unless otherwise determined by the Council, a sign or advertisement shall not be attached, affixed or displayed on a vehicle or trailer which is parked or located for the primary purpose of displaying said sign or advertisement.

9. SIGHT TRIANGLE

Unless otherwise determined by the Council, no sign or advertisement shall be permitted to be located within the area identified by the Council as the sight triangle at the intersection of streets.

10. ELECTRICAL OR ILLUMINATED SIGNS

- 1) Every electrical or illuminated sign shall be approved by a certified organization that is accepted by the Province of Newfoundland and Labrador and the Standards Council of Canada. A licensed electrician shall undertake the electrical hook up of the sign. Illuminated signs or any flashing lights considered by the Town to be for an advertising purpose may be required to be switched off during certain periods of the night, depending on their location. This will be determined by Council on a case by case basis.
- 2) Strobe lights are not permitted on any sign or for any form of advertisement within the Town.

11. EASEMENTS

With the exception of portable signs, signs shall not be permitted to be located upon or project within the limits of utility or municipal service easements. Any sign located in close proximity to a utility or municipal service easement shall be located in accordance with the requirements of the easement owner.

12. ENGINEERING DESIGN REQUIREMENTS

Signs shall be designed, constructed and erected to withstand the ice load and wind load requirements as determined by the Town's Consulting Engineer.

The following types of signs will require signed and sealed approval by a Professional Engineer of the Association of Professional Engineers and Geoscientists of Newfoundland and Labrador (APEGN):

- Billboard Signs
- Ground Signs or Pylon Signs greater than 3 m in height
- Portable Signs (at Council's discretion)
- Roof Signs

13. OTHER REQUIRED INFORMATION

Every portable sign or advertisement shall display, in a manner acceptable to the Council, the name and phone number of the sign contractor.

In the case of an electrical or illuminated sign, the electrical certification's approval sticker shall be displayed on the sign.

14. ADVERTISEMENTS

14.1 Banner Sign

A banner sign shall not be suspended across any street unless the authority grants its approval. A banner sign attached to a face of a building, fence or other structure shall be considered in a like manner to a wall sign.

14.2 Billboard Sign

A billboard sign shall be permitted provided:

- 1) The maximum sign face of a single billboard shall not exceed 21.5 m². Where Council deems appropriate, a double or "super sign" may be permitted, but shall not exceed 43 m² for a sign face.
- 2) Unless otherwise determined by the Council, the maximum overall height of the sign from the surface above the ground to the top of the sign shall be 8.5 m.
- 3) The sign shall be set back a minimum distance of 15 m from the intersection of streets.
- 4) The sign shall not be located closer than 5 m to the front or flanking street lot line.
- 5) The sign shall not be located closer than 3 m to a side lot line.
- 6) Not more than two signs are permitted on a lot provided that each sign may have two leasable areas mounted back to back and the total maximum sign face of each sign shall not exceed 21.5 m² per sign face, with the exception of a "super sign" which shall not exceed 43 m² per sign face and, if approved, would comprise the total number of billboard signs permitted on a single lot.
- 7) A minimum separation distance of 100 m shall be maintained between signs when on the same side of the street and in the same line of sight or visual plane.
- 8) A single-faced sign shall be located not more than 2 m from the wall of a building and shall be parallel to the wall and shall not extend beyond the end of the wall and the height of the roofline of the building to which it is attached.
- 9) A wall-mounted billboard shall not block natural light from a window of the building to which the billboard is attached.
- 10) The sign shall not interfere or obstruct access to or from a lot or create a visual obstruction to the traveling public.

- 11) The sign shall not conflict with adjoining architectural lines or forms or have the effect of materially obscuring the effect of the landscapes.
- 12) The sign shall not be located within 60 m to a residential zone and shall not be oriented such that it faces an abutting residential zone or residential lot.
- 13) Lighting of the sign shall not be directed toward the street and shall not adversely affect neighboring areas.
- 14) The sign shall be anchored and secured in accordance with the requirements of the Town's Consulting Engineer.
- 15) The sign shall be constructed in accordance with engineered drawings approved by the Council.

14.3 Canopy Sign

A canopy or awning sign shall be permitted on a wall of a building provided:

- 1) The canopy or awning sign does not abut a residential lot or zone.
- 2) The minimum vertical clearance beneath the sign to above the surface of the ground shall be 2.2 m.
- 3) The sign may extend the full length of a building and the sign shall not extend beyond the end of the wall to which it is attached with the exception of wrap-around signs.
- 4) The sign does not project more than 3 m from the wall of the building or structure to which it is attached.
- 5) The sign shall not extend over public land or streets except where approved by the Council.
- 6) The sign shall not extend over a driving area or parking surface except where approved by the Council.
- 7) The sign shall be anchored or secured to the building in accordance with the requirements of the Town's Consulting Engineer.

14.4 Ground Sign or Pylon Sign

- 1) Unless otherwise determined by the Council, one ground or pylon sign shall be permitted per street frontage of a lot, subject to the following conditions:
- 2) The sign shall have a maximum overall vertical height of 8.5 m above the surface of the ground.
- 3) The sign shall have a maximum overall horizontal length of 6.0 m.
- 4) The maximum area for the sign face shall be 51 m² exclusive of the sign's supports and mounts.
- 5) The sign shall be setback a minimum distance of half the height of the sign from the property's front lot line.
- 6) The sign shall be setback a minimum distance of 1 m from the property's side lot lines.

- 7) The sign shall have a minimum separation distance of 2 m to an adjoining dwelling, apartment, school or church.
- 8) There shall not be any electrical component of the sign within 1 m above the surface of the ground.
- 9) A minimum separation distance of 15m shall be maintained between ground or pylon signs located on abutting properties.
- 10) The ground or pylon sign shall not be permitted to be located along the lot line that abuts a residential lot.
- 11) Where there is more than one ground or pylon sign permitted per lot, there shall not be more than one ground or pylon sign for every 30 m of lot frontage.
- 12) The sign shall be anchored and constructed in accordance with the engineering drawings approved by the Council.

14.5 Inflatable Sign

Inflatable signs shall be permitted subject to the following conditions.

- 1) A limit of one rooftop or ground inflatable sign per lot or for every 30 m of lot frontage.
- 2) The sign shall be setback from a lot line, a minimum distance of 1.5m times the inflated height of the sign.
- 3) The sign shall not interfere or obstruct access to or from a lot.
- 4) The sign may be illuminated internally or externally but shall not contain flashing or intermittent lighting or lighting which creates glare when viewed by on-coming traffic or by abutting residential uses.
- 5) The maximum height and size of the sign shall be determined at the discretion of the Town Council but shall be in accordance with and relevant to standard model sizes and dimensions available from balloon or inflatable advertisement manufacturers.
- 6) The sign shall be anchored or secured in accordance with the requirements of the Town's Consulting Engineer.
- 7) The time limit for the sign permit shall be specific to the duration of the event to which the advertisement is related but shall not exceed 30 days. Upon expiration of the sign permit, the permit may be renewed for another 30 day period provided the Council is satisfied that the sign is being maintained to the Council's satisfaction and the sign conforms to the Regulations and the conditions attached to the permit.
- 8) If, in the opinion of the Town Council, the sign is a hazard or unsafe to the public, the advertisement shall be removed immediately upon notice.

14.6 Marquee Sign

A marquee sign shall be permitted on the principle facade of a building subject to the following conditions:

- 1) The minimum vertical clearance beneath the sign to above the surface of the ground shall be 3 m.

- 2) The sign may extend the full length of a marquee but in no case shall such sign project beyond the ends of such a marquee.
- 3) A marquee sign shall not extend over public land or streets except where approved by the Council.
- 4) The sign shall be anchored or secured to the building in accordance with the requirements of the Towns Consulting Engineer.

14.7 Menu Boards

Menu Boards which are used to display and order products on a lot shall be permitted subject to the following conditions:

- 1) There shall be one pre-menu board and one menu board per drive-through on a lot.
- 2) The maximum area for the sign face of a pre-menu board shall be 2 m².
- 3) The pre-menu board sign shall have a maximum height of 3 m above the surface of the ground.
- 4) The maximum area for the sign face of a menu board shall be 4.1 m² for a single face.
- 5) The menu board sign shall have a maximum height of 3 m above the surface of the ground.

14.8 On- Site Traffic Directional Sign

On-site traffic directional signs which direct motor vehicle or pedestrian traffic on a lot shall be permitted subject to the following conditions:

- 1) There shall be no limit to the number of on-site traffic directional signs on a lot.
- 2) An on-site traffic directional sign shall be confined to directing motor vehicle or pedestrian traffic and includes such signs as an entrance sign, an exit sign or a motor vehicle parking direction sign.
- 3) The maximum area for the sign face shall be 0.75 m² for a single face.
- 4) The sign shall have a maximum height of 1.2 m above the surface of the ground.

14.9 Off-Site Directional Sign

Off-site directional signs, which direct traffic to a commercial or industrial development or use, shall not be permitted. Off-site directional signs related to a charitable, non-profit or municipally sponsored event, which direct traffic to a community facility may be permitted as determined by the Council provided only one sign is erected per street frontage, the sign is erected for the duration of the event, and the location, size, and construction of the sign conforms to the requirements of the Council.

14.10 Portable Sign (Bold Signs)

A portable sign shall be permitted provided:

- 1) The sign shall have a maximum of two sign faces.
- 2) The maximum sign face area shall be 6.0 m² each sign face.
- 3) The maximum overall height of the sign from ground level to the top of the sign shall be 2.5m.
- 4) The sign shall be set back a minimum distance of 1.5 m from a lot line. Where the sign is on a corner lot, the sign shall not be located within the sight triangle.
- 5) Not more than one sign is permitted at any one time on any property having a frontage of less than 20 m. On lots with frontages greater than 20 m, a minimum separation distance of 15meters shall be maintained between each portable sign.
- 6) The sign must be located on the property on which the business is located, unless otherwise approved by Council and the property owner.
- 7) The sign shall not interfere or obstruct access to or from a lot.
- 8) The sign shall not be placed on a residential lot or a portion of a lot that abuts a residential zone or existing residential lot, unless otherwise approved by Council.
- 9) If the sign is illuminated, the sign shall be of a design approved by the Canadian Standards Association (CSA) and bear the CSA approval decal on the sign.
- 10) The sign shall be constructed in accordance with engineered drawings where it is determined to be required by the Council.
- 11) The portable sign permit shall be valid for a period of one (1) year from the date of issue by the Council. Upon expiration of the sign permit the sign is to be removed or a new sign application submitted to the Council.
- 12) If a sign is removed from a location in which a permit has been issued for, then a new application must be submitted to the Town before a sign can be placed at the location again.
- 13) One (1) bold sign per business is permitted on the property of a business that is located within the Commercial Main Street zone (CM), Town Centre zone (TC) or Mixed zone (MIX). Signs must comply with all requirements under this section and shall only advertise goods or services offered by the business on the property.

14.11 Sidewalk Sign

A sidewalk sign shall be permitted subject to the following conditions:

- 1) The sign shall only be displayed or erected on the public street abutting the business and only in cases where it is not possible because of the size of the lot, to locate a ground or portable sign entirely on the lot on the same lot as the business for which the sign applies.
- 2) The sign shall have a maximum height of 1 m.
- 3) The sign shall have a maximum of two sign faces.
- 4) The sign shall have a maximum sign face of 0.55 m² for each sign face.
- 5) The sign shall be displayed only between sunrise and sunset of every business day and shall be taken indoors at all other times.
- 6) The sign shall not be located within 3 m of a driveway access.
- 7) The sign shall be located as close to the building face as possible and maintain a minimum unobstructed sidewalk width of 1.5 m.
- 8) The sign shall be secured in accordance with the requirements of the Town's Consulting Engineer.

14.12 Projecting Sign

A projecting sign shall be permitted on any principal facade of a building subject to the following conditions:

- 1) The minimum vertical clearance beneath the sign above the surface of the ground shall be 3 m.
- 2) The maximum overall projection of the sign from the building shall be 3 m.
- 3) The sign is a rigid sign and its design and construction does not permit it to swing in the wind.
- 4) A projecting sign shall not extend over public land or streets except where approved by the Council.
- 5) A projecting sign shall not extend over a driving area or parking surface except where approved by the Council.

14.13 Roof Sign

One roof sign per building shall be permitted subject to the following conditions:

- 1) The sign shall not exceed the maximum permitted height of a building as specified in the use zone in which the building is located.

- 2) The height of a roof sign shall respect the scale of the building and neighborhood where it is located. The maximum height of a roof sign located on a flat roof building shall be 2 m, whereas the maximum height of a roof sign located on a pitch roof shall be half the height of the roof pitch.
- 3) The sign shall not project beyond the exterior wall or walls of the building to which it is attached.
- 4) The electrical wiring of a roof sign shall be in accordance with the requirements of the current National building Code.
- 5) The sign shall be anchored or secured to the building in accordance with the requirements of the Towns Consulting Engineering.
- 6) The sign shall be constructed in accordance with engineered drawings approved by the Council.

14.14 Wall Sign

A wall sign shall be permitted subject to the following conditions:

- 1) A wall sign may be placed on a wall or building abutting any street or public highway provided the wall sign does not immediately face a residential lot or zone.
- 2) Unless otherwise determined by Council, the total area of all wall signs on any one architectural elevation of a building shall not exceed 20% of the building face.
- 3) The length of the sign shall not be longer than the horizontal measurement of the wall or building facade to which it is attached and the sign shall not extend beyond the end of the wall to which it is attached with the exception of wrap around signs.
- 4) A wall sign shall not project more than 30 cm from the wall of the building.
- 5) Where permitted by the Council, a wall sign projecting over public property shall be erected with a vertical clearance not less than 3 in above the surface of the ground.
- 6) The wall sign shall be of an architectural scale and styling that is, in the opinion of the Council, is in keeping with architectural scale and styling of the building to which it is attached.
- 7) No wall sign shall be permitted to cover any part of a required exit in a building or obstruct free access thereto or egress there from.
- 8) The sign shall be anchored or secured to the building in accordance with the requirements of the Town's Consulting Engineer.

15. MULTI-TENANT BUILDING

Notwithstanding the above requirements, signage for buildings housing two or more uses or occupancy shall be limited to one wall sign per use or occupancy and one pylon or ground sign per street frontage for the whole building. Such pylon or ground sign shall display the advertisement for all uses or occupancies housed in the building.

16. SIGNS ALONG PROVINCIALY MAINTAINED ROADS

The Government of Newfoundland and Labrador Highway Sign Regulations apply to all highways constructed and maintained by the Department Transportation and Works. The erection or placement of any sign within the road right-of-way that is provincially maintained is therefore subject to dual jurisdiction, and must meet the conditions of the provincial government as well as the Torbay Town Council, as follows:

- 1) The sign shall be approved in accordance with the provincial Highway Sign Regulations, and a highway signage permit must be obtained from the appropriate provincial government authority.
- 2) The sign shall meet the conditions of the Town of Torbay for the particular type of sign as outlined in these regulations.

17. CESSATION OF USE

Upon the cessation of a use, event or a business, any sign or advertisement associated with that ceased use, event or business shall be removed within thirty days of the cessation of the use, event or business.

18. APPLICATION TO EXISTING SIGNS AND ADVERTISEMENTS


Every existing sign and advertisement approved by the Council may be brought into conformity with these Regulations. In the event of their structural alteration, relocation or replacement is required; the sign then shall be brought into conformity with these regulations. Maintenance and repair of the sign or advertisement shall not be deemed in itself to constitute an alteration. In the case of portable or inflatable signs conformity to these Regulations shall be immediate.

19. SIGNS OR ADVERTISEMENTS NOT SPECIFICALLY COVERED

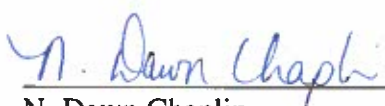
Signs and or advertisements not specifically covered in these regulations shall be considered on a case by case basis at Councils discretion.

These Signage and Advertisement Regulations are adopted by Resolution of Council, this 8th day of APRIL, 2019.

Resolution No. # 97-2019.



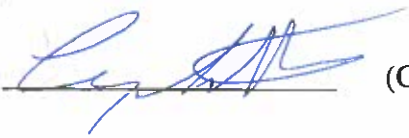
Craig Scott
Mayor



N. Dawn Chaplin
Chief Administrative Officer / Town Clerk

Under section 414 1. (rr) of the *Municipalities Act 1999*, the Town Council of Torbay adopts the Town of Torbay Signage and Advertising Regulations as approved (or as amended).

SIGNED AND SEALED this 30th day of APRIL, 2019

Mayor:  (Council Seal)

Clerk: 