

**CITY OF WEYBURN**  
**BYLAW NO. 2014.3290**

Being a Bylaw of the City of Weyburn (City) in the Province of Saskatchewan, for the purpose of establishing regulations for the licensing, placement, operation, inspection and enforcement of portable signs.

**WHEREAS**, pursuant to and under the authority of Section 8 of *The Cities Act* (the “Act”) the Council of the City of Weyburn (the “Council” or “City), may pass a bylaw respecting nuisances, including property, activities or things that affect the amenity of a neighbourhood or place that is open to the public;

**WHEREAS**, pursuant to and under the authority of Section 8 of the Act the Council of the City, may pass a bylaw respecting businesses, business activities and persons engaged in business;

**AND WHEREAS**, the placement of portable signs in various locations throughout the City for ongoing advertising purposes as a business activity may create a nuisance affecting the amenity of a neighbourhood or place that is open to the public;

**AND WHEREAS**, the Council of the City of Weyburn deems it desirable to establish a Portable Sign Bylaw to manage the licensing, placement, operation, inspection and enforcement of portable signs in Weyburn;

**AND WHEREAS**, the City has carried out public notification of the proposed bylaw in accordance with the public participation requirements contained under Public Notification Bylaw 2003-2094;

**NOW THEREFORE**, the Council of the City of Weyburn, in open meeting, enacts as follows;

**Part I – Interpretation**

**1. Short Title**

This Bylaw may be cited as “The Portable Sign Bylaw”.

**2. Purpose**

The purpose of this Bylaw is to provide for registration of portable signs with the City and to ensure the suitable placement of signs that:

- a) Will not contribute to visual clutter and affect the amenity of a neighborhood;
- b) Will not detract from the ability of motorists and pedestrians to see oncoming traffic at intersections; and
- c) Will not lead to unauthorized placement on private or City-owned property.

**3. Definitions**

In this Bylaw;

- 1) “City” means The City of Weyburn;

- 2) “Council” means the Council of the City of Weyburn;
- 3) “Owner” means an owner as defined in *The Cities Act*;
- 4) “Property” means land or building or both;
- 5) “Sign” means any writing (including letter or work), pictorial representations (including illustrations or decorations), emblems (including device, symbol, or trademark), flag (including banner or pennant), or any other figure of similar character which:
  - a) is a structure or part thereof, or is attached to, painted on, or in any manner represented on a building;
  - b) is used to announce, direct attention to, or advertise; and
  - c) is visible from outside a building;
- 6) “Temporary sign” means any banner, pennant, valance or advertising display, with or without frames, intended to be displayed for a short period of time;
- 7) “Portable sign” means any temporary sign that can be easily carried or transported from one site to another;
- 8) “Street” means the whole and entire width of every public thorough fare which affords the principal means of access to abutting property but shall not include a lane;
- 9) “Street line” means the line between a lot and a street;
- 10) “Municipal inspector” means an employee or agent of the City appointed by the Weyburn Police Service to act as a municipal inspector for the purposes of this Bylaw;
- 11) “Intersection sight triangle” means a triangle bounded by the street lines and a line joining points on the street lines a distance of 7.6 meters from their point of intersection.

#### **4. Responsibility**

- 1) Unless otherwise specified, the owner of the portable sign shall be responsible for the placement of signs and meeting the provision of this Bylaw.
- 2) Should a sign be requested for placement on City-owned property, the owner of the portable sign shall be responsible for carrying out the provision of this Bylaw and must gain an approval and temporary lease from the City official responsible for city owned property, at a cost of \$200/calendar year.
- 3) Sign owners shall be responsible for permanently attaching contact information, including their name and phone number, to a visible location on the sign.

### **Part I – Proper Placement of Portable Signs**

#### **5. Application**

This Division applies to all portable signs on all properties within the corporate boundaries of the City.

#### **6. License**

- 1) Every owner of a portable sign shall obtain a license from the City of Weyburn for each sign they intend to display within the City limits.

- 2) Sign owners intending to display a sign on City-owned property will require a temporary lease and placement approval from the City official responsible for city owned property.
- 3) Sign owners who have not paid registration fees for their sign for upwards of 90 days will have their license revoked.

#### **7. Permitted Areas**

- 1) Portable signs shall be restricted to Commercial and Industrial properties only.
- 2) No sign shall be placed within the intersection sight triangle, in any zone, for any reason.
- 3) Notwithstanding subsection (1), a portable sign may be placed in a residential zone, provided:
  - a. it is on a vacant lot in a residential subdivision undergoing development;
  - b. its advertising content pertains to the sale of lots in that subdivision; and
  - c. may not be located in any phase of subdivision which has sold more than 75% of parcels in that phase.

#### **8. Number of Signs**

- 1) No person, including the sign owner, shall display more than one portable sign except where the street frontage exceeds 30 meters. One additional sign may be erected for each additional 30 meters or part thereof, of the longest property line adjacent to the street. The minimum distance between any two signs on the street frontage shall be 6 meters.
- 2) Where a site abuts a flanking street, the provisions of subsection (1) shall apply to each street.

#### **9. Illumination**

Portable signs may not be illuminated, electrified or animated.

#### **10. Compliance With Other Regulations**

Nothing in this bylaw will prevent or remove the requirement for portable signs to be compliant with other applicable municipal bylaws or provincial and federal laws or regulations.

### **Part II – Enforcement, Offences and Penalties**

#### **11. Enforcement of Bylaw**

- 1) The administration and enforcement of this Bylaw is hereby delegated to a designated officer or official of the City.
- 2) The designated officer or official of the City is hereby authorized to further delegate the administration and enforcement of the Bylaw to municipal inspectors, including bylaw enforcement and development officers.

#### **12. Inspections**

- 1) The inspection of property by the City to determine if this Bylaw is being complied with is hereby authorized.

- 2) Inspection under this Bylaw shall be carried out in accordance with section 324 of *The Cities Act*.
- 3) No person shall obstruct a municipal inspector who is authorized to conduct inspections under this section, or a person who is assisting a municipal inspector.

**13. Order to Remedy Contravention**

- 1) If an inspector finds that a person is contravening this Bylaw, the inspector may, by written order, require the owner or occupant of the property to which the contravention relates to remedy the contravention.
- 2) Orders given under this Bylaw shall comply with section 328 of *The Cities Act*.
- 3) Orders given under this Bylaw shall be served in accordance with section 347 of *The Cities Act*.

**14. Registration of Notice of Order**

If an order is issued pursuant to section 55, the City may, in accordance with section 328 of *The Cities Act*, give notice of the existence of the written order by serving it on the person or corporation which owns the sign. Should the owner be undeterminable, the owner will be deemed the owner of the land upon which the sign is located.

**15. Appeal of Order to Remedy**

- 1) A person may appeal an order made pursuant to section 55 in accordance with section 329 of *The Cities Act*.
- 2) Appeals shall be made initially to a board designated by City Council, or to City Council directly if no such board exists.
- 3) Appeals shall be filed with the City Clerk.

**16. City Remedying Contravention**

The City may, in accordance with section 330 of *The Cities Act*, take whatever actions or measures are necessary to remedy a contravention of this Bylaw.

**17. Civil Action to Recover Costs**

The City may, in accordance with section 332 of *The Cities Act*, collect any unpaid expenses and costs incurred in remedying a contravention of this Bylaw by civil action for debt in a court of competent jurisdiction.

**18. Emergencies**

In the event that it becomes an emergency to remedy a contravention of this Bylaw, the City may take whatever actions or measures are necessary to eliminate the emergency in accordance with the provisions of section 331 of *The Cities Act*.

**19. Fines**

Portable signs found in non-compliant locations will be issued fines from the designated officer or official of the City. These fines will be \$120 (reduced to \$40 if paid within 15 days) and will be issued for each 120 hours that the sign remains in the non-compliant position. If the sign is not removed from the non-compliant position within 30 days, the sign will be impounded, with associated costs of removal, impoundment and storage to

be recovered in a court of competent jurisdiction if not paid voluntarily to the owner of the impound facility.

## **20. Impoundment**

- 1) A designated officer or official of the City may remove or cause to be removed any sign that has been unlawfully placed, left, kept, or operated on any street or lane, public parking place, or any other publicly or municipally-owned place or property and impound or store such sign.
- 2) Where a sign has been removed pursuant to Section 21(1), the place of impoundment or storage shall be designated by the Chief of Police and such sign shall be retained there for a minimum period of thirty (30) days from the date of removal unless all costs, including the costs of removal, impoundment and storage are sooner paid to the owner of that place; and upon payment of the full costs stated herein, the sign may be released to its owner.
- 3) After thirty (30) days from the date of removal and the full costs stated in Section 21(2) have not been paid, the City may recover those costs through:
  - a) legal action against the registered owner of the sign in court of competent jurisdiction, or by
  - b) sale of the sign by public auction not less than ten (10) days after publishing a notice in a local newspaper which designates the time and place of auction where such notice has also been sent by registered mail to the registered owner of the sign at the address appearing on the last available sign application.

## **21. Offences**

- 1) No person shall;
  - a) Fail to comply with an order made pursuant to this Bylaw;
  - b) Obstruct or hinder any municipal inspector or any other person acting under the authority of this Bylaw; or
  - c) Fail to comply with any other provision of this Bylaw.
- 2) Every person who contravenes any provision of subsection (1) is guilty of an offence and liable on summary conviction:
  - a) In the case of an individual, to a fine not exceeding \$10,000 and, in the case of a continuing offence, to a further fine not exceeding \$2,500 for each day during which the offence continues;
  - b) In the case of a corporation, to a fine not exceeding a \$25,000 and, in the case of a continuing offence, to a further fine not exceeding \$2,500 for each day during which the offence continues.
- 3) In the event of non-payment of a fine imposed pursuant to clause 2(a), the individual convicted may be imprisoned for a term of not more than one year, unless the fine is paid sooner.

## **22. Repeal of Bylaw**

This bylaw replaces any regulations relating to portable signs in Zoning Bylaw 2003-2099.

**23. Fees**

The final passing of this bylaw will amend Fees Bylaw 2012-3231 and replace portable sign permit application fees and administration fees with the \$75 yearly registration fee as set by Council.

**24. Coming Into Force**

This bylaw shall come into force on the day of its final passing.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

READ a first time this 27<sup>th</sup> day of January A.D., 2014

READ a second time this 24<sup>th</sup> day of February A.D., 2014

READ a third time this 24<sup>th</sup> day of February A.D., 2014