

**THE CITY OF CORNER BROOK
THIRD PARTY and DIGITAL SIGNAGE REGULATIONS**

Pursuant to the powers vested in it under Sections 249, 250, 251, 252, 438 and 439 of the *City of Corner Brook Act R.S.N.L. 1990 c. C-15*, as amended, and all other powers it enabling, the Corner Brook City Council, in a session convened on the ____ day of _____, 2017, hereby passes and enacts the following regulations relating to placement, erection, maintenance, and permitting of thirds party and digital signage in the City of Corner Brook:

1. These Regulations may be cited as the City of Corner Brook Third Party and Digital Signage Regulations.

2. DEFINITIONS:

For the purpose of these regulations:

- a) ADVERTISEMENT – means any word, letter, model, sign, placard, notice, device or representation, whether illuminated or not, whether two dimensional or three dimensional, in the nature of and wholly or in part for the purposes of advertisement, announcement or direction and including any boarding or similar structure used or adapted for use for the display of advertisements but excluding functional advertisement of Council or the department or division of the Province of Newfoundland and Labrador responsible for Transportation and Works ;
- b) AUTHORITY – means the Council of the City of Corner Brook or those employees so designated tin writing by Council.
- c) CITY - means the City of Corner Brook as continued under the *City of Corner Brook Act RSNL 1990 Ch.C-15* ;
- d) COUNCIL - means the Corner Brook City Council as continued under the *City of Corner Brook Act RSNL 1990 Ch.C-15*;
- e) CURB – means the line of the established curb in front of a building measured to the street side of the curb;
- f) DIGITAL SIGN - means any sign that is remotely changed on or off site and incorporates a technology or method allowing sign copy to be changed without having to physically or mechanically replace the sign face or its components. Such signage may include but is not limited to the following:
 - LED, LCD, Plasma screens and projectors which may depict and/or project text, pictures and/or videos
 - Digital readerboards which depict moving or static text only;
- g) DEVELOPMENT INSPECTOR – means the person from time to time so appointed and employed by the City;
- h) DEVELOPMENT REGULATIONS – means the Development Regulations for the City of Corner Brook in effect and enacted under the *Urban and Rural Planning Act, 2000 SNL 2000 Ch. U-8* or any similar or successor legislation;

- i) GROUND SIGN/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 or braces (pylons) in or upon such ground and not attached to any building, which may be a static sign or a digital sign;
- i) LANE – means a passage or way open to vehicular traffic as a secondary means of access to abutting lots and not intended for general traffic circulation ;
- j) LIGHTED AREA – means the portion of a sign that is illuminated;
- k) MUNICIPAL PLAN - means the Municipal Plan for the City of Corner Brook in effect and enacted under the *Urban and Rural Planning Act, 2000 SNL 2000 Ch. U-8* or any similar or successor legislation;
- l) OPERATOR - means a person who, alone or with others, operates, manages, supervises, runs or directs the erection and/or operation of a Sign, Third Party Sign, Digital Sign, Advertisement, or Ground/Pylon Sign;
- m) OWNER - means a person who, alone or with others, owns or controls a Sign, Third Party Sign, Digital Sign, Advertisement, or Ground/Pylon Sign or is the owner of, tenant or licensee of the property on which the Sign, Third Party Sign, Digital Sign, Advertisement or Ground/Pylon Sign is situate ;
- n) PERSON - includes a natural individual, and their heirs, executors, administrators or other legal representatives, a corporation , partnership or other form of business Association, or a receiver or mortgagee in possession, or any association or group of persons acting in concert unless the context explicitly or by necessary implication otherwise requires;
- o) RIGHT-OF-WAY – means all that property designated as a public thoroughfare and includes such horizontal distance measured between the edges of a street, road or highway street line reservation as defined by the City and where public or other service utilities are located, including sidewalks, street lighting and water and sewer service infrastructure;
- p) SIGN - means a word, letter, model, placard, board, device or representation, whether illuminated or not, in the nature of or employed wholly or in part for the purpose of advertisement, announcement or direction and excludes functional advertisements of the City or Province of Newfoundland and Labrador;
- q) SIGN AREA – means the total surface area of that portion of a sign, which is used or capable of being used to provide information or advertising and which can be viewed from any one perspective. In the case of a sign composed of individual letters, numerals, or symbols, the sign area shall be the area that is enclosed by one continuous line connecting the extreme points or edges of the sign and encompasses all logos and lettering;

- r) SIGN COPY – means any colour, graphic logo, word, numeral, text, image, message, picture or combination thereof displayed on a sign face.
- s) SIGN DISPLAY AREA - means any colour, graphic logo, symbol, word, numeral, text, image, message, picture or combination thereof displayed;
- t) THIRD PARTY SIGN - means any outdoor sign that advertises goods and services that are not available upon the same property or premises where the sign is located and includes advertisements relating to off-site uses as set out in the Development Regulations; and
- u) ZONE –means an area of land including buildings and water designated on the zoning maps set out in the Municipal Plan to which uses, standards and conditions of a particular use zone table apply.

3. REGULATIONS FOR THIRD PARTY SIGNS

3.1

- (1) Third Party Signs may be in the form of a traditional static sign or a digital sign.
- (2) All digital signs shall be equipped with an automatic light sensor to adjust the brightness level of the sign copy area.

3.2 General Prohibitions

Permit Requirement

- (1) No person shall be an Owner of a Digital Sign or Third Party Sign, within the geographic limits of the City of Corner Brook without making application for, obtaining and maintaining, pursuant to the terms of these Regulations, a permit for same and complying with all terms and conditions thereof.
- (2) No person shall be an Operator of a Digital Sign or Third Party Sign within the geographic limits of the City of Corner Brook without making application for, obtaining and maintaining, pursuant to the terms of these Regulations, a permit for same and complying with all terms and conditions thereof.
- (3) No Owner or Operator shall own, operate or permit to be placed or operated, a Digital Sign or Third Party Sign contrary to these Regulations or contrary to any conditions of a permit issued under these Regulations.

- (4) The permits required by these Regulations shall, unless they are expressed to be for a shorter period of time, be for the period up to and including the twelfth (12) month following the date of issuance, unless they are sooner forfeited or revoked.
- (5) No permit may be transferred or assigned without written permission of the City.
- (6) Every permit shall have endorsed thereon the location, size and type of sign with respect to which it is issued.
- (7) The permit must be issued on a form bearing the identification of the City and all permits issued pursuant to these Regulations are and shall remain the property of the City. No person shall enjoy a vested right in the continuance of a permit and the value of a permit shall be the property of the City irrespective of the issuance, renewal or revocation of the permit.
- (8) A permit must bear on its face the date on which it is issued and the date on which the permit will expire.
- (9) A person must not reproduce, alter or deface a permit.
- (10) The issuing of a permit to a Person, Owner or Operator does not relieve that Person, Owner, or Operator of the responsibility of conforming to any other law.
- (11) Every applicant shall complete a Third Party and Digital Signage Application form or Renewal Form, as applicable, and shall provide all information requested thereon, and shall furnish to the City such information as requested.
- (12) At the time of submission of the application or renewal, every applicant shall pay to the City, a permit fee in the amount approved by Council in its annual budget for development application fees, and any other fees, including costs of any public notices, required by these or any other Regulations. No portion of such fee is refundable in the event that an application is not accepted for permitting or renewal.
- (13) Receipt of the application and the license fee by the City shall not constitute approval of the application for the issuance of a license nor shall it obligate the City to issue such license.
- (14) Any permit that has not had a renewal application submitted within six months after expiry shall be considered a new permit application.

3.3 Third Party Signage

- 1) No Third Party Sign shall:
 - a) be in a zone where advertisements are not permissible;
 - b) exceed the maximum size for an advertisement as set out in the applicable Use Zone Tables of the Development Regulations with the exception of an individual digital Third

Party Sign that meets the definition of a "Ground Sign/Pylon Sign". A Ground Sign/Pylon Sign may exceed the maximum size of an advertisement as set out in the applicable Use Zone Tables of the Development Regulations up to a maximum size of 10.0 square metres provided that the overall size of the sign is still within the maximum total allowable advertisement area for the lot, calculated as a percentage of the building façade area (ie. individually the sign may be a maximum of 10.0 square metres on a lot, but it must still be within the total percentage for advertisement display);

- c) depict or display sign copy that could be misinterpreted as an emergency vehicle or traffic control device;
- d) block or reduce the visibility of any part of the road for any road users including vehicles, cyclists or pedestrians, traffic signals, traffic signs or other traffic control devices;
- e) contain the words or phrases 'Stop', 'Go Slow', 'Caution', 'Danger', 'Warning', 'Emergency', 'Yield', 'Detour', or similar language typical for traffic control or warning signage unless such word or phrase is part of the name of a business or product and is displayed solely to identify such business or product; or
- f) be located or encroach upon a Right-of-Way.

3.4 Digital Signage

1) No Digital Sign shall:

- a) if illuminated, be so designed and provided that:
 - i) it does not conflict with or reduce the effectiveness of any traffic signal on any street;
 - ii) it does not interfere with any traffic that might reasonably be expected to be on any street; and
 - iii) it does not create any undue glare to any residentially occupied property
- b) flash, scroll or fade, during the transition of sign copy including any lighting or backlighting effects;
- c) emit sound or be interactive in any way;
- d) be projected onto a building structure or any surface;
- e) have a message duration of less than 10 seconds;
- f) be displayed continuously in a static manner and without change;
- g) have a message transition of no longer than 0.25 seconds in duration;
- h) consist of partial, incremental or sequential changes of the sign copy area;
- i) display any visible effects including but not limited to motion, fading, dissolving, flashing, intermittent or blinking light, scrolling or the illusion of such effects;
- j) be erected unless it is equipped with an automatic light sensor to adjust the brightness level of the sign copy area. The sensor must be set so that brightness levels do not exceed 3.23 lux (0.3 foot candles) above ambient light conditions as measured using a

Lux meter at a preset distance depending on sign area. The measurement distance shall be calculated with the following formula: The square root of the sign area x 100.

[Example using a 5m² sign: $\sqrt{5\text{m}^2 \times 100} = 22.3\text{m}$];

- k) contain the words or phrases 'Stop', 'Go Slow', 'Caution', 'Danger', 'Warning', 'Emergency', 'Yield', 'Detour', or similar language typical for traffic control or warning signage unless such word or phrase is part of the name of a business or product and is displayed solely to identify such business or product; or
- l) display the colours red, yellow or green in any sequence or shape so as to resemble in any way a traffic signal light.

3.5 Location

Zoning

3.5(1) Third Party Signs, including Digital Signs, are not permitted in the zones identified below:

- Residential Special Density
- Residential Low Density
- Residential Medium Density
- Residential High Density
- Mobile/Mini Home Residential
- Mosaic Residential
- Comprehensive Residential Development Area
- Townsite Residential
- Cemetery
- Environmental Protection
- Environmental Conservation
- Protected Water Supply Area
- Special Management Area

3.5(2)

Third Party GROUND/PYLON signs are not permitted in the Residential Commercial Mix or Community Service zones.

3.5(3) Size

The maximum Area of advertisements shall not exceed that maximum area as is set out in these Regulations and as set out in the applicable Regulations and Use Zones of the Development Regulations and Municipal Plan.

3.5(4) Setback and Separation Distances for Third Party Digital Signs

All Third Party and Digital Signs must meet the following setback and separation distances:

- a) 50m from an intersection with traffic signals;
- b) a Line of sight check must be approved by the City of Corner Brook;
- c) the distance between digital ground or pylon signs, not located on the same lot, shall be a minimum of 100 metres; and
- d) the distance between digital pylon or ground signs, located on the same lot, shall be a minimum of 30 metres.

3.5(5) **Digital Signage malfunction**

All Digital Signs shall be designed to cease operation in the event of a malfunction.

3.5(6) **School Zones**

Digital Signs are not permitted in school zones or any other areas where the speed limit is thirty (30) kilometres per hour or slower.

3.5(7) **Discretionary Powers**

In considering an application for a permit under these Regulations the Authority shall take into account the policies expressed in the Municipal Plan and any further scheme, plan or regulations pursuant thereto, and shall assess the general appearance of the sign, its effect on the overall development of the area, the amenity of the surroundings, public safety and convenience, including but not limited to traffic hazards, pedestrian safety, structural condition, and any other considerations which are, in its opinion, material, and notwithstanding the conformity of the application with the requirements of these Regulations, the Authority may, in its discretion, and as a result of its consideration of the matters set out in this Regulation, conditionally approve or refuse the application.

3.6 **Advertisements on Vacant Property**

Only Ground Signs/Pylon Signs may be erected on vacant property, in zones where they may be permitted, subject to the following conditions:

- (a) It must be a Digital Sign;
- (b) the maximum size of a Ground or Pylon sign on vacant land shall be 10.0 square metres;
- (c) only one Ground or Pylon Sign may be permitted on any single vacant parcel of land;
- (d) separation distances between this and another Ground or Pylon sign on another lot, vacant or containing a building(s) shall meet the separation distances set out in these Regulations;
- (e) the Ground/Pylon Sign shall meet all other specifications set out in these Regulations, including but not limited to requirements for setbacks from property boundaries, residential zones and intersections; and

- (f) a Ground or Pylon sign shall be erected on a vacant parcel of land in a manner that will not interfere with the required development standards of a building that may subsequently be developed on the property.

4. Existing Signs

Notwithstanding these Regulations, any third party or digital sign that has been previously approved by the Authority may continue, provided that there is no change to the size, function or location of the sign unless otherwise approved by the Authority, in accordance with these Regulations and the City of Corner Brook Development Regulations .

5. Application Requirements

Applications for Digital Signs must include the following:

- a) One copy of a scaled drawing for each side of the sign, giving all dimensions and areas, as well as colours and materials used;
- b) One copy of a site plan showing the proposed location of the sign in relation to sight triangles, signalized and non-signalized intersections and lot lines.
- c) A set of engineered plans to provide detailed information on the design and installation method will be required for all signs.

6. Conflicting legislation

Where any provision of these Regulations conflicts with a provision of another law or regulation in force in the City, the provisions that establish the higher standard to protect the health, safety and welfare of the general public shall prevail.

7. Offence and penalty

Any person who contravenes any provision of these regulations is guilty of an offence and liable on summary conviction to a fine or to a period of imprisonment or both in accordance with section 438 of the City of Corner Brook Act.

8. Effective date

These regulations shall come into force and effect as of the date enacted by Council.

IN WITNESS WHEREOF these Regulations are sealed with the common seal of the City of Corner Brook and subscribed by and on behalf of Corner Brook City Council by the Mayor and City Clerk at the City of Corner Brook, in the Province of Newfoundland and Labrador, this ___ day of _____. 2017.A.D.

Mayor

Witness

City Clerk

Witness

Published _____ (add date and publication)

First Reading _____ (date of)

Second Reading _____ (date of)