



BY-LAW No. 3-10

A BY-LAW RESPECTING SIGNAGE IN ROTHESAY

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1 - PURPOSE

The purposes of the following sign regulations are:

- To promote the effective use of signs as a means of communication that allow commercial enterprises to clearly identify their places of business;
- To maintain and enhance the physical appearance of Rothesay;
- To minimize the potential adverse effects of signage on private and public property;
- To enable the fair and consistent enforcement of sign regulations.

2 - ADMINISTRATION

2.1 This By-law applies to the entire area within the bounds of the municipality of Rothesay.

2.2 No person shall construct, set up, place, exhibit, erect, or relocate a sign in Rothesay except in conformance with this By-law and with a valid sign license issued by the Development Officer. This By-law applies to all signs on public and private property.

2.3 Any sign erected in contravention of this By-law shall be removed at the expense of the owner, applicant or lessee.

2.4 POSTERS

In a public place posters may only be posted or otherwise affixed if:

- a) They are not placed on any public signage or notice;
- b) They are not placed more than two metres above the ground;
- c) They are not placed on an electrical utility pole;
- d) Tape or water soluble glue is used to attach the poster;
- e) The posting date is written on the poster;
- f) No more than one poster per event, business, product or cause is placed on each structure, pole, fence or on any other surface; and
- g) Posters and signs must be removed after 14 days, or removed no less than 48 hours after any event they advertise, whichever is sooner.

Posters and other temporary signs may be removed by the town, without notice, in the course of routine maintenance and cleaning.

2.5 Every sign shall be well maintained in a safe condition at all times. Any sign that in the opinion of the Development Officer is a danger to surrounding property or persons shall be repaired or removed without prior notice by

Rothesay and all expenses involved in such action shall be charged to the owner of the sign.

- 2.6 Nothing in this By-law shall be taken to relieve any persons from complying with the provisions of any other by-law of Rothesay.

3 - APPLICATION FOR A SIGN LICENSE

- 3.1 Applications for a sign license shall be made to the Development Officer and shall include:

- a) The civic address of the building, structure or lot on which the sign is to be erected, altered, or relocated;
- b) Authorization by the owner of the subject property and/or building;
- c) A drawing to scale for each side of the sign giving all pertinent materials and dimensions;
- d) A drawing illustrating the position of any sign to be painted on or attached to a building or structure and the method of attachment;
- e) A dimensioned site plan showing the sign and distances from all adjacent property lines, driveway locations and other prominent features located on the property;
- f) Details of the supporting framework and foundation base details; and
- g) Details of any lighting
- h) Applicable fees as set out in a fee schedule appended to this By-Law as Schedule "B" having been adopted by Council, and which may from time to time be amended by resolution. *Consolidation 13 January 2014 (insertion).*

- 3.2 Whenever in the opinion of the Development Officer or Building Inspector the nature of the proposed work requires technical knowledge, a drawing signed and sealed by a professionally certified Engineer illustrating details of sign attachment and assembly for freestanding, awning and projecting signs shall be required. All signs shall be erected in accordance with the National Building Code.

- 3.3 The Development Officer shall ensure that the signage proposal conforms to this and all applicable by-laws and legislation.

- 3.4 If on examination of the information presented and receipt of the prescribed fee, the Development Officer is satisfied that the application is consistent with this By-law and all other by-laws and legislation, the Development Officer may issue a sign license.

4 - REFUSAL OF A SIGN LICENSE

The Development Officer shall refuse to issue a sign license for any sign if:

- a) the proposed sign does not comply with the provisions of this By-law or any other applicable law or legislation or would make any existing sign non-compliant;
- b) the building or structural supports on which the sign is to be located or attached is determined to be incapable of supporting the sign, or if the information submitted regarding the construction of the sign or supporting structure is not sufficient to enable the Development Officer to adequately determine the capability of such support;
- c) the proposed sign would, in the opinion of the Development Officer, obstruct or otherwise interfere with any traffic control devices, or the visibility of motorists or pedestrians;
- d) an applicant has failed to provide the information required by this By-law to the Development Officer; or
- e) the proposed sign directly interferes with the visibility of adjacent signs.

5 - REVOCATION OF A SIGN LICENSE

The Development Officer may revoke a sign license:

- a) where there is a violation of any condition under which the sign license was issued;
- b) where there is a violation of any provision of this By-law or any other applicable law or legislation;
- c) if the Development Officer is satisfied that such sign license was issued by reason of incorrect, false, or misleading information furnished by the applicant; or
- d) if the sign license was issued in error.

6 - APPLICATION TO PLANNING ADVISORY COMMITTEE

- 6.1 An applicant for a Sign License may make application to the Rothesay Planning Advisory Committee should a sign license not be issued by the Development Officer for any of the reasons outlined within this By-law or should the applicant wish to make application to vary the requirement of this By-law in accordance with the Community Planning Act.
- 6.2 The Development Officer, at their discretion, may submit an application to the Planning Advisory Committee where additional guidance is required prior to the issuance of a sign license.

7 - APPLICATION EXEMPTIONS

- 7.1 ~~This By-law exempts the following from sign license requirements~~ *Consolidation 13 January 2014 (deletion).*

The following signs may be exempted from the sign license requirements of this By-law where in the opinion of the Development Officer such signs accord with the general intent of the by-law and would present minimal adverse effects of signage on the physical appearance of Rothesay. *Consolidation 13 January 2014 (insertion).*

Notwithstanding any other provision of this By-law, the Development Officer shall not issue more than two (2) sign application exemptions per calendar year for any one residentially designated lot and not more than six (6) sign application exemptions per calendar year for any one commercial or institutional designated lot. *Consolidation 13 January 2014 (insertion).*

- a) Signage that forms part of appliances and fixtures such as gas pumps, pop machines and telephone booths and like appliances and fixtures;
- b) Signs or public notices erected or authorized to be installed by the Town or Provincial or Federal legislation;
- c) Re-painting, replacement of the fascia panel or normal maintenance of existing previously approved signs for an existing business;
- d) Signs denoting access and parking for the disabled;
- e) Non-advertising commemoration plaques, cornerstones or tablets;
- f) One vehicular directional sign not exceeding 0.25 m² in area and one metre in height to be located at each entrance and exit to public or private parking;
- g) Signs not exceeding 3 m² for the purpose of advertising any political party or candidate participating in an election for public office;

- h) Any sign that does not exceed 0.25 m² in area that identifies the name and address of a resident or which regulates the use of property such as “no trespassing” signs;
- i) Real Estate signs, in accordance with Section 12.8 of this By-law;
- j) Posters, in accordance with Section 2.4 of this By-law;
- k) Open house signs, in accordance with Section 12.9 of this By-law;
- l) Window signs in accordance with Section 12.11 of this By-law;
- m) ~~Community event signs that are owned and operated by the town of Rothesay.~~ Non-illuminated community event signs where the following requirements are met: *Consolidation 13 January 2014 (deletion/insertion)*
 - i. no sign face shall exceed three square metres in area;
 - ii. a double sided sign is considered as one sign if the total area of both sign faces does not exceed three square metres in area;
 - iii. not more than two signs per property;
 - iv. not more than three signs per event;
 - v. not located within 2 metres of any property line;
 - vi. not located within the public road right of way;
 - vii. not erected more than fourteen days before the event; and
 - viii. removed not more than two days after the event.
- n) All signage owned, operated or managed by or on behalf of the town of Rothesay. *Consolidation 13 January 2014 (insertion)*
- o) Notwithstanding Section 9.2 (k), any new motor vehicle of the current model year and issued or eligible for a Dealer Plate in accordance with the Motor Vehicle Act, carrying a sign, which is placed primarily for advertising the activities of and for lottery on behalf of a NOT FOR PROFIT ORGANIZATION which is parked in the same location, on a commercially designated property, for a period not exceeding thirty (30) days. *Consolidation 13 January 2014 (insertion)*

7.2 The above exempted signs shall, in the opinion of the Development Officer be safe, secure, and not hinder the use by the public of any street and shall not be constructed, erected, altered or maintained in violation of this By-law.

8 - DEFINITIONS

AWNING means a moveable, temporary or permanent cover or canopy that projects outward horizontally from the wall of a building.

BY-LAW COMPLIANCE OFFICER means an employee of Rothesay appointed by Council to enforce municipal bylaws.

CLEARANCE means the average vertical distance measured from grade to the bottom of the sign.

COMMUNITY GROUP means the activities of an association of residents or individuals who are typically unpaid and voluntary providing a community service that is ordinarily performed in connection with an institutional use such as a church, school, hospital or museum and provided that such activities are non-commercial in nature and related to a non-profit community event. *Consolidation 13 January 2104 (insertion).*

COPY means letters, characters, numbers or graphics that make up the message on a sign, but does not include background colour.

COPY, MANUAL CHANGEABLE means copy that can be changed manually through the use of detachable letters, characters, numbers or graphics.

DEVELOPMENT OFFICER means the municipal planning director appointed by Council under the Community Planning Act.

FACADE means the exterior front face, or side face of a building or unit; whichever is the face on which the sign is to be placed.

FLAG means a rectangular piece of fabric advertising an organization, product or event, but does not include a flag representing a country of the world or any province, Canadian territory or municipal corporation.

GRADE means the elevation adjacent to any sign or the elevation of the finished ground surface directly below a sign.

HEIGHT means the vertical distance from grade to the top of the sign or its supporting structure whichever is greater.

LANDSCAPED AREA means an area of land which contains trees, shrubs, flowers or other planted material and may include planter boxes.

MAY is construed as permissive.

NOT FOR PROFIT ORGANIZATION means the activities of an incorporated not-for-profit company under the Companies Act of New Brunswick or a registered charity that is constituted federally or provincially. *Consolidation 13 January 2014 (insertion).*

POLICE OFFICER means a member of the Rothesay Regional Police Force.

POSTER means a temporary sign, bill or placard placed in a public place, but does not include sign types otherwise defined in this By-law.

ROTHERSAY means the town of Rothesay, as established by New Brunswick Regulation 85-6, under the Municipalities Act.

SIGN LICENSE means an authorization in writing issued by the Development Officer pursuant to this By-law.

SHALL is construed as mandatory.

SIGHT TRIANGLE means the triangle at a street intersection that is formed by connecting the following points: the point where the street edge or curbs intersect at the apex and a point on each street that is 7.5 metres from the intersection.

SIGN means any graphics, letters, logos, advertisements, placards, notices or other form of announcement, including its background and supporting structure, displayed to the general public to provide information or solicit business

SIGN AREA means the total area that is within the outer edge of the frame or border of a sign including any embellishment thereof, but where a sign has no frame, border, or background, the sign area shall be the area contained within a rectangle that encloses all of the copy including any embellishments.

SIGN, ANIMATED means a sign that has motion or colour changes to any part of the sign, but excludes a sign which displays only time, temperature or date.

SIGN, AWNING means a sign situated on, placed on or printed on the exterior surface of an awning.

SIGN, BANNER means a temporary sign, affixed to a pole or building, that is not independently supported by a rigid frame.

SIGN, BILLBOARD means a sign used or intended to be used for the purposes of advertising or calling attention to any person, matter, thing, event or property that is not directly related to the business conducted on the property which it is located, but not including community event signs.

~~**SIGN, COMMUNITY EVENT** means a permanent sign owned and operated by the town of Rothesay to advertise on behalf of community groups and organizations. Consolidation 13 January 2014 (deletion)~~

SIGN, COMMUNITY EVENT meaning a sign erected on a temporary basis to advertise the specific activity or event of a not-for-profit organization or community group. Consolidation 13 January 2014 (insertion)

SIGN, COMMUNITY MESSAGE meaning a permanent sign owned and operated by the town of Rothesay to advertise messages on behalf of the Town, community groups and organizations. *Consolidation 13 January 2014 (insertion)*

SIGN, CONSTRUCTION SITE means a sign used to identify a construction project, the owner, general contractor, sub-trades, architect, engineers and others associated with the design, planning and development of a project under construction. A construction trailer with multiple permanent signs painted on it will be counted as one construction sign for the purpose of this By-law.

~~**SIGN, ELECTION** means a temporary sign erected to advertise a political party, or a registered candidate, in a federal, provincial or municipal election. *Consolidation 9 July 2012 (deletion).*~~

SIGN, POLITICAL means a sign that pertains only to an election of a representative of the eligible voters in Rothesay to the District Education Council, Regional Health Authority, Rothesay Town Council, Provincial Government or Federal Government. *Consolidation 9 July 2012 (insertion).*

SIGN, FASCIA means a flat, horizontal sign that sits flush on a building's exterior wall, generally above doors or windows.

SIGN, FREESTANDING means a permanent sign standing apart from a building, with a permanent foundation or independent supports that are secured in the ground.

SIGN, INCIDENTAL means a sign relating to the lot or use thereof designating accessory uses, parking direction, identification or information.

SIGN, OPEN HOUSE means a temporary, ground supported sign that identifies the time and location of an open house.

SIGN, PORTABLE means a temporary sign that is designed to be moved from one location to another that does not rely on a building or fixed foundation for its structural support, including signs mounted on trailers, signs placed on the surface of any lot and signs commonly known as mobile signs, but not including sandwich board signs.

SIGN, PROJECTING means a flat sign with two sides that is perpendicular to, and extends more than 30 cm from, the exterior wall.

SIGN, REAL ESTATE means a sign that offers property for sale, lease or rent.

SIGN, SANDWICH BOARD means an easily moveable sign standing apart from a building, consisting of two flat surfaces, which has independent supports but no fixed foundation.

SIGN, SUBDIVISION means a temporary, non-illuminated, ground supported sign that provides information on the sale of lots in a subdivision under development.

SIGN, VEHICULAR DIRECTIONAL means a sign used to direct vehicular traffic to parking areas of a building or unit.

SIGN, WINDOW means a sign, picture, symbol or combination thereof, which is painted, pasted or otherwise placed on the inside of a window.

SIGN, UNDER AWNING means a sign that is suspended from an awning and entirely under the awning.

TOWN means the town of Rothesay, as established by New Brunswick Regulation 85-6, under the Municipalities Act.

UNIT means that part of a building, structure or lot owned, leased, or rented by a person or persons to conduct a business.

9 - PROHIBITIONS

- 9.1** Unless permitted in another by-law, order or provincial or federal statute, signs that are not expressly permitted or exempted in this By-law are prohibited.
- 9.2** Without restricting or limiting the generality of the foregoing, the following signs are specifically prohibited:
- a) Billboard sign;
 - b) Any signage erected within the sight triangle, the triangle at a street intersection that is formed by connecting the following points: the point where the street edge or curbs intersect and a point on each street that is 7.5 metres from the intersection.;
 - c) Any roof sign;
 - d) Any portable sign not considered to be a Sandwich Board Sign as defined by this By-law;
 - e) Any sign that obstructs any part of a doorway, window or balcony with the exception of permitted window signs;
 - f) Any sign that has affixed to or contains any flashing, animated, rotating, moving or oscillating electrical components, except for electronic message boards, unless approved by a Development Agreement entered into in accordance with the Community Planning Act;
 - g) Any flashing, animated or chasing border signs or part thereof;
 - h) Any sign that devotes more than 50% of its sign area to manual or automatic changeable copy, with the exception of community event signs;
 - i) Any sign that imitates or resembles in any way, shape, form, words or lighting, a traffic control device;

- j) Any sign that uses dayglo fluorescent, luminous or reflective paint or similar products;
- k) Any vehicle carrying a sign, which is placed primarily for advertising purposes instead of being regularly used for transportation, or any commercial vehicle carrying a sign, which is parked in the same location, on a commercially designated property, for periods exceeding 48 hours.
- l) Inflatable signs, figures, objects, and animals.

10 - REPAIR AND REMOVAL

- 10.1** When a new owner or tenant occupies any vacant premises, such person shall remove all signs that are not in compliance with this By-law, including any supporting system, before an occupancy permit is issued.
- 10.2** A person shall not alter or relocate a sign that is not in compliance with this By-law unless:
- a) a sign license has been issued by the Town; and
 - b) the sign is altered or relocated to conform with this By-law.
- 10.3** A sign that does not comply with this By-law may be repaired subject to the Development Officer's approval.

11 - GENERAL DESIGN STANDARDS

The design and placement of signs shall be carefully coordinated with the architectural elements of the façade and other exterior elements of the building. Signs shall be:

- a) single or double sided;
- b) designed with colors and materials coordinated with the building;
- c) if illuminated, in accordance with the following:
 - i) Freestanding signs, fascia signs and projecting signs may be illuminated by internal lighting, external lighting, floodlighting and neon unless otherwise limited by this By-law;
 - ii) External lighting shall be limited to the greatest extent possible to the sign face with the light source concealed from view;
 - iii) All wiring and conduits to electric signs and lighting sources shall be placed within the building walls, located underground or otherwise concealed from view.
 - iv) Illuminated signage on a building facade that fronts residential properties may be permitted if in the opinion of the Development Officer the illumination will not be a nuisance to residents.

12 - STANDARDS FOR PERMITTED SIGNS

12.1 - Freestanding Signs

Freestanding signs are permanent signs that stand apart from a building. They have supports that are permanently secured in the ground. As freestanding signs are generally the largest signs permitted on a property they attract passing customers and identify the shopping plaza or building where an establishment is located. The size, number and location of freestanding signs are regulated for numerous reasons: over-sized free standing signs can become a nuisance for neighbours; free standing signs can reduce visibility for both pedestrians and vehicles; and too many, or too large, free standing signs appear visually cluttered and unattractive.

Number Permitted	One freestanding sign is permitted per developed property in the commercial, business park, institutional, recreational zones, special area and industrial zones.
Location	<p>a) All freestanding signs shall be sited in a landscaped area that is at least equal in size to the sign area.</p> <p>b) No part of a freestanding sign shall be located within:</p> <ul style="list-style-type: none">○ 2 metres of any property line;○ 2 metres of any driveway access;○ 1 metre of any building; or○ The sight triangle. <p>c) In no case shall a freestanding sign be located so as to obstruct pedestrian or vehicular traffic.</p>
Sign Area	<p>a) A freestanding sign, including the supporting structure, shall be limited to a maximum area of 8m² per side of the sign.</p> <p>b) The total width of the sign, including the posts, shall not exceed 4 metres.</p>
Sign Area General Commercial Millennium Park	<p>For properties in the General Commercial and Millennium Park Zones with a frontage of at least 200 metres freestanding signs shall be limited to:</p> <p>a) a maximum area of 10 m² per side of the sign, including the sign structure; and</p> <p>b) a total width, including the posts, of 6 metres.</p>
Height	Freestanding signs shall not exceed 6 metres in height above grade.

Sign Height General Commercial Millennium Park	In the General Commercial and Millennium Parks Zones freestanding signs shall not exceed 10 metres in height above grade.
Clearance	So as not to obstruct visibility the sign must have a minimum clearance of 2 metres from the average grade adjacent to the sign to the bottom of the sign structure.
Heritage Area	Heritage Preservation Board approval is required to erect a freestanding sign in the Heritage Area.

12.2 - Fascia Signs

Fascia signs are flat, horizontal signs that sit flush on a building's exterior wall above windows and doors. Since fascia signs are commonly positioned directly above an establishment's main entrance they identify the precise location of a business or organization, especially in a multi-unit building. Fascia signs are accessory to the overall design and architectural features of buildings. The size and location of fascia signs are regulated to ensure they are not oversized for the façade on which they are placed, or cause a nuisance to neighbouring properties.

Number Permitted	<p>Only one fascia sign is permitted per building, subject to Schedule A, except:</p> <ul style="list-style-type: none"> a) where a building contains more than one business each business is permitted one fascia sign, or b) where a business fronts two public streets the business is permitted one fascia sign facing each street frontage. <p>Where a building contains multiple businesses, a business that occupies more than one unit may have more than one fascia sign, subject to the approval of the town's Planning Advisory Committee.</p>
Location	Fascia signs may be permitted above the floor of the second storey, subject to the approval of the town's Planning Advisory Committee.
Sign Area	<ul style="list-style-type: none"> a) A fascia sign's area shall be limited to 15% of the area of the building façade, or 15% of the area of each individual unit's façade where a building contains more than one business. b) In no case shall a fascia sign have an area greater than 47 m². c) A fascia sign shall not have a width that is greater than 75% of the width of the building façade, or 75% of the width of an individual unit's façade where a building contains more than one business.
Illumination	Illuminated signage may be permitted on facades that front residential properties, if in the opinion of the Development Officer the illumination will not be a nuisance to residents.

12.3 - Awning Signs

Awning signs that are placed or printed on the exterior surface of an awning are used to identify the location or entrance of an organization or business. Although awnings may be integral to the design of a building, awning signs are a form of advertising and are regulated to ensure that they remain tasteful and attractive and are not overly large for the awning or building on which they are placed.

Number Permitted	Only one awning sign is permitted per building, subject to Schedule A, except: a) where a building contains more than one business each business is permitted one awning sign; or b) where a business fronts two public streets the business is permitted one awning sign facing each street frontage.
Location	Awning signs shall be attached to, painted on or placed upon a canopy or awning and located on the exterior front face of the awning or canopy.
Sign Area	a) An awning's area, as measured on a drawing of the elevation or vertical plane of an awning, shall be limited to 15% of the area of the building façade, or 15% of the area of each individual unit's façade where a building contains more than one business. b) The maximum sign area to be placed on an awning is 40% of the area of the awning or canopy, as measured on a drawing of the elevation or vertical plane of an awning. c) An awning sign shall not have a width that is greater than 75% of the width of the building façade, or 75% of the width of an individual unit's façade where a building contains more than one business.
Projection	An awning or awning sign shall not project horizontally more than 2 metres from the building face to which it is attached.
Clearance	Awning signs shall not be located over a pedestrian walkway unless the lowest part of the awning, canopy or sign structure is at least 2.75 metres above the pedestrian walkway.
Insurance	Awning signs shall not be located over a public sidewalk unless prior approval has been granted by Council and proof of insurance naming the town as coinsured has been provided to the town.

12.4 - Under-Awning Signs

Under-awning signs hang from the underside of an awning or canopy to indicate to passing pedestrians the exact location of a unit. Since these signs are not used to attract passing automobile traffic they can be quite small.

Number Permitted	Only one under-awning sign is permitted per building, except where a building contains more than one business each business is permitted one under-awning sign, subject to Schedule A.
Location	An under-awning sign shall not project beyond the front edge of the awning or below a height of 2.5 metres above grade.
Sign Area	An under-awning sign shall: a) Be limited to a maximum of 0.3 m in height. b) Not have a length in excess of more than 60% of the length of the awning or canopy.

12.5 - Construction Site Signs

Construction site signs are used to identify a construction project, along with its developer, contractor, sub-trades, architects and engineers. Signs are permitted only on the property under construction, while the construction is taking place.

Number Permitted	No more than 2 construction site signs, as defined in this By-law, shall be placed on a property under construction subject to Schedule A. A construction trailer bearing multiple permanent, painted construction signs will be counted as one construction sign.
Location	a) A construction site sign may be erected onsite as a temporary free standing sign, placed on the building or on fencing, or placed on a construction trailer located on the construction site. b) No construction site sign shall be placed within 2 metres of a property line. c) Construction site signs shall not be placed within the sight triangle.
Sign Height	a) The maximum height of the sign shall be limited to 1.5 metres.
Sign Area	A construction site sign shall be limited to a maximum area of 3.0 m ² .
Removal	An occupancy permit shall not be issued by the town until all construction site signs have been removed.

12.6 - Flags

Flags are cloth signs that are used to identify a business or organization, or advertise an event or sale. Flags are regulated to ensure they are not a nuisance or danger to passing traffic or pedestrians and have sufficient clearance from other structures or utilities.

Number Permitted	Only one flag is permitted per business, subject to Schedule A.
Location	The location of a flag, including the supporting system, shall be entirely on private property and shall not interfere with fire escapes, vehicular and pedestrian traffic, utilities or public works, subject to Development Officer approval. Flags shall not be placed within the sight triangle.
Clearance	A flag shall have a minimum clearance of 2.75 metres above grade.
Interpretation	Nothing in this By-law shall be interpreted to regulate the display of flags representing a country, province or territory of Canada or a municipal corporation.

12.7 - Projecting Signs

Projecting signs are flat, two sided signs that extend outwards from a building's wall. They are placed high on the façade so pedestrians or vehicles can pass under them, and are therefore visible to potential customers travelling in both directions on the road where a business is located. Regulations for projecting signs ensure they are sized appropriately for the building on which they are placed and are placed high enough not to be a danger to passing traffic.

Number Permitted	Only one projecting sign per business shall be permitted, subject to Schedule A
Location	A projecting sign may be located on the front face of a business.
Sign Placement	a) A projecting sign shall be placed a minimum of 2.75 metres above grade. b) A projecting sign shall not extend above the roofline or top of the second storey.
Sign Area	The sign area of a projecting sign is limited to a maximum area of 1.5 m ² per side.
Illumination	Illuminated signage may be permitted on facades that front residential properties, if in the opinion of the development officer the illumination will not be a nuisance to residents.

12.8 - Real Estate Signs

Real estate signs are temporary signs that advertise a property for sale or for lease. They are regulated to ensure that excessive numbers, or overly large real estate signs, do not create visual clutter and reduce the attractiveness of the town.

Number Permitted	One real estate sign may be placed or erected on a private property offered for sale.
Location	A real estate sign may be placed or erected only on the property that it is advertising as for sale. Real estate signs shall not be placed within the sight triangle.
Sign Height	The top of a real estate sign shall not exceed a height of 2 metres from grade.
Sign Area	A real estate sign shall be limited to a maximum sign area of: a) 1m ² per side in a residential zone. b) 3m ² per side in any zone that is not a residential zone. c) 8 m ² per side on a lot that fronts the MacKay Highway, only for signs that face the Highway and that are placed within 50 metres of the Highway. Department of Transportation approval shall be required for signs in the Highway Right of Way.
Illumination	Real estate signs shall not be illuminated.

12.9 - Open House Signs

Open house signs are permitted to temporarily advertise the time and location of an open house. They are regulated to control the number of open house signs and ensure the signs are not displayed for an extended period of time.

Number Permitted	No more than 3 open house signs shall be placed for each open house.
Location	Open house signs may only be placed on private property with permission of the property owner.
Display	Open house signs shall not be erected more than 1 hour before the open house begins.
Removal	Open house signs shall be removed within 1 hour after the open house has concluded.

12.10 - Subdivision Signs

Subdivision signs are large, temporary signs placed in a subdivision under development to indicate that building lots are for sale and to provide information on the layout of streets and lots within the subdivision. They are regulated to ensure the signs are setback appropriately from other properties and are only placed on property where multiple lots are for sale.

Number Permitted	No more than one subdivision sign may be erected, located or displayed within a subdivision where three lots or more are being offered for sale.
Location	Subdivision signs shall: a) not be erected, located, or displayed within 2.0 metres of any property line b) not be located within the sight triangle. c) only be erected, located, or displayed on vacant lots.
Sign Height	Subdivision signs shall not exceed 3 metres in height from grade.
Sign Area	Subdivision signs shall not exceed a maximum sign area of 4.0 m ² .
Display	Subdivision signs shall only be permitted to be erected, located, or displayed after a subdivision plan has been approved by Council.
Removal	Subdivision signs shall be removed within 14 days of when 50% of the houses in the subdivision are under construction.

12.11 - Window Signs

Window signs are permitted, provided they do not occupy an excessive window area, blocking the view in and out of a business.

Number Permitted	The number of window signs is not restricted.
Location	A window sign shall be placed on the interior of the building and shall be limited to windows located on the first and second storey of the building.
Sign Area	Total window signage shall not occupy more than 25 percent of the area of the window in which it is placed.
Illumination	Signs may be illuminated by internal lighting and neon tubes.

12.12 – Banner Signs

Banner signs are temporary signs that are intended to announce special events such as sales or grand openings. The amount of time that businesses can display banners is restricted to limit the number of banners in town at one time, which reduces the amount of visual clutter and helps protect the attractiveness of the community. Permits must be obtained every time a banner is displayed; however, displaying a banner multiple times can be approved in advance through one application.

Number Permitted	Not more than 1 banner sign per property is permitted at any one time, subject to Schedule A
Location	Banners signs shall: a) Not be erected in locations that impede pedestrian and vehicle movement, accessibility or visibility. b) Not be placed in the sight triangle.
Banner Size	Banners signs shall: a) Not exceed 6 m ² in area. b) Not have a length that is greater than 75% of the width of the building façade on which the banner is placed.
Display	Banner signs shall not be displayed for more than 14 consecutive days, and for no more than one 14 day period per month.
Permits	A permit must be obtained to display a banner sign.

12.13 - Sandwich Board Signs

Sandwich board signs are portable, two sided signs that are displayed outside the entrance to a business, indicating the exact location of the businesses entrance. They are small and easily moved by one person. Regulations for sandwich board signs ensure they are not located in areas that are a nuisance to pedestrians or vehicles or displayed at night.

Number Permitted	One sandwich board sign shall be permitted for each business, subject to Schedule A.
Location	a) Sandwich board signs shall be displayed on the private property of the business to which they pertain. b) Sandwich board signs shall be displayed within 3 metres of the front entrance of the business to which it pertains. c) Sandwich board signs shall not be located so as to be a nuisance or to restrict pedestrian or vehicular movement. d) Sandwich board signs shall not be located in any required parking area or required landscaped area.

e) Sandwich board signs shall not be located within the sight triangle.

Sign Area	Sandwich board signs shall not exceed: a) 1 metre in height; or b) 0.5 metres in width.
Display	Sandwich board signs shall only be displayed during the hours of operation of the business to which it pertains.
Illumination	Sandwich board signs shall not be illuminated.
Electronics	Sandwich board signs shall not contain any electronic components.

12.14 - Incidental Signs

Incidental signs provide information and directions, such as parking instructions, to the public, as apposed to advertising.

Number Permitted	The number of incidental signs is restricted to 5 signs per property.
Location	Incidental signs shall not be located within 2 metres of any property line.
Sign Area	An incidental sign shall be limited to a maximum sign area of 0.25 m ² in area per side.
Illumination	Incidental signs shall not be illuminated.

12.15 - Political Signs *Consolidation 9 July 2012(insertion)*

Political signs refer to signs that pertain only to an election of a representative of the eligible voters in Rothesay to the District Education Council, Regional Health Authority, Rothesay Town Council, Provincial Government or Federal Government.

Location	Political signs shall: c) Not be erected in locations that impede pedestrian and vehicle movement, accessibility or visibility. d) Not be erected on the Rothesay Common or other Town-owned facilities or park areas.
Size	Political signs shall: c) Not exceed 3m ² in area.

Display

Political signs shall:

- a) Not be displayed before a Provincial or Federal election is officially called or before the end of the nomination period of local government elections.
- b) be removed within three (3) days after the election.

Permits

A permit is not required.

13 - SPECIAL PROVISIONS

Special Area Zone

- 13.1** All signs proposed within the Special Area Zone shall be constructed of wood or like material and designed in a manner compatible with the character of the area.
- 13.2** Signs in the Special Area Zone may be illuminated by external illumination only.
- 13.3** All signs within the Heritage Area as defined by By-law No. 1-07 require approval by the Heritage Preservation Review Board prior to issuance of a Sign License by the Development Officer.

Community Event Signs

- 13.4** The town will construct, maintain and operate community event signs throughout Rothesay, which will display special event information and advertisements on behalf of community groups and organizations.

14 - FEES AND CHARGES

The following license fees shall be paid before a sign license is issued:

- 14.1** Fifty dollars (\$50) for each sign requiring a license to a maximum fee of \$150 per application;
- 14.2** Where a sign installation has commenced prior to the issuance of a sign license required under this By-law, an additional service charge equal to the license fee shall be levied.
- 14.3** Where a sign licence has been revoked for any of the reasons included in Sections 5 (a) - (c) of this bylaw an additional service charge equal to the licence fee shall be levied prior to the issuance of a second sign licence.
- 14.4** The fees described above allow for one review of plans or field inspection to the initial sign application. Where additional reviews of structural drawings or field inspections is required to complete the final approval as may be determined by

the Development Officer, an additional fee per inspection equal to the original license fee shall be charged.

15 - ENFORCEMENT

A Police Officer, the Development Officer and/or By-law Compliance Officer are empowered to enforce this By-law, and may order any person:

- 15.1** to discontinue or refrain from proceeding with any work or doing anything that is in contravention of this By-law;
- 15.2** to carry out any work or do anything to bring a sign into conformity with this By-law; or
- 15.3** to repair, alter or remove any sign as provided in this By-law.

16 - PENALTIES

A person who contravenes any of the provisions of this By-law; or causes or suffers or permits any act or thing to be done in contravention of or in violation of any of the provisions of this By-law, or neglects or refrains from doing anything required to be done by any of the provision of this By-law; or fails to comply with an order or demand made pursuant to this By-law; commits an offence punishable under Part 2 of the Provincial Offences Procedure Act as a Category B offence and shall be fined not less than \$70 and not more than \$1000.

Each day such offence continues shall be deemed to constitute a separate offence.

17 - REPEAL AND ENACTMENT

The following By-Laws are hereby repealed:

By-Law No. 3-04: A By-Law Respecting Signage in Rothesay, enacted by Rothesay Council on 8 March 2004.

FIRST READING BY TITLE:	<u>14 June 2010</u>
SECOND READING BY TITLE:	<u>14 June 2010</u>
READ BY SECTION NUMBER:	<u>12 July 2010</u>
(Advertised as to content on the Rothesay website in accordance with Municipalities Act R.S.N.B. (1973) Chapter M-22)	<u>15 June 2010</u>
THIRD READING AND ENACTMENT:	<u>12 July 2010</u>
CONSOLIDATION with By-law 3-10-1	<u>9 July 2012</u>
CONSOLIDATION with By-law 3-10-2	<u>13 January 2014</u>

William J. Bishop, Mayor

Mary Jane E. Banks, Clerk

SCHEDULE A – NUMBER OF SIGNS PERMITTED

Schedule A regulates the number of signs permitted per business and per property. Schedule A should be read in conjunction with the relevant sign standards found throughout this By-law.

COMMERCIAL ZONES

One of the following per business: Fascia Sign, Awning Sign, Under Awning Sign, or Projecting Sign	One of each per business: Flag, and Sandwich Board	One of each per property: Construction Site Sign, Freestanding Sign, Real Estate Sign, and Banner Sign
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MILLENIUM PARK ZONE

One of the following per business: Fascia Sign, Awning Sign, Under Awning Sign, or Projecting Sign	One of each per property: Construction Site Sign, Freestanding Sign, Real Estate Sign, and Banner Sign
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INSTITUTIONAL ZONE

One of the following per business: Fascia Sign or Awning Sign	One of each per property: Construction Site Sign, Freestanding Sign, and Real Estate Sign
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RECREATIONAL ZONE

One of the following per business: Fascia Sign, Awning Sign, or Under Awning Sign	One of each per business: Flag, and Sandwich Board	One of each per property: Construction Site Sign, Freestanding Sign, Real Estate Sign, and Banner Sign
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INDUSTRIAL ZONE

One of the following per business: Fascia Sign, Awning Sign, or Under Awning Sign	One of each per property: Construction Site Sign, Freestanding Sign, and Real Estate Sign
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SPECIAL AREA

One of the following per business: Fascia Sign, Awning Sign, Under Awning Sign, or Projecting Sign	One of each per business: Flag, and Sandwich Board	One of each per property: Construction Site Sign, Freestanding Sign, Real Estate Sign, and Banner Sign
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ATTACHMENT B

**BY-LAW No. 3-10
A BY-LAW RESPECTING SIGNAGE IN ROTHESAY**

Schedule B – Fee Schedule

Unless otherwise specifically exempted from the application requirements as per Section 7 of this By-law the following fees shall apply.

Item	Fee (\$)
Sign license within the Millennium Park Zone, any Commercial, Institutional, Recreational, Industrial, or Special Area Zone	\$50
Sign license application made by and on behalf of a Not For Profit Organization or Community Group	No Fee
Variance Applications: An application to the Rothesay Planning Advisory Committee to vary the requirement(s) of this By-law.	\$250
An application made by and on behalf of a Not For Profit Organization or Community Group to the Rothesay Planning Advisory Committee to vary the requirement(s) of this By-law.	No Fee