


TITLE: By-law No. 6867 to Amend Temporary Sign By-Law No. 6854		
Regarding Vehicle and Trailer Signs		
PRESENTER: Theodore E. Snure, P.Eng. General Manager	AGENDA NO:	
DEPARTMENT: Development Services	DATE: April 23, 2007	
CLEARANCES: City Clerk _____	ATTACHMENTS: 1. Amending By-Law No. 6867 2. Consolidated By-law No. 6854	
APPROVALS:		
 _____	<u>May 2, 2007</u>	 _____
Department Head	Date	City Manager
		<u>02/05/07</u>
		Date

SUMMARY OF HISTORY/DISCUSSION & FUNDING:

On February 5, 2007, City Council approved By-Law No. 6854 the “Temporary Sign By-Law”. Section 3.7 of the by-law restricts the use of vehicles or trailers for the displaying of advertising:

“No person shall attach, affix or display or cause the display or attachment of any temporary sign on a vehicle or trailer which is parked or located for the primary purpose of displaying said sign or advertisement”.

This clause was included in the by-law to address the issue of vehicles or trailers being used to carry temporary signs such as placards, mobile signs, and/or banners. Unfortunately, this provision can also be interpreted to include signs or advertisements which are an integral part of the vehicle or trailer paint scheme. Examples of this would be commercial vehicles for contractors, developers and some commercial establishments. The City’s full bus advertisement is a similar example. Usually these vehicles or trailers are used as travel message devices however when parked, their primary purpose is not for displaying the sign or advertisement but is the fact that the vehicles or trailers are parked during the conduct of business, overnight or during the non-business hours.

We have had an instance where a commercial establishment has parked a vehicle or trailer on lands with the primary purpose being the display of the advertisement. Upon being notified of the violation, they have stored the vehicle and made an enquiry if these types of vehicles could be made to comply with the by-law.

In order to accommodate this type of sign or advertising on vehicles or trailers, an amendment to the temporary sign by-law is required. The proposed changes would allow vehicles and trailers with advertisements, which are an integral part of the paint scheme, to be considered mobile signs and could be located for the primary purpose of displaying the advertisement subject to the mobile sign provisions.

In addition to the proposed provisions for vehicle or trailer signs, we are proposing changes to the clauses in the by-law which provide authority to remove a sign at the owner's expense. These clauses are being changed to ensure that when signs are removed, the owner assumes the liability for said removal.

RECOMMENDATION

That By-Law No. 6867 to amend By-Law No. 6854 Temporary Sign By-Law regarding vehicle and trailer signs be read a first time.

BY-LAW NO. 6867

BEING A BY-LAW of The City of Brandon to further amend Temporary Sign By-law No. 6854.

WHEREAS the Council of the City of Brandon, in By-law No. 6854, established rules and regulations pertaining to the control of temporary signs on other than the public right-of-way within the corporate limits of the City of Brandon, to be known as the "Temporary Sign By-law@;

AND WHEREAS it is deemed necessary and expedient to amend said by-law to provide regulations for vehicle and trailer signs;

NOW THEREFORE the Council of The City of Brandon, duly assembled, enacts as follows:

1. That By-law No. 6854 be amended as follows:

(a) Section 2.0 DEFINITIONS by adding the following immediately after the definition of "temporary sign":

"vehicle and trailer signs" means a sign or advertisement affixed as an integral part of the vehicle paint scheme either by painting or decals and excludes all other means of construction, mounting or attachment of a sign or advertisement on a vehicle or trailer including but not limited to banners, metal, wood or plastic signs."

(b) PART II - GENERAL PROVISIONS, by adding the following as Section 3.7.1 immediately after Section 3.7:

"3.7.1 Notwithstanding Section 3.7, a temporary sign permit may be issued for a sign on a vehicle or trailer which is parked or located for the primary purpose of displaying said sign or advertisement subject to all other provisions of the by-law and to PART III - SPECIAL PROVISIONS, Section 8.7 Vehicle and Trailer Signs.";

(c) PART III – SPECIAL PROVISIONS, by

(i) deleting in subsection 8.1(n)(ii) the words: "expense of the owner" and substituting therefor the words "owner's expense and liability";

(ii) adding the following as Section 8.7 immediately after Section 8.6:

"8.7 Vehicle and Trailer Signs

In addition to the provisions of this by-law, signs on a vehicle or trailer cited in subsection 3.7.1 shall also conform to the following requirements:

(a) the sign or advertisement shall not be a banner, poster, or sign of wood, metal or plastic construction mounted, attached, or in some other method, secured to the vehicle or trailer, and must be a sign or advertisement which is an integral part of the paint scheme of a vehicle or trailer;

(b) the sign shall comply with all provisions in Section 8.1 Mobile Signs except for 8.1(c), and (d);

(c) the sign shall not occupy a site on which a temporary sign permit is presently active.";

(d) PART IV – PENALTIES, ENFORMENT AND ENACTMENT, by adding to subsection 9.4(a) and (b) the words: "and liability" after the word: "expense"; and

(e) Schedule "C" by adding the words: "Vehicle and Trailer Signs".

2. This By-law shall come into full force and take effect on the day following its passage.

DONE AND PASSED by the Council of The City of Brandon duly assembled this day of A.D. 2007.

MAYOR

CITY CLERK

Read a first time this	day of	A.D. 2007
Read a second time this	day of	A.D. 2007
Read a third time this	day of	A.D. 2007

CONTINUING CONSOLIDATION OF
BY-LAW NO. 6854

AS AMENDED BY BY-LAW NO. 6867.

BEING A BY-LAW of the City of Brandon to establish rules and regulations pertaining to the control of temporary signs on other than the public right-of-way within the corporate limits of the City of Brandon, and to be known as the "Temporary Sign By-law".

WHEREAS Section 232 of The Municipal Act, R.S.M. 1996, c.M225, authorizes Council to establish rules and regulations pertaining to signs;

NOW THEREFORE the Council of the City of Brandon in open session duly assembled enacts as follows:

PART I: INTERPRETATION, APPLICATION, DEFINITION

1.0 INTERPRETATION

This by-law is intended to control the use, placement, dimensions and other parameters of temporary signs permitted on all properties other than public right-of-ways within the corporate limits of the City of Brandon.

Words importing the singular number or the masculine gender only include more persons, parties or things of the same kind than one, and females as well as males and the converse.

A word interpreted in the singular number has a corresponding meaning when used in the plural.

2.0 DEFINITIONS

In this by-law:

"abandoned sign" means a temporary sign located on property which becomes vacant and unoccupied for a period of ninety (90) days or more, or any temporary sign which pertains to a time, event or purpose which no longer applies;

"address sign" means a fascia or ground sign on which the content is limited to the name and address of a place, building, business, organization, person or occupancy of the premises it identifies;

"banner" means a temporary sign or advertising device made from cloth, plastic or a similar lightweight non-rigid material;

"construction sign" means a sign which identifies a construction project and lists construction information relative thereto such as, but not limited to, project managers, major contractors, safety status, etc.;

"development application sign" means a temporary sign authorized by the Planning and Building Department of the City of Brandon related to a development application;

"development sign" means a sign which identifies prior to or during construction, the proposed development of, availability for development of, or the redevelopment of land, building, or a structure and the relevant information thereof;

"directional sign" means any on-premises sign intended for the temporary provision of directions or instructions for the control of vehicular or pedestrian traffic to or from a lot and shall include an entry and exit sign;

"garage sale sign" means a temporary sign advertising the sale of personal merchandise in a private garage sale;

“ground sign” means a permanent sign legally established pursuant to the City Zoning By-Law directly supported and permanently fixed to the ground without the aid of any other building or structure, which sign includes the names of owner(s) and/or tenant(s) and address and/or advertises goods, products, services or events that are sold, offered, or provided on the premises on which the sign is located and does not include any other sign defined in this By-Law;

“height” means the vertical distance measured from the average elevation of the finished grade immediately below a temporary sign to the highest point of the temporary sign inclusive of any support structure;

“mobile sign” means a sign designed to be easily relocated, usually has a metal support structure, has a sign face with fixed and/or movable letters, words, numerals or symbols and/or fixed or replaceable sign faces, indicating names of persons, places, or things, or events conducted upon or through the premises of the sign or identifies products or services. Mobile signs are sometimes referred to as “trava-signs” or may appear to be temporary billboards;

“official sign” means a permanent or temporary sign required by or erected under any statute or by-law or other directive of any federal, provincial or municipal government or agency thereof or any board or commission and to inform the public of the location of, for example, but not limited to: Business Improvement Areas, public buildings, hospitals, public libraries, institutions, places of worship, parks, recreational or educational facilities;

“on-premises sign” means a sign relating its content to the premises on which it is located;

“open house directional sign” means a temporary portable on-premise sign intended to direct traffic to the open house of a premises for sale or lease;

“owner” means the registered owner of the lands or premises, or the person or the person’s authorized agent in lawful control of a premises, building, occupancy, sign or other structures;

“person” means an individual, business, firm, corporation, association or partnership;

“poster” means a printed notice conveying information intended to be displayed for a temporary period of time and includes but is not limited to a bill, handbill, leaflet, notice, placard and election sign;

“premises” means a lot under registered ownership and includes all buildings and structures thereon;

“produce sign” means a sign on an A-frame, or a sign supported in an A-frame or other means of support whose primary purpose is the advertisement during the local growing and harvest season of farm produce for sale from a vehicle registered to the farm from which the produce is grown;

“real estate sign” means a sign advertising the sale, rental or lease of the premises upon which said sign is placed;

“repair and maintain” means anything done to preserve the condition of a temporary sign or to prevent the deterioration of the temporary sign and includes the restoration of a temporary sign by removing or replacing worn out, missing, damaged or broken parts;

“sandwich board sign” means an A-frame, free standing sign designed to attract pedestrian traffic as opposed to motorists which in a standing position, does not exceed 1.2 meters (4’) in height and 0.91 meters (3’) in width for the purposed of advertising daily specials for a premises;

“sight triangle” means in the case of a corner lot, the triangular space 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 3.0 meters measured along the street from the point of intersection of the street lines or any other sight triangle that is set out in a relevant section of the City of Brandon Zoning By-law and Traffic By-law, or in a site plan agreement, or a sight triangle otherwise approved by the City.

“*sign*” means any surface, sign structure and other component parts, which are used or capable of being used as a visual medium to attract attention to a specific subject matter for identification, information or advertising purposes and includes an advertising device or notice and excludes flags;

“*sign area*” means the entire area of a sign face;

“*sign face*” means the entire area of the surface of a sign including the border or frame together with any material forming an integral part of the background of the display or used to differentiate the sign from the backdrop or building against which it is erected. Where a sign is composed of individually installed letters, numerals or shapes, the sign face shall mean the area of the smallest polygon containing a maximum of eight (8) right angle sides that enclose the groupings of letters, numerals or shapes;

“*sign owner*” means the owner or lessee of a sign, or his agent. Where there is no owner, lessee or agents for a sign or such person cannot be determined with certainty, the sign owner shall be deemed to be the person or business having the use or major benefit of the sign, or if such person or business is unknown, the sign owner shall be deemed to be the registered owner of the land upon which the sign is situated;

“*sign permit sticker*” means an adhesive label signifying the issuance of a valid sign permit by the Planning and Building Department of the City of Brandon;

“*sign structure*” means anything used to support or brace a permanent or temporary sign face;

“*street line*” means the limit of the street allowance and is the dividing line between a lot and a street;

“*temporary sign*” means a sign not permanently affixed on the ground and designed in such a manner as to be capable of being moved from place to place, and includes signs affixed to the ground by a temporary anchoring system, such as, but not limited to, stakes or ballast, and include the classifications in Schedule “C”, attached hereto.

“**vehicle and trailer signs**” means a sign or advertisement affixed as an integral part of the vehicle paint scheme either by painting or decals and excludes all other means of construction, mounting or attachment or a sign or advertisement on a vehicle or trailer including but not limited to banners, metal, wood or plastic signs.”

[EN. B/L 6857]

PART II – GENERAL PROVISIONS

3.0 GENERAL PROVISIONS

3.1 No person shall erect, display, alter or allow or cause the erection, display or alteration of any temporary sign within the City of Brandon on publicly or privately owned lands without obtaining a permit under this by-law.

3.2 Notwithstanding subsection 3.1, a temporary sign permit is not required for the following temporary signs, however, all such signs shall comply with these and all other requirements of this by-law:

- (a) official signs or temporary signs pertaining exclusively to public safety;
- (b) a non-illuminated trespassing, safety or other warning sign not exceeding 0.5 m² (5.38 sq. ft.) in sign area;
- (c) an address sign not exceeding 0.2 m² (2.15 sq. ft.) in sign for a maximum of ninety (90) calendar days;

- (d) signs for use at community or charitable events, for a maximum of ten (10) calendar days per event;
 - (e) a directional sign for a maximum of ninety (90) calendar days;
 - (f) a sign other than an on-premises ground or fascia sign, erected, displayed, or stored on the business premises of a sign manufacturer or sign contractor;
 - (g) a real estate sign;
 - (h) a garage sale sign for the duration of the sale;
 - (i) an open house directional sign for the duration of the open house;
 - (j) a produce sign
 - (k) a sandwich board sign;
 - (l) a sign for a contractor undertaking landscaping, home repairs or renovations, provided such sign is erected no more than 2 calendar days prior to the commencement of the project and is removed from the property immediately after the project is completed;
 - (m) development application sign for the duration of the development application process.
- 3.3 Notwithstanding any other provisions of this by-law, the City may allow a temporary sign on any property it owns, but subsection 3.1 shall apply to any such temporary sign.
- 3.4 Any temporary sign not expressly permitted by this By-Law is prohibited and without limiting the generality of the foregoing, the following temporary signs are specifically prohibited:
- (a) abandoned sign;
 - (b) a poster;
 - (c) a sign located so as to obstruct the view of any pedestrian or motor vehicle driver so as to cause an unsafe condition;
 - (d) a sign interfering with or obstructing the view of an authorized traffic sign, traffic signal, or official sign or any sign capable of being confused with such a traffic sign, traffic signal, or official sign;
 - (e) a sign located within a sight triangle.
- 3.5 No person shall erect or cause the erection of a temporary sign in a location which may interfere with or damage any above or below ground municipal or utility services which have been lawfully placed at the location.
- 3.6 Except for an official sign, banner or sign pertaining exclusively to public safety, no person shall affix, attach or display or cause the display or attachment of any sign or advertisement on a utility pole or light standard.
- 3.7 No person shall attach, affix, or display or cause the display or attachment of any temporary sign on a vehicle or trailer which is parked or located for the primary purpose of displaying said sign or advertisement.
- 3.7.1 Notwithstanding Section 3.7, a temporary sign permit may be issued for a sign on a vehicle or trailer which is parked or located for the primary purpose of displaying said sign or advertisement subject to all other provisions of the by-law and to Part III - SPECIAL PROVISIONS, Section 8.7 Vehicle and Trailer Signs.
[EN. B/L 6867]**

- 3.8 Unless specified elsewhere in this by-law, permits for any temporary sign shall be issued only for businesses or uses located on the property on which the sign is to be located.

4.0 APPLICATION FOR A PERMIT

- 4.1 All temporary signs shall comply with all other applicable City of Brandon by-laws and all other applicable laws. All temporary signs shall be erected and designed in accordance with the sign manufacturer's requirements, the Manitoba Building Code, or other laws or regulations established to ensure the public's safety.
- 4.2 A permit application for a temporary sign as per the form attached hereto as Schedule "A", shall be completed and submitted to the Building Section of the Planning and Building Department of the City of Brandon, along with all necessary plans and drawings, and payment of all applicable fees as set out in the Schedule "B" attached hereto.
- 4.3 Where the temporary sign permit application meets all the requirements of this by-law and any other applicable laws, a temporary sign permit sticker shall be issued by the Planning and Building Department of the City of Brandon.
- 4.4 Applicants are required to submit plans and drawings accompanying a sign permit application for a temporary sign. All plans and drawings shall be provided in duplicate and shall contain the following information:
- (a) a key plan showing the general location of the land on which the proposed sign is to be located and nearest intersection adjacent to the land;
 - (b) a plan of the land drawn to metric scale showing all existing buildings, parking spaces, landscaped areas, ingress and egress points, and existing permanent free standing signs;
 - (c) the municipal address and legal description of the premises;
 - (d) the existing or proposed use of the premises;
 - (e) the zoning category of the premises;
 - (f) the location and dimensions of the frontage and all boundaries of the premises on which the sign is proposed to be erected;
 - (g) the location of the proposed sign on the premises;
 - (h) details of the sign drawn to scale, including dimensions, sign area and any other information as may be required to determine compliance with this by-law;
 - (i) authorization of the owner of the premises on which the sign is to be erected or displayed;
 - (j) the distance from the sign to the nearest street line, sidewalk, driveway, permanent sign, and other temporary sign(s) in accordance with the provisions in this by-law;
 - (k) proposed method of securing the sign.

5.0 EXPIRATION OF A TEMPORARY SIGN PERMIT

- 5.1 A valid temporary sign permit sticker issued by the Planning and Building Department of the City of Brandon shall be affixed to the temporary sign for which the permit has been issued and said sticker shall be clearly displayed on the sign.
- 5.2 Every permit and temporary sign permit sticker issued by the City shall expire as per the special provisions stated in this by-law.

6.0 MAINTENANCE OF SIGNS

- 6.1 The owner of any temporary sign, shall maintain or cause such temporary sign to be maintained in a proper state of repair, so that such temporary sign remains completely operative at all times and does not become unsafe, defective, or dangerous.
- 6.2 Maintenance or repairs using materials identical to the materials of the component being maintained or repaired does not constitute an alteration so as to require a new temporary sign permit to be issued.

7.0 REVOCAION OF A TEMPORARY SIGN PERMIT

The City may revoke a permit under the following circumstances:

- 7.1 where the permit has been issued in error by the City; or
- 7.2 where the temporary sign does not conform to this By-Law, the Manitoba Building Code, or any other applicable regulation or legislation; or
- 7.3 where the permit has been issued as the result of false, mistaken, incorrect, or misleading statements or undertakings on the application.

PART III – SPECIAL PROVISIONS

8.0 TEMPORARY SIGN CLASSIFCIATIONS AND PROVISIONS

8.1 Mobile Signs

In addition to the provisions in this by-law, mobile signs shall also conform to the following requirements:

- (a) no mobile sign or portion thereof may be converted into a ground sign, fascia sign or incorporated into an existing ground or fascia sign;
- (b) are only permitted in the “C” Commercial (excepting “CR” – Commercial Restricted Zone), “M” Industrial, and “EI” Educations and Institutional Zones identified in the City of Brandon Zoning By-Law No. 6642;
- (c) contain no more than two (2) sign faces and each sign face shall have a maximum of 6.0 m²;
- (d) not exceed 2.5 meters in height above grade;
- (e) unless the height of the mobile sign is less than 0.8 meters above average ground height, no mobile sign shall be located within:
- (i) 3.0 meters of any access to a site;
 - (ii) 3.0 meters of any intersection;
 - (iii) 3.0 meters of any fire hydrant;
 - (iv) 4.0 meters of a street curb;
- (f) shall be setback 1.0 meters from street line;
- (g) shall be no closer than 25 meters from another mobile sign;
- (h) shall be no closer than 30 meters from any residential zone boundary;

- (i) a maximum of one (1) mobile sign may be erected per site except:
 - (i) where more than one (1) business or use occupies a building, each business or use may have a mobile sign up to a maximum of three (3) mobile signs per site, maintaining minimum separation distance. Multiple tenancy properties may have up to three (3) mobile signs providing that there is 25.0 meters of street frontage for each sign, and that the signs are separated from each other by 25.0 meters;
 - (ii) a property must have a minimum site frontage of 25.0 meters to qualify for placement of a mobile sign. For sites less than 25.0 meters, adjacent properties may be combined provided the adjacent properties are in zoning designations in subsection 8.1 (b) to form a site of 25.0 meters, and the applicant provides with his permit application written consent from the adjacent property owners;
- (j) no mobile sign shall be located so as to obstruct a required parking space required by the City of Brandon Zoning By-Law;
- (k) a mobile sign may be erected for a maximum duration of six (6) months or during intervals of one or more months, totaling no more than six (6) months in a calendar year;
- (l) special provisions 8.1(e) and 8.1(f) may be relaxed or waived at the discretion of the General Manager of Development Services if, in the opinion of the General Manager, exceptional or extenuating circumstances require that a mobile sign be located in such a way that it would normally contravene the regulations but not be injurious to the public's safety;
- (m) notwithstanding subsection 3.8, persons applying for a Temporary Sign Permit to locate a mobile sign on property other than that which is owned or leased by the applicant shall require the written consent of the property owner and comply with all other provisions of this by-law prior to the permit being issued;
- (n) where a mobile sign has been affixed, erected or otherwise displayed in contravention of any provisions of this By-Law, the General Manager may:
 - (i) notify or order the owner to:
 - 1) repair the mobile sign;
 - 2) pull down or remove the mobile sign;
 - 3) make the mobile sign comply with the provisions of this By-Law;or
 - (ii) take action at **the owner's expense and liability** to pull down or remove such mobile sign;
[AM. B/L 6867]
- (o) failure of the owner to pay the costs of the City of Brandon to take action in 8.1(n)(ii) will result in the City of Brandon adding the costs to the owner's tax bill pursuant to subsection 9.5 of this by-law.

8.2 Development Signs

In addition to the provisions of this by-law, development signs shall also conform to the following requirements:

- (a) are permitted in all zones identified in the City of Brandon Zoning By-law No. 6642;
- (b) shall contain only one (1) sign face and have a maximum sign area of 5.0m²;

- (c) shall not exceed 4.5 meters in height above grade;
- (d) shall be set back a minimum of 1.0 meters from any site line or street line;
- (e) a maximum of one (1) sign may be erected per street frontage;
- (f) may be erected for a maximum of six (6) months, or during intervals of one (1) or more months, totaling no more than six (6) months in a calendar year for a development permit sign advertising properties available for development.;
- (g) may be erected for the duration of an active development project from the date a construction permit is issued until the completion of construction.

8.3 Construction Signs

In addition to the provisions of this by-law, construction signs shall also conform to the following requirements:

- (a) are permitted in all zones identified in the City of Brandon Zoning By-law No. 6642;
- (b) shall contain only one (1) sign face and have a maximum sign area of 5.0 m²;
- (c) shall not exceed 6.0 meters in height above grade;
- (d) shall be set back a minimum of 1.0 meters from any site line or street line;
- (e) a maximum of one (1) sign may be erected per street frontage;
- (f) may be erected for the duration of the construction project.

8.4 Real Estate Signs

In addition to the provisions of this by-law, real estate signs shall also conform to the following requirements:

- (a) are permitted in all zones identified in the City of Brandon Zoning By-law No. 6642;
- (b) shall contain no more than two (2) sign faces and each sign face shall have a maximum sign area of 2.0m²;
- (c) shall not exceed 1.8 meters in height above grade;
- (d) shall be set back a minimum of 1.0 meters from a site line or a street line;
- (e) a maximum of one (1) sign may be erected per street frontage;
- (f) may be erected for the duration of the sale of the premises.

8.5 Produce Signs

In addition to the provisions of this by-law, produce signs shall also conform to the following requirements:

- (a) are only permitted in the "C" Commercial (except "CR" Commercial Restricted Zone) and "M" Industrial Zones identified in the City of Brandon Zoning By-law No. 6642;

- (b) shall contain no more than one (1) sign face and shall have a maximum sign area of 2.0m²;
- (c) shall not exceed 1.8m² in height above grade;
- (d) shall be set back a minimum of 1.0 meters from a site line or street line;
- (e) a maximum of one (1) sign per premises, and must be erected within 2.0 meters of the point of sale;
- (f) may be erected for the duration of business hours of the sale advertised.

8.6 Sandwich Board Signs

In addition to the provisions of this by-law, sandwich board signs shall also conform to the following requirements:

- (a) are only permitted in the “C” Commercial (excepting “CR” Commercial Restricted Zone) and “M” Industrial Zones identified in the City of Brandon Zoning By-law No. 6642;
- (b) shall contain no more than two (2) sign faces and each sign face shall have a maximum sign area of 0.56m²;
- (c) shall not exceed 0.91 meters in height above grade;
- (d) shall be setback a minimum of 1.0 meters from any site line or street line;
- (e) a maximum of one (1) sign per business unit may be erected per street frontage;
- (f) may be erected daily during business hours.

8.7 Vehicle and Trailer Signs

In addition to the provisions of this by-law, signs on a vehicle or trailer cited in subsection 3.7.1 shall also conform to the following requirements:

- a) **the sign or advertisement shall not be a banner, poster or sign of wood, metal or plastic construction mounted, attached, or in some other method, secured to the vehicle or trailer, and must be a sign or advertisement which is an integral part of the paint scheme of a vehicle or trailer;**
- (b) **the sign shall comply with all provisions in Section 8.1 Mobile Signs except for 8.1(c) and (d);**
- (c) **the sign shall not occupy a site on which a temporary sign permit is presently active.**
[EN. B/L 6867]

PART IV: PENALTIES, ENFORCMENTANDENACTMENT

9.0 PENALTIES AND ENFORCEMENT

- 9.1 Any person who contravenes, neglects, omits or fails to obey or observe any provision of this by-law is guilty of an offense and is liable on summary conviction to a fine not exceeding one thousand dollars (\$1,000) and costs on conviction, or to imprisonment for a term not exceeding thirty (30) days or to both such a fine and such an imprisonment.

- 9.2 Where the contravention, refusal, neglect, omission or failure continues for more than one (1) day, the person is guilty of a separate offense for each day that it continues.
- 9.3 The above fines and penalties shall be in addition to any replacement and/or repair costs which the person has caused the City of Brandon to suffer due to the person violating any of the provisions of this by-law.
- 9.4 Where a temporary sign is affixed, erected or otherwise displayed in contravention of this by-law, in addition to any other action that the General Manager of Development Services of the City of Brandon takes under this by-law, the General Manager may:
- (a) immediately remove such temporary sign at the expense **and liability** of the temporary sign owner or any other person responsible for the erection or display of such temporary sign without notice if:
 - (i) the temporary sign constitutes a safety hazard or concern; or
 - (ii) the temporary sign or a portion of the temporary sign is located on public property; or
 - (b) issue a notice to the owner or any other person responsible for the erection or display of such temporary sign to remove, repair or replace the temporary sign, or otherwise make the temporary sign comply with the provisions of the by-law. Failure to comply with the notice by the time and date as stipulated may result in the removal of such temporary sign by the City of Brandon at the expense **and liability** of the temporary sign owner or such other person responsible for the erection or display of the temporary sign.
- [AM. B/L 6867]
- 9.5 Any expense incurred by the City of Brandon as a result of the work conducted by the City of Brandon pursuant to subsections 8.1(o) or 9.4 may be recovered by action or by adding the costs to the tax roll and collecting them in the same manner as taxes.
- 9.6 Any temporary sign removed by the City of Brandon pursuant to this by-law shall be stored for thirty (30) days, unless:
- (a) the temporary sign is redeemed by the owner of the temporary sign or his agent pursuant to subsection 9.7 or
 - (b) the size of the temporary sign is 1.0 m² (10 sq. ft.) or less, in which case the General Manager may direct that the temporary sign be destroyed or disposed of in any manner he deems fit at any time without further notice; or
 - (c) the temporary sign is a banner, in which case the General Manager may direct that the temporary sign be destroyed or disposed of in any manner he deems fit at any time without further notice.
- 9.7 Except for a temporary sign described in subsections 9.6 (b) and 9.6 (c), the owner of a temporary sign or his agent may redeem a temporary sign that has been removed and stored by the City of Brandon by:
- (a) completing a signed acknowledgement and release on the prescribed form; and
 - (b) paying the applicable removal and storage fee.
- 9.8 The fee for the removal of a temporary sign under this by-law is \$200.00 per temporary sign or the City of Brandon's actual cost plus 40% for removing the temporary sign, whichever is greater.
- 9.9 The storage fee for temporary signs removed under this by-law shall be \$50.00 per temporary sign per calendar day or part thereof.

- 9.10 Any temporary sign that is stored by the City of Brandon for more than thirty (30) calendar days and not redeemed by the owner of the temporary sign or his agent within that period of time may be destroyed or otherwise disposed of by the General Manager without further notice.
- 9.11 Nothing in this section shall limit the City of Brandon from enforcing the provisions of this By-Law by any other action or remedy permitted in law.

10.0 VALIDITY

If a Court of competent jurisdiction declares any section or part of a section of this By-Law invalid, it is the intention of Council that the remainder of this by-law shall continue to be in force.

11.0 EFFECTIVE DATE

This by-law shall come into full force and effect on the date following its final passage.

DONE AND PASSED by the Council of the City of Brandon duly assembled this 5th day of February A.D. 2007.

"D. K. Burgess"
Mayor

"C. R. Arvisais"
City Clerk

Read a first	time on the	22 nd	day of	January	A.D. 2007
Read a second	time on the	5 th	day of	February	A.D. 2007
Read a third	time on the	5 th	day of	February	A.D. 2007

I, Conrad Robert Arvisais, Clerk of the City of Brandon, DO HERERBY CERTIFY the above to be a true and correct copy of By-law No. 6854, as amended by By-law No. 6867.

C. R. Arvisais, City Clerk

SCHEDULE "A"
to TEMPORARY SIGN BY-LAW NO. 6854

APPLICATION FORM FOR PERMIT

Building Permits & Inspections

Permit Application

Address		Roll Number	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Owner(s)	Legal Description
<input type="text"/>	L/B/P <input type="text"/>
<input type="text"/>	Q/S/T/F <input type="text"/>
<input type="text"/>	Zoning <input type="text"/>
<input type="text"/>	Property Flag <input type="text"/>

Applications:	<input type="text"/>	Unofficial Street Address: Number <input type="text"/> Street Name <input type="text"/> Dir <input type="text"/>
<input type="text"/>	<input type="text"/>	Cost of Construction \$ <input type="text"/>

Description of Work:

Comments:

Received: By: Permit Type: Category:

Applicant(s):

<input type="text"/>	<input type="text"/>	<input type="text"/>	Same as owner <input type="checkbox"/>
<input type="text"/>	<input type="text"/>	H: <input type="text"/>	Same as Contractor <input type="checkbox"/>
<input type="text"/>	<input type="text"/>	W: <input type="text"/>	
<input type="text"/>	<input type="text"/>	C: <input type="text"/>	
<input type="text"/>	<input type="text"/>	Fax: <input type="text"/>	

Building Owner(s):

<input type="text"/>	<input type="text"/>	<input type="text"/>	Same as owner <input type="checkbox"/>
<input type="text"/>	<input type="text"/>	H: <input type="text"/>	
<input type="text"/>	<input type="text"/>	W: <input type="text"/>	
<input type="text"/>	<input type="text"/>	C: <input type="text"/>	
<input type="text"/>	<input type="text"/>	Fax: <input type="text"/>	

Contractor(s):

Lookup Company #

<input type="text"/>	<input type="text"/>	<input type="text"/>	Same as owner <input type="checkbox"/>
<input type="text"/>	<input type="text"/>	H: <input type="text"/>	Add to lookup <input type="checkbox"/>
<input type="text"/>	<input type="text"/>	W: <input type="text"/>	
<input type="text"/>	<input type="text"/>	C: <input type="text"/>	
<input type="text"/>	<input type="text"/>	Fax: <input type="text"/>	

Architect(s):

Lookup Company #

<input type="text"/>	<input type="text"/>	<input type="text"/>	Add to lookup <input type="checkbox"/>
<input type="text"/>	<input type="text"/>	H: <input type="text"/>	
<input type="text"/>	<input type="text"/>	W: <input type="text"/>	
<input type="text"/>	<input type="text"/>	C: <input type="text"/>	
<input type="text"/>	<input type="text"/>	Fax: <input type="text"/>	

SCHEDULE "B"
to TEMPORARY SIGN BY-LAW NO. 6854

FEE SCHEDULE

Temporary Sign Permit (separate permit for each sign)	\$90.00
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SCHEDULE "C"
To TEMPORARY SIGN BY-LAW NO. 6854

CLASSIFICATIONS OF TEMPORARY SIGNS

- Mobile Signs
- Produce Signs
- Development Signs
 - typically "future home of ..." style
 - availability for development
- Real Estate Signs
- Construction Signs
 - identification of site builder, contractors, funding agreements
- Sandwich Board Signs
- **Vehicle and Trailer Signs**

[AM. B/L 6867]