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October 14, 2015  
10:27

# VILLAGE OF GAGETOWN

## SIGNAGE BY-LAW BY-LAW NO. 39

I certify that this instrument  
is recorded or filed in the  
Queens  
County Registry Office,  
New Brunswick

J'atteste que cet instrument est  
enregistré ou déposé au bureau  
de l'enregistrement du comté de  
Nouveau-Brunswick

Oct 14 2015 10:27 35339341  
date/date time/heure number/numéro  
Diana S. Tucker  
Dp Registrar-Conservateur

The Council of the Village of Gagetown enacts as follows:

**SECTION 1: TITLE & INTERPRETATION**

1.1 This By-Law may be cited as the "Village of Gagetown Signage By-Law No.39" and it hereby repeals and replaces the former "Signage By-Law No.31" and all amendments thereto.

1.2 The provisions of the By-Law are servable. If for, any reason, a provision is held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this by-law.

**SECTION 2: DEFINITIONS**

2.1 In this By-Law:

**NON-PROFIT ORGANIZATION** means a corporation, society, organization or body organized and operated exclusively for a social welfare, civic improvement, pleasure or recreation or for any purpose except profit, no part of the income of which is payable to, or otherwise available for the benefit of any proprietor, member of shareholder thereof.

**PORTABLE SIGN** means any sign which is specially designed or intended to be readily moved from one location or another and which does not rely on a building or fixed foundation for its structural support, and includes signs commonly known as an "A-Board" or "Mobile Sign", and inflatable or fabric devices and banners (excluding Nation or Provincial flags which are not for advertising or announcement purposes) tethered to any building, structure, vehicle or other device.

**PROPERTY** means one parcel of land described in a deed or subdivision plan.

**SIGN** means any identification, description, illustration or information device, illuminated or non-illuminated, which provides information as to product, place, activity, person, institution or business or any other matter, and which is displayed in the interior of a building in such a manner as to be visible from outside the boundaries of the property.

**BILLBOARD SIGN** means a sign with one face larger than three (3) square metres, independently and permanently fixed to the ground or entirely attached to, and supported by, a wall of a building, or to a structure associated with, or joined to, a building, and of which both sides are visible.

**FIXED SIGN** means a sign that is painted on, attached to and supported by a wall of a building or structure or by a fence or wall or by a canopy and of which only one side is visible.

**MINOR INFORMATION AND DIRECTION SIGNS** means a sign, no larger than 0.12 square metres, on a commercial or residential property which confer a service by identifying the names of residents and businesses identify parking areas, warn against trespass, point to secondary entrances, advice on the presence of children playing, and similar functional uses.

**FREESTANDING FIXED SIGN** means a sign independently and permanently fixed to the ground, and of which both sides are visible.

**PROJECTING SIGN** means a fixed sign which is wholly or partially dependent on a building or structure for support and which projects beyond such building or structure in such a way that both sides are substantially visible.

### **SECTION 3: ADMINISTRATION & PERMITTING**

3.1 Council recognizes that it may be perceived by some businesses that they would be harmed if they were required to conform to the detailed requirements of this by-law, and recognizes also that in the recent past the existing signage clauses of the Rural Plan have not been consistently enforced. Bearing these points in mind, Council is specifically granted the authority to issue a variance to any clause of this by-law, subject only to these conditions.

- a) That the Development Officer certifies to Council that to refuse a request from a business for a variance to a particular clause would give rise to special hardship, or that
- b) The applicant has demonstrated to the satisfaction of the Development Officer that special circumstances exist which, if ignored, would give rise to significant commercial loss or would put the business at an unfair commercial disadvantage to its competitors in the village, or that
- c) The business has proven to the satisfaction of the Development Officer that it requires more time to come into compliance with the new by-law's standards.

3.2 An application for a sign permit shall be made in writing to the Development Officer by delivering it to the Village Clerk at the Gagetown Municipal Offices. Such application shall be made by completing attached A-1 form.

- a) In the case of a Special Event, a signed statement from the applicant that all permitted signs will be removed from all locations as soon as possible after the event, but in no case later than one week after the event, and that he or she will be responsible for such removal.
- b) An application fee in the amount of \$50 shall be received for an illuminated, fixed, portable, free-standing, projecting, and billboard sign of any kind. Minor Information and Direction signs require a permit only if a total of more than two are required on a single property, but do not incur an application fee.

### **SECTION 4: STOP ORDERS, RECORDS, & ENFORCEMENT**

4.1 Whenever a sign is found to exist, or is erected, altered, or placed in violation of the administrative procedures and other clauses of this by-law, the Development Officer shall inform the person responsible for the sign of the requirements of this by-law, and request compliance with its terms. If at his/her discretion he/she subsequently finds it necessary, he/she shall order, in writing, that project stopped and/or the sign removed until such violation has been rectified. The issuance of a stop order shall be reported forthwith to Council.

4.2 The Development Officer shall keep proper records of all applications received, permits and stop orders issued, inspections made, and any other documents connected with the administration of this by-law. The originals of any and all such records shall be kept in files located in the Village Office.

4.3 Any person who violates any provision of this by-law is guilty of an offence and upon conviction is liable to a minimum fine of \$100 and a maximum fine of \$500. Offences under this by-law are addressed under Part II of the Provincial Offences Procedure Act as a Category B offence. Each day such offence continues shall be deemed to constitute a separate offence.

#### **SECTION 5: GENERAL REQUIREMENTS**

5.1 No person shall erect, place or permit on lands owned, rented or leased or occupied by them, any fixed or portable sign other than in accordance with this by-law, and specifically without having first obtained a sign permit from the Development Officer for that sign.

5.2 No person shall erect, place or permit to be erected or placed, or allow to remain on the lands owned or occupied by them, any fixed or portable sign in a location on those lands other than the location indicated on the site plan for which the permit is granted.

5.3 No person shall permit a sign to remain on lands owned or occupied by him/her that is deteriorated, damaged, upset, dislodged, torn, partly illegible, with no message or with a message which is significantly misleading or out of date. A sign may not advertise an activity, business, product or service no longer conducted on the premises or property, and in such case shall be removed by the responsible party within 30 days of the date of discontinuance of the business etc. In this specific context, a seasonal business which is temporarily closed for the off season may so indicate by an appropriate notice affixed to a permitted sign. In the case of a disagreement about a sign's condition or wording, the decision of the Development Officer is final.

5.4 The word "open" on a sign shall be interpreted strictly to mean that the business or location is open and able to receive customers or visitors at that time, and shall only be posted during such hours. Such a word shall only be used on a sign on or immediately adjacent to the business or activity to which it refers.

5.5 No sign shall advertise or promote any business, event or any other person or thing which is not located within the boundaries of the Village of Gagetown.

5.6 With the exception of a billboard, a sign shall normally relate only to the use of the property upon which it is located, but Council shall (on the advice of the Development Officer) have the authority in special circumstances to issue a variance to this rule. The onus shall be on the applicant to demonstrate that such special circumstances do indeed exist.

5.7 Signs shall:

- a) not be placed in such a manner so as to inhibit the safe movement or parking of vehicles, nor to impede the safe motion of pedestrians;
- b) not have a size, location, colouring or manner of illumination which may be confused with, construed as, or tend to hide from view, any traffic control device;
- c) not be an imitation of a traffic control device or contain the words "stop" "go" "look" "danger" "yield" or any similar words, phrases, symbols lights, or characters used in a manner which may mislead confuse or otherwise interfere with traffic along a public road;
- d) not be located at or near a sharp road curve or below the crest of a hill;
- e) not obstruct free ingress or egress from a fire escape, door, window or other required exit;
- f) not be painted on or attached to or cover or partially cover a roof;
- g) not be painted on a tree, stone, cliff or other natural object;

- h) not be placed upon any portion of a roadway, public utility or lot administered by any level or government or government agency without the consent of the appropriate body;
- i) not incorporate a searchlight, stringlight, spinner, or streamer;
- j) if illuminated, be shielded and focused to light up, in a continuous and non-flashing manner, only the surface area; and
- k) not be fixed to any post, pole or structure or traffic sign placed or owned by the municipality, or telephone or electric power utility pole.

#### **SECTION 6: NUMBER OF SIGNS**

6.1 The total number of signs allowed to be placed on a single property or erected by or on behalf of a single business or person shall not exceed one per sign type, and two for any combination of sign types.

6.2 Any signs that are Open, Closed, Menu, Minor, Commemorative, or Interpretive signs, as indicated below, shall be exempt from the requirement of a permit and the inclusion of the counted number of signs stated in section 6.1.

- a) Any business, including a home based business or art/craft studio, may post a non-illuminated sign with the words "open" and (separately) "closed" during the appropriate hours on or close to the entrance door or in a nearby window. Such signs may also show information about the regular hours of business, shall not exceed 0.4 meters (about 15.5") in any dimension, and shall not be placed higher than 0.3 meters (about 12") below the top of the entrance door.
- b) A food service business may post a similarly sized non-illuminated sign with its menu in a similar location, but with no restriction as to the hours of a posting.
- c) A total of two Minor Information and Direction signs.
- d) Commemorative, official, historical or heritage related plaques, signs and similar notices and displays less than 0.3 metres in any dimension, at the Development Officer's discretion (to prevent abuse).
- e) Interpretive and informational signs and displays within officially zoned parks, recreation and wildlife areas, at the Development Officer's discretion (to prevent abuse).

#### **SECTION 7: ILLUMINATED SIGNS**

7.1 Notwithstanding any section in this by-law, all illuminated signs require a permit. Council may refuse to give a permit for an illuminated sign on any location with a domestic residence either immediately adjacent or opposite. Council may also impose conditions on the granting of a permit for an illuminated sign, including but not restricted to the allowed hours of illumination, the colours, the brightness, etc., so as to ensure that all such signs fit in with the character of the area, and do not adversely affect any residential or commercial property owners in the immediate area to an extent judged unreasonable by the Council.

#### **SECTION 8: FREESTANDING FIXED SIGNS**

8.1 Freestanding fixed signs are permitted upon property used commercially or industrially, including home businesses and art/craft studios, provided that they are of a size, height, design, illumination and installation such that they fit in with the character of the area and of the building, and do not adversely affect any residential or commercial property owners in the immediate area to an extent judged unreasonably by the Development Officer.

- a) A freestanding sign may not exceed a maximum height of 5 meters (about 16'5").
- b) The number of freestanding signs may not exceed one per lot or business.
- c) A freestanding fixed sign may not exceed a total surface area of 2 sq metres (about 22 sq ft) of which any one side may be no more than 1 sq metre (about 11 sq ft).

- d) A freestanding sign may not be located closer to any street line than 2 metres (about 6'7").
- e) On a corner lot, a freestanding sign may not be placed within the triangular space bounded by the street lines and a line joining points on the street lines at a distance of 7 metres (about 23') from their point of intersection, or so as to obstruct the view of a driver of a vehicle approaching the intersection.

## **SECTION 9: FIXED SIGNS**

9.1 Fixed signs are permitted on any non-residential property and on a residential property with a home based business located within it, provided that they are of a size, height, design, illumination and installation such that they fit in with the character of the area, the property and the building, do not adversely affect road and pedestrian traffic, and do not adversely affect any residential or commercial property owners in the immediate area to an extent judged unreasonable by the Development Officer and the total visible surface does not exceed 1 square metre (about 11 sq ft). A fixed sign may have a space within it designed to accommodate variable content provided that the intent to have variable wording within such a space is declared at the time of original application for a permit.

## **SECTION 10: PORTABLE SIGNS**

10.1 Portable signs are permitted on any non-residential property, and on a residential property with a home business operated within it, provide that such signs have a maximum of two sides used for signage, and provided that they are of a size, height, design, illumination and installations such that they fit in with the character of the area, the property and the building, and do not adversely affect road and pedestrian traffic or any residential or commercial property owners in the immediate area to an extent judged unreasonable by the Development Officer, and

- a) Do not exceed a maximum surface area of 0.3 metres (about 3 square feet) per side; and
- b) Do not occur closer to a street line than 2 metres (about 6'7"); and
- c) Are placed in position only during the times which the business is open and able to receive customers or visitors; and are designed and placed in position in such manner as to ensure that they are stable given the weather conditions existing or forecast at the time.
- d) May be designed to have wording which can vary from time to time as the event, product or business circumstances shall reasonably require. For example only, a restaurant may post a notice on a portable sign to announce in advance a brunch, musical evening, menu change etc., provided that clause 10.1(c) is complied with, and that the intent to have variable wording is declared at the time of original application for a permit.

## **SECTION 11: PROJECTING SIGNS**

11.1 Projecting signs are permitted on any non-residential property and on a residential property with a home based business located within it, provided that they are of size, height, design, illumination and installation such that they fit in with the character of the area, the property and the building, and do not adversely affect road and pedestrian traffic or any residential or commercial property owner in the immediate area to an extent judged unreasonable by the Development Officer and the total visible surface area (calculated as the sum of both visible sides) does not exceed 1 square metre (about 11 sq ft); and

- a) Do not project beyond 1 metre (about 3'3") from a building, wall or other structure, nor protrude within 2 metres (about 6'7") of a street line nor fail to clear the ground by 3 metres (about 9'10");
- b) Do not project over a lot line; and
- c) Do not project more than 1.5 metres (about 4'11") above the top of any main wall or parapet to which it is affixed.

## **SECTION 12: BILLBOARD SIGNS**

- 12.1 Billboard signs are permitted on lots used industrially, provided that such a sign does not:
- a) exceed one per lot, exceed a maximum height of 10 metres (32'10");
  - b) exceed a total area of 18 square metres (194 square feet); and
  - c) occur closer to the street line than 2 meters (6'7").

## **SECTION 13: MINOR INFORMATION AND DIRECTION SIGNS**

- 13.1 Two of these are permitted on any property, both residential and non residential, without a permit. These signs shall not:
- a) exceed more than 0.4 metres in one dimension (about 15.4") and 0.3 metres (about 12") in the other.
  - b) If a business or property owner requires more than two such minor signs on any one property, he or she shall apply for a permit, for which there will be no fee.

## **SECTION 14: EXEMPTIONS FROM THIS BY-LAW**

- 14.1 A sign shall be exempt from this by-law if it is:
- a) permitted or required in accordance with the *Posting Signs on Land regulation, Fish and Wildlife Act*, and any other applicable Federal or Provincial Act or Village of Gagetown by-law, including traffic control signs and devices in accordance with the *Traffic Control Act*;
  - b) a construction sign on an active construction site, that identifies the responsible professionals, contractors etc. and other construction details for any one project provided that it does not exceed 6 square metres in area, and is removed on completion or occupancy of the project, whichever is earlier;
  - c) a temporary political sign provided that it is not posted prior to the calling of an election, is removed within seven days afterwards, does not obscure any other legally posted signs, does not obstruct a public right of way, and does not cause a traffic hazard by way of obscuring traffic signs or the sightline of drivers or pedestrians required for safety;
  - d) a real estate sign that is not illuminated, advertising the sale, rent or lease of any premises, provided that it is located on the property referred to, and that it is no larger than 0.5 meters in any dimension, and not more than 1.5 metres (about 4'10") in height;
  - e) a multi-lot real estate listing not located upon properties being sold;
  - f) a temporary sign of less than 0.2 square metres (about 1.8 sq ft) for private and limited non-profit events such as a garage sale on a single site, a church supper, etc. In deciding as to whether a given event or sign qualifies under this clause, the decision of the clerk is final;
  - g) a direction and/or information and/or warning sign erected by or on behalf of the Village of Gagetown.

**SECTION 15: ENACTMENT**

This is to certify that By-Law No. 39, "Signage By-Law" has been enacted by the Village Council of the Village of Gagetown and that the said by-law received:

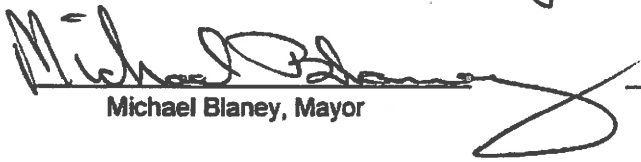
First Reading: September 15, 2014

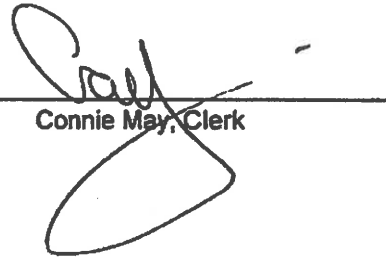
Second Reading: September 15, 2014

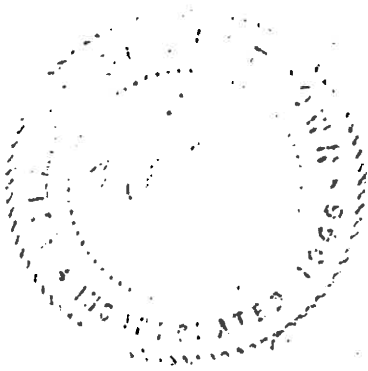
Third Reading: January 19, 2015

This By-Law shall come into full force and take effect and be binding on all persons as of and from the date filed at the Registry Office.

GIVEN under the hands of the Mayor and the Chief Administrative Officer and under corporate seal of the Village of Gagetown this 19 day of January, A. D. 2015.

  
Michael Blaney, Mayor

  
Connie May, Clerk



***Village of Gagetown***  
68 Babbit Street  
Gagetown, NB  
E5M 1C8

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Phone: 506-488-3567

[gagetnvl@nbnet.nb.ca](mailto:gagetnvl@nbnet.nb.ca)

**Schedule A-1**

**Sign Permit**

Permit Number: \_\_\_\_\_

Issue Date: \_\_\_\_\_

Fee Paid: \_\_\_\_\_

Name: \_\_\_\_\_

Description: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Location: \_\_\_\_\_

Size: \_\_\_\_\_

Applicant:  
\_\_\_\_\_

Development Officer:  
\_\_\_\_\_