

**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. 4586-12**

A BY-LAW TO REGULATE THE SIZE, USE, LOCATION AND
MAINTENANCE OF SIGNS WITHIN THE CORPORATION OF
THE TOWN OF NIAGARA-ON-THE-LAKE (THE "TOWN") AND
THAT BY-LAW 4400-10 IS REPEALED

WHEREAS subsection 8(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (the "Act") provides that the powers of a municipality under any Act shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate, and to enhance their ability to respond to municipal issues;

AND WHEREAS section 9 of the Act provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Act;

AND WHEREAS section 11 of the Act authorizes a municipality to pass by-laws respecting structures including signs;

AND WHEREAS section 425 of the Act authorizes a municipality to create offences;

AND WHEREAS section 429 of the Act authorizes a municipality to establish a system of fines for offences under a by-law of a municipality passed under the Act;

AND WHEREAS section 436 of the Act authorizes a municipality to pass by-laws providing that the municipality may enter onto land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a by-law, direction, order or licence;

AND WHEREAS section 444 of the Act provides that a municipality may make an order to require a person to discontinue contravening a by-law and to do the work required to correct the contravention;

AND WHEREAS subsection 446(1) of the Act provides that if a person is directed or required to do a matter or thing, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense;

AND WHEREAS subsection 446(2) of the Act authorizes a municipality to enter upon land at any reasonable time for the purposes of subsection 446(1);

AND WHEREAS subsection 446(3) of the Act authorizes a municipality to recover the costs of doing a matter or thing under subsection 446(1), including interest pursuant to subsection 446(5), from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner;

AND WHEREAS subsection 446(6) of the Act provides that the amount of costs, including interest, constitutes a lien on the land upon the registration in the proper land registry office of a notice of lien;

AND WHEREAS the Council of the Town has engaged in public consultation, including public meetings and direct consultation with representatives of the business community and sign industry;

AND WHEREAS the Council of the Town desires to enact a new Sign By-Law to regulate signage within the Town to further its pressing and substantial objectives, which include, but are not limited to, preserving the unique character of the Town, preserving the scenic characteristics of the Town, and preventing distraction to motorists.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE ENACTS AS FOLLOWS:

Article One – Purposes and Scope

Section 1.01 – Purpose

The purpose of this By-law shall be to coordinate the type, placement, and scale of Signs within the different land-use districts in the Town to recognize the commercial communication requirements of all sectors of the business community while preserving the unique character of the Town, its scenic characteristics and preventing distraction to motorists. In so doing, this By-law shall encourage the innovative use of design; shall encourage Signs which are compatible to the heritage of its downtown buildings and the unique scenic characteristics of the community; shall promote and require proper maintenance; and shall guarantee equal treatment under the law through accurate record keeping and consistent enforcement. These and other pressing and substantial objectives of the Town shall be accomplished by regulation of the size, shape, display, erection, use and maintenance of Signs. The use of Signs is regulated according to area. No Sign shall be permitted as a main or accessory use except in accordance with the provisions of this By-law.

Section 1.02 – Scope

This By-law shall not relate to building design. Nor shall the By-law regulate Official Signs, including traffic or other government Signs; the Copy and message of Signs; Signs not viewed from a Street; Window Displays which do not constitute Window Signs; scoreboards on athletic fields; flags of any nation, governmental or non-commercial organization; gravestones; religious symbols; commemorative plaques; the display of street numbers; or any display or construction not defined herein as a Sign.

Section 1.03 – General Provisions

No person shall erect, place, maintain or permit to be erected, placed or maintained any Sign in the Town except in accordance with the provisions of this By-law. Where the location of a Sign is to be adjacent to a Region of Niagara road allowance or Street (within 100 metres), a permit from the Region of Niagara must be filed with the Town application for a Sign Permit. Where the location of a Sign is to be adjacent to the Niagara Parkway (within 400 metres of Niagara Parks Commission property), a permit from the Niagara Parks Commission must be filed with the Town application for a Sign Permit.

Article Two – Definitions and Interpretation

Section 2.01

For the purposes of this By-law, the following words or phrases shall mean:

Abandoned Sign – any Sign located on Premises which becomes vacant or unoccupied, any Sign which pertains to a time, event or purpose which no longer applies, or any Sign which identifies or advertises a use, occupancy, business, lessor, lessee, service, Owner, Occupant, activity or product which no

longer exists, resides, occupies, or occurs at the Premises. A Sign shall be deemed abandoned ninety (90) days after such activity is discontinued.

Advertising Device – any balloon, banner, display, flag, figure, object, pennant, placard, painting, poster, propeller, statute, or any oscillating, rotating, or pulsating light, or any other contrivance, used for the purpose of attracting attention, or directing attention to any Premises, Lot, land, building or structure, and which is visible from any Street. For the purpose of this By-law, an Advertising Device shall be a Sign.

Alter – to make any change to a Sign structure or Sign Face, including the addition, deletion, or re-arrangement of parts, but not including the changing the Copy displayed by the Sign, or replacement of identical parts or similar parts which serve the same purpose as the parts to be replaced for maintenance purposes.

Animated Sign – any kinetic, illusionary, or simulated motion of all or any part of a Sign and includes the rotation of a sign but does not include a Readograph, electronic message board or other Changeable Copy Sign.
Sign

Awning – a shelter or roof-like projection.

Awning Sign – a non-illuminated Sign with Copy painted to or affixed flat to the surface of an Awning that does not extend vertically or horizontally beyond the limits of such Awning.

Banner Sign – a Sign made from canvas, cloth, plastic, or any other non-rigid material.

Building Face – all exterior window and wall areas of a building that face one direction.

Business Frontage – the lineal frontage of a Building Face or portion thereof containing a business along a Street. Where a building or a combination of building structures are located on two intersecting Streets, and contain more than one business, each business located on the Premises shall have a Business Frontage on one Street. The business which is closest to the second Street shall be entitled to a second Business Frontage on the second Street, and where permitted in this By-law, shall be entitled to a second Sign.

Canopy – a permanent, roof-like structure which projects beyond the Building Face.

Canopy Sign – a non-illuminated Sign attached to or constructed in or on a Canopy.

Changeable Copy Sign – a Sign on which the Copy can be changed.

Chief Building Official – the Chief Building Official or his/her designate as appointed by the Council of the Corporation of the Town of Niagara-on-the-Lake.

Council – the Council of the Corporation of the Town of Niagara-on-the-Lake.

Copy – the words, letters, characters, numbers, figures, symbols, graphics, or pictures, which make up the message, content, or advertising of a Sign, but does not include background colour.

Directional Sign – Any on Premise Sign which only gives directions or instructions for the control of vehicular or pedestrian traffic. A Directional Sign may contain the name or logo of an establishment operating at the Premises. If a Directional Sign contained the name or logo of an establishment operating at the Premises, the name or logo shall not comprise more than twenty percent (20%) of the total Sign Area. For greater certainty, a Directional Sign shall not contain advertising Copy.

Directory Sign – A Sign affixed to a multi-tenant building containing at least two distinct tenant units which directs the public's attention to businesses located within the building, and the Copy of which only includes the municipal address of the building and a list of tenants or occupancies for identification purposes.

Flashing Sign – a Sign that contains or is illuminated by a light source varying in intensity or colour or which appears to be illuminated by a light source varying in intensity or colour, but does not include a clock or thermometer..

Frontage – the length of the Property Line of any one Premises along the Street on which it borders.

Glendale Urban Area - Those lands shown on Schedule F in the Town's Official Plan identified as Glendale.

Grade – the overall average elevation of the surface of the ground where the said ground is in contact with any building, sign, or other structure, exclusive of any artificial embankment.

Ground Sign – a Sign supported by one or more uprights, poles, or braces, or located on a structural base placed in or upon the ground.

Holiday – New Year's Day, Family Day, Good Friday, Christmas Day, Boxing Day, Victoria Day, Canada Day, Civic Holiday, Labour Day, and Thanksgiving Day.

Illuminated Sign – any Sign that is lighted by a light source other than a celestial and/or atmospheric light source.

Institutional Sign – a Sign installed, erected or displayed at and for public educational institutions, hospitals, libraries, and other civic organizations, government departments, and agencies, churches, and service clubs or organizations where members regularly perform charitable works.

Legal Non-Conforming Sign – any Sign that was lawfully erected or displayed on the day this By-Law came into force if the Sign has not been substantially altered, and if the Sign is properly maintained, and does not in any way endanger the public.

Lot – a parcel, or tract of land:

- (a) which is the whole lot as shown on a registered plan of subdivision, but a registered plan of subdivision for the purpose of this paragraph does not include a registered plan of subdivision which has been deemed not to

- be a registered plan of subdivision under a by-law passed pursuant to Section 50(4) of the *Planning Act*, as amended; or
- (b) which fronts a public highway, road or Street and is a separate parcel of land without any adjoining lands being owned by the same Owner or Owners as of the date of passing of this By-law; or
 - (c) the description of which is the same as in the deed which has been given consent pursuant to Section 53 of the *Planning Act*, as amended; or
 - (d) is the whole remnant remaining to an Owner or Owners after conveyance made with consent pursuant to Section 53 of the *Planning Act*, as amended,

but for the purposes of this definition no parcel of land ceases to be a Lot by reason only of the fact that a part or parts of it has or have been conveyed to, or required by the Town, Region of Niagara, Her Majesty in the right of Ontario or Her Majesty in the right of Canada.

Menu Display – a Sign containing a listing or recitation of some or all of the food or beverages offered for sale or consumption on the Premises where the Sign is displayed.

Mobile Sign – a sign that is designed so as to be capable of being readily moved from one location to another but does not include a motor vehicle.

Municipal Law Enforcement Officer – a person appointed by the Council of the Town to enforce this and other by-laws.

Neon Sign – an Illuminated Sign that is designed to use tubing filled with neon and/or other noble gas, so that when electrically charged the gas will glow.

Occupant – the registered Owner, tenant, person in physical possession of the Premises and/or any and all persons who have the responsibility for and control over the condition of the Premises or the activities there carried on notwithstanding that there may be more than one Occupant of the same Premises.

Official Sign – a Sign required or erected due to any law or required or erected at the direction of any government or governmental authority, agency, department, or commission.

Other Zones – all areas within the Town other than those with zoning classifications as set out in the comprehensive Zoning By-law of the Town of Established Residential, Residential, Residential Multiple, Residential Development, or Queen-Picton Commercial.

Owner – any person who is a registered owner, has a legal or equitable interest, has a legal right to obtain physical possession, or who has control or management of, any Premises, land, building or structure upon which a Sign is located.

Pole Sign – a Sign erected by one or more uprights supported from the ground, that is greater than 3.0 meters in height (including the upright supports) and is directly supported from the ground without the aid of any other building or structure.

Poster Sign – any Sign that is made of, or printed on, cardboard, plastic, fibreboard, paper, or similar flexible material, and is designed to be displayed in

windows or attached to the surface of a structure, building or post, and includes, but is not limited to, a bill, handbill, leaflet, notice or placard.

Premises – any Lot, block, or other area in which land is held or into which it is subdivided, including the buildings and structures thereon

Projecting or Vertical Sign – a Sign, either double or single faced, which projects out from a wall and in which the Sign Face or Sign Faces are approximately perpendicular to the plane of the wall to which the Sign is attached. For the purposes of this By-law, a Projecting or Vertical Sign shall include an overhanging Sign.

Property Line – any line that defines the boundary of a Lot.

Queen-Picton Zone – the Queen-Picton Commercial Zone as designated in the Town's Comprehensive Zoning By-Law, as amended, and the Queen-Picton Heritage Conservation District as set out in the Town's Official Plan, as amended

Readograph – a Sign composed of interchangeable letters, numbers, and symbols, and intended to convey a temporary message and is designed or constructed so that the Copy thereon may be easily re-arranged or changed.

Real Estate Signs – a Temporary Sign advertising the real estate upon which the Sign is located as being for rent, sale, or lease.

Residential Zone – those areas within the Town given a zoning classification in the Comprehensive Zoning By-Law of the Town of Established Residential, Residential, Residential Multiple or Residential Development, or any other residential classification.

Restaurant – a commercial establishment where food is prepared and offered for retail sale to the public for consumption either on or off the Premises, including a donut shop or licensed dining lounge, but does not include a convenience store or service station which sells prepackaged food or beverages requiring no further preparation prior to consumption.

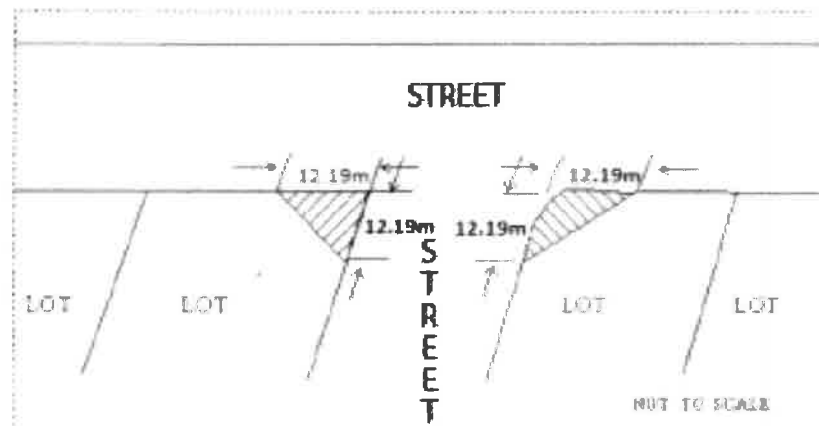
Reverse Graphics – means graphics on an internally illuminated Sign having translucent or transparent Copy on a background that is opaque and is substantially the same colour as the wall or other surface on which the sign is located.

Roof Line – the horizontal line made by the intersection of the wall of the building with the roof of the building.

Roof Sign – a Sign that is located entirely on or above the Roof Line of a building, or located entirely on the top of or above the parapet of a building.

Sandwich-Board Sign – any Sign not permanently attached to or affixed to the ground, a building, or a structure, which is comprised of two Sign Faces that are hinged or otherwise attached or connected, enabling the two Sign Faces to be extended into a V-shape. For greater certainty, a Sandwich-Board sign is commonly referred to as an A-Frame Sign.

Sight Triangle – the portion of a corner Lot within the triangular space formed by the Street Lines and a straight line drawn from a point in one Street Line to a point in the other Street Line, each such point being 12.19 metres measured along each Street Line from the point of intersection of the Street Lines, as shown in the cross-hatched portion of the diagram below.



Sign – any design, device, display, element of the external design of a building or structure, illumination, inscription, material, medium, notice, object, structure, or visual projection onto any part of a building, or structure, or onto land, vegetation, or any other thing, including its structure, supports, framework, lighting system, or other components; and attachments, ornaments, or other features, that are visible from any Street, from any Premises other than the one on which it is located, from the air, or from any public place, and that is capable of use or used to convey information or direct or attract attention for the purpose of announcement, advertisement, business promotion, promotion of a product, activity or service, or promotion of an idea, or of providing direction, identification or information. A Window Display shall not be a Sign for the purposes of this by-law.

Sign Area – the entire area of a Sign on which Copy could be placed, including any frame, border, or any other material forming an integral part of the background of the display or used to differentiate the Sign from the backdrop or building or structure against which it is erected. In the case of a Sign with more than one Sign Face, only that Sign Face or Sign Faces which can be seen from one position at a time shall be used in the calculation of the Sign Area, unless otherwise specified in this By-law. The Sign Area of individual letter, character, number, figure, symbol, graphic, or picture Signs shall be calculated on the basis of the smallest square or rectangle that encloses the individual letter, character, number, figure, symbol, graphic, or picture.

Sign Face – that portion of the Sign, excluding the Sign structure, upon which, as a part of, against, or through which, Copy or the message of the Sign is displayed.

Sign Permit – a written document issued by the Town indicating that the Town has considered a specific application referred to therein and has granted permission to erect, display, structurally Alter, or relocate a Sign in accordance with specifications and conditions referred to therein.

Special Event – lawful parades, festivals, carnivals, exhibitions, trade shows, religious processions, fundraising activities, social events, athletic or sporting events, meets, or contests, and other competitive events.

Special Event Sign – banners, paper Signs, cloth Signs, Poster Signs, handbills or any other temporary Advertising Device installed for Holidays, or Special Events, which are non-profit in nature.

Storey – that portion of a building or structure which is situated between the surface of any floor and the surface of the floor next above it, or any portion thereof and, if there is no floor above it, that portion between the surface of any floor and the ceiling above it.

Street –any common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct, trestle, or right of way, any part of which is intended for or used by the general public for the passage of vehicles and/or pedestrians, and includes the area between the lateral Property Lines thereof, but does not include a lane, private lane, or a private road, or an unopened road allowance.

Street Line – the common Property Line between a Street and a Lot.

Subdivision Sign – a Sign erected on the property of, and advertising, marketing or otherwise providing information with respect to the development and sale of units within an approved plan of subdivision

Temporary Sign – a Sign which is not permanently installed or affixed and which is designed, or is intended to be displayed, or convey a message, for a definable and specific limited time and which relates to the use of the Premises on which it is located. For the purposes of this By-law, a Temporary Sign shall not include a Mobile Sign or a Portable Sign. Where another defined type of Sign is also a Temporary Sign, use of the word Temporary in conjunction with the other defined term shall incorporate this definition. For example, Temporary Window Sign shall mean a Window Sign that is also a Temporary Sign.

Third Party Sign – a Sign which advertises goods, products, services or facilities not available at the Premises upon which the Sign is located or which directs persons to a different location from that upon which the Sign is located.

Town – The Corporation of the Town of Niagara-on-the-Lake.

Violator – any person being an Owner or Occupant of a Premises, a supplier or Owner of the Sign, or any other person or party having an interest in the Sign, who has violated or is suspected of violating this By-law.

Wall Sign – a Sign which is attached to, erected, or placed approximately parallel to, and flat against, a wall or other surface, whether forming part of a building or not. A portion of the permitted Wall Sign may be a manual Changeable Copy Sign.

Window Display – an arrangement or showing in the exterior window of a business, consisting of goods or products marketed or offered for sale from or on the Premises where the Window Display exists. Such a display may include items not marketed or offered for sale on the Premises if such items are decoration for, and accessory to, the main display of goods or products.

Window Sign - a Sign which is painted on, attached to, or visible through a window but does not include a Window Display.

Section 2.02

For the purposes of this By-law, when height is to be determined, it shall be the vertical distance measured from the highest point of the Sign to the nearest Grade and includes any support structure.

Section 2.03

Unless otherwise specified, words importing the singular include the plural and vice versa and words importing gender include all genders, and the past, present or future tense, or other related form of defined term shall have the same meaning as the defined term.

Article Three– Signs Prohibited

Section 3.01

No person shall erect, place, display, maintain or permit to be erected, placed, displayed or maintained any of the following types of Signs anywhere in the Town:

- (1) Abandoned Signs;
- (2) Flashing Signs or Animated Signs;
- (3) Roof Signs;
- (4) Poster Signs on public property except at a designated Sign kiosk approved by Council for such use;
- (5) Signs, other than Official Signs, or other Signs specifically permitted elsewhere in this By-Law, that are on, or project over, property owned by the Town;
- (6) Pennants, spinners, streamers, twirling Signs and string lights used in conjunction with a Sign, other than for Holidays as permitted pursuant to subsection 4.01(1);
- (7) Signs attached to or located on a wrecked, dismantled, inoperable, unlicensed, or immobile, vehicle or trailer which is parked or located on a Street or private property which advertises or promotes products or directs people to a business or activity located on the same or nearby property or any other Premises.
- (8) Poster Signs tacked, pasted or otherwise affixed to walls of buildings, sheds, trees, poles, posts, fences, or other structures;
- (9) Signs that are affixed too or that interfere with or damage any above or below ground municipal, or utility, structures or property;
- (10) Signs which by reason of their size, location, movement, message, colouring, Copy, or manner of illumination, may be confused with, or construed as an Official Sign, official traffic control Sign, signal, or device, or the light of an emergency or road equipment vehicle, or which hides from view any Official Sign, traffic Sign, Street Sign, or traffic signal or device;
- (11) Signs which are located so as to interfere in any way with the free use of any fire escape, fire exit, door, window, skylight flue, air intake or exhaust, or parking space;
- (12) Signs which use dayglo, fluorescent paint, fluorescence pigments, or similar products, except when used in Official Signs or traffic control Signs.
- (13) Signs that are not conventionally supported by structural apparatus but float above the ground and are tethered to the ground or other supporting structure;
- (14) Third Party Signs; or
- (15) A Sign located within a Sight Triangle.

Section 3.02

No person shall erect, place, display, maintain or permit to be erected, placed, displayed or maintained any of the following types of Signs anywhere in the Queen-Picton Zone:

- (1) Neon Signs, Signs painted with luminous or reflective paint, internally Illuminated Signs, Portable Signs and Mobile Signs.

Any person who erects, places, displays, or maintains, or permits to be erected, placed, displayed, or maintained, any Sign contrary to the specifications in this Article is guilty of an offence.

Article Four – Signs Not Requiring a Sign Permit – All Zones

Section 4.01

The following types of Signs are permitted in addition to any other Signs allowed under this By-law, and are exempted from Sign Permit requirements, but must be in conformance with all other requirements of this By-law

- (1) **Bed and Breakfast Establishment, Country Inn, Cottage Rental, and Vacation Apartment Signs**

Nothing herein shall be deemed to prevent the display of one (1) Town issued Sign per bed and breakfast, country inn, cottage rental facility or vacation apartment, or one (1) Residential Sign. Existing Signs erected under previous by-laws advertising a bed and breakfast establishment, country inn or cottage rental shall be permitted. Any other Sign intended to indicate a bed and breakfast establishment, country inn, cottage rental or vacation apartment must be approved by Council and requires a site specific exemption to this By-law. The Sign supplied by the Town may be used as a Ground Sign or attached to the building. If used as a Ground Sign, it must be located a minimum of 1.0 metres (3.28 feet) from any Property Line, be a maximum of 1.5 metres (4.92 feet) in height and shall not be located within a Sight Triangle. No Sign advertising a bed and breakfast establishment, country inn, cottage rental or vacation apartment shall be permitted on any Premises not licenced for such use under the Town's by-laws.

- (2)(i) **Election Signs – Municipal**

Nothing herein shall be deemed to prevent the posting of any election proclamation in regard to any municipal election, or any voter's list under the statute in that behalf, nor the display of election Signs by candidates during any municipal election, provided that such election Signs are erected in accordance with the following provisions:

- (a) Election Signs shall not be erected on private property without the Owner's consent;
- (b) Election Signs shall not be erected on public property, except in areas designated for the display of such Signs, by Council. Each candidate is permitted one Sign per designated area as outlined in Schedule C attached hereto;
- (c) All municipal election Signs shall have a maximum Sign Display Area of 1 square metre (10.76 square feet);

- (d) No candidate shall erect or display, or cause to be erected or displayed, more than twenty-five (25) election Signs on public property, at any one time.
- (e) No candidate shall erect or display, or cause to be erected or displayed, any municipal election Signs more than sixty (60) days before the date fixed for the election; and
- (f) All election Signs must be removed within seven (7) days of the date of the election, by the Owner, Occupant, candidate or the candidate's representative.

(2)(ii) Election Signs – Provincial and Federal

Nothing herein shall be deemed to prevent the posting of any election proclamation or notice under any Elections Act or any Voter's List under the Statute in that behalf, nor the display of election Signs on private property during any provincial, or federal election. Such election Signs shall be erected in accordance with the following provisions:

- (a) Election Signs shall not be erected on private property without the Owner's consent;
- (b) All election Signs shall be set back a minimum of 1.0 metres (3.28 feet) from the Property Line;
- (c) Election Signs shall have a maximum size of 3.0 square metres (32.29 square feet) in area;
- (d) All election Signs must be removed within seven (7) days after the date of the election, by the Owner, Occupant, candidate, or the candidate's representative;
- (e) No candidate shall erect or display, or cause to be erected or displayed, any election Signs more than sixty (60) days before the date fixed for the election; and
- (f) Election Signs shall not be erected on public property, except in areas designated for the display of such Signs, by Council. Each candidate is permitted one election Sign per designated area as outlined in Schedule C attached hereto.

(3) Home Based Business Signs

One (1) wall or Ground Sign per Lot not exceeding 0.2 square metres (2.15 square feet) in Sign Area, a depth of 0.15 metres (0.49 feet), and a height of 1.0 metre (3.28 feet) that only states the name of the legal home business carried on at residential building, the address of the Premises and/or other identifier of the Premises or building, shall be permitted. The Sign shall be a minimum of 1.0 metres (3.28 feet) from the Property Lines.

(4) Identification Sign

Nothing herein shall be deemed to prevent the display of a Sign that only identifies the name, symbol, or insignia, or any combination thereof, of the Premises, use, or persons occupying the Premises on which such Sign is situated. Such Signs shall be a minimum of 1.0 metres (3.28 feet) inside the Property Line and a maximum Sign Area of 0.2 square metres (2.15 square feet).

(5) Institutional Signs

Nothing herein shall be deemed to prevent the erection of an Institutional Sign. Any Institutional Sign shall be placed a minimum of 1.0 metres (3.28 feet) inside the Property Line and shall have a maximum Sign Area of 1.5 square metres (16.15 square feet).

- (6) **Menu Display**
Nothing herein shall be deemed to prevent the erection of a Menu Display for purposes of a Restaurant to display their menu. Menu Displays shall be attached directly to the building and shall have a maximum Sign Area of 0.2 square metres (2.15 square feet).
- (7) **Official Signs**
Nothing herein shall be deemed to prevent Official Signs, including the erection of federal, provincial, regional or municipal Signs on any property, or any lawful Sign or Signal by the municipality or other road authority for the direction or control of traffic.
- (8) **Open House / Yard Sale Signs**
Notwithstanding anything in this By-law to the contrary, Signs advertising yard sales, garage sales and/or open houses shall be permitted on the Premises on which the sale or open house is to be held for a period not to exceed forty-eight (48) consecutive hours provided that such Signs do not obstruct or interfere with the vision of vehicular drivers. Such Signs shall not have a Sign Area of more than 0.4 square metres (4.30 square feet). Each such Sign shall indicate the date of the sale. Yard sales and garage sales are permitted a maximum of twice per year.
- (9) **Produce Sign**
Nothing herein shall be deemed to prevent the display of one (1) Sign on Premises zoned to permit agricultural uses that advertises the sale of produce grown on site. Such Sign shall be at least 1.0 metres (3.28 feet) inside the Property Line and shall have a maximum Sign Area of 2.25 square metres (24.22 square feet).
- (10) **Prohibited Use**
Nothing herein shall be deemed to prohibit the display of a Sign conveys uses and actions prohibited on the Premises. Such a Sign shall be placed a minimum of 1.0 metres (3.28 feet) inside the Property Line and shall have a maximum Sign Area of 0.2 square metres (2.15 square feet).
- (11) **Public Information Signs**
Notwithstanding anything in this By-law to the contrary, nothing herein shall be deemed to prevent Signs erected by a governmental body, or under the direction of a governmental body, such as Signs which identify a public arena, public community centre, public park, public recreation facility or other public building, and which inform the public of the activities and events carried on within such facilities.
- (12) **Real Estate Signs**
One Real Estate Sign that is not an Illuminated Sign may be erected on the Premises to be sold, rented, or leased. In Residential Zones and in the Queen-Picton Zone, the Real Estate Sign shall be at least 1.0 metres (3.28 feet) away from any Street Line, shall have a Sign Area of 0.6 square metres (6.46 square feet) or less, and shall have a maximum height of 1.2 metres (4 feet). In all Other Zones the Real Estate Sign shall have a Sign Area of 2.0 square metres (21.53 square feet) or less on properties that are less than 1.0 hectares (2.47 acres) in size, or shall have a Sign Area of 3 square metres (32.29 square feet) or less on properties that are greater than 1 hectares (2.47 acres).

If the building to be sold, rented or leased is closer than 1.0 metres (3.28 feet) to the Street Line, any Real Estate Sign shall be attached flat to the face of the building.

All Real Estate Signs shall be removed within thirty (30) days of the sale, rental or lease of the Premises.

(13) Residential Signs

One (1) wall or Ground Sign per Lot not exceeding 0.2 square metres (2.15 square feet) in Sign Area, a depth of 0.15 metres (0.49 feet), and a height of 1.0 metre (3.28 feet) that only states the name of the Occupant of the residential building, the address of the Premises, and/or other identifier of the Premises or building, shall be permitted. The Sign shall be a minimum of 1.0 metres (3.28 feet) from the Property Lines.

(14) Service Station and Gas Bar Signs

Notwithstanding any other provision of this By-law, the following Signs may also be permitted in association with service stations and gas bars:

- (i) Wall Signs identifying separate functions within a service station or gas bar shall be deemed to be Directional Signs. Such Directional Signs shall not exceed 1.0 square metre (10.76 square feet) in Sign Area.
- (ii) Gas price Signs not exceeding 0.5 square metres (5.38 square feet) in Sign Area may be permitted on the fascia of a freestanding Canopy associated with pump islands provided that such a Sign is an integral part of the Canopy design and does not extend beyond the fascia limits, and further provided that no more than two (2) such Signs shall be permitted per Canopy.
- (iii) One Portable Sign identifying gas prices only, shall be permitted. Such Sign shall not exceed 0.5 square metres (5.38 square feet) in Sign Area, nor 1.0 square metre (10.76 square feet) for all Sign Faces combined.
- (iv) Signs customarily displayed on gasoline pumps which are an integral part of the pump or pump island design.
- (v) Directory Signs not exceeding 0.5 square metres (5.38 square feet) in Sign Area may be erected as an integral part of a Canopy fascia provided that no Directory Sign shall advertise, indicate, or direct attention towards any activity not carried on at the pump island with which the Canopy is associated. Such Directory Signs shall be limited to two (2) Signs per function per Canopy.

(15) Special Event Signs

Nothing herein shall be deemed to prevent temporary decorations, or Special Event Signs installed for Holidays or other Special Events, which are not for profit in nature. All temporary decorations and Special Event Signs may be erected or displayed a maximum of twenty-one (21) days prior to the Holiday or Special Event, and shall be removed within forty-eight (48) hours of the termination or cessation of the Holiday or Special Event, for which they are being used.

Other than for Holidays, a maximum of ten (10) Special Event Signs are permitted for any Special Event at any one time. All Special Event Signs shall have a maximum Sign Area of 1.0 square meter (10.76 square feet) or less, and may be double sided. The Special Event Sign shall not exceed 1.2 metres (4 feet) in overall height. Requests to erect Special Event Signs must be submitted and approved by the Manager of Enforcement or the Enforcement Co-ordinator before being erected.

Special Event Signs are not allowed in the Queen Picton Zone.

(16) **Window Logo or Decal**

Nothing herein should be deemed to prevent:

- (a) The application of any logo or decal on the glass or other transparent surface of any window or door, provided that the total Sign Area of such logos or decals on any Business Frontage shall not exceed 0.1 square metres (1.08 square feet) and not greater than 2mm in thickness.

(17) **Window Signs** according to the following provision:

- (a) The total Sign Area of a Window Sign shall not exceed thirty percent (30%) of the total area of the glass or other transparent surface on the window or door on which the Sign is displayed.

Any person who erects, places, displays, or maintains, or permits to be erected, placed, displayed, or maintained, any Sign contrary to the specifications in this Article is guilty of an offence.

Article Five – Signs Requiring a Sign Permit - By Zone

Section 5.01 – Signs Requiring Permits in All Zones

(1) **Construction Sign**

One temporary construction Sign, indicating the names of a construction project, and/or the names and addresses of contractors, architects, engineers, and/or related personnel to the construction project may be erected at the site of the development, for a maximum of twelve (12) months commencing on the date that a building permit is issued by the Chief Building Official of the Town, for the construction project. The size of a construction Sign shall be limited to a maximum Sign Area of 1.5 square metres (16.15 square feet) in Residential Zones and 3.0 square metres (32.29 square feet) in all Other Zones. The maximum height of a construction Sign shall be 2.15 metres (7.05 feet).

(2) **Directional Signs**

One Directional Sign where reasonably required to direct vehicles or people shall be permitted per Premises. A Directional Sign shall not exceed one square metre (10.76 square feet) in Sign Area, and shall not exceed a height of 1.0 metres (3.28 feet).

(3) **Subdivision Signs**

One (1) Ground Sign per subdivision project or development, except where the subdivision fronts onto more than one Street, one Ground Sign may be erected for each such Street Frontage, provided that no Ground Sign shall be located within 45.0 metres (147.64 feet) of another Ground Sign on the same subdivision.

The following regulations shall also apply to Ground Signs in subdivision developments:

- (a) No Subdivision Sign shall be larger than 12.0 square metres (129.17 square feet) in Sign Area or 24.0 square metres (258.34 square feet) for all Sign Faces combined;
- (b) No Subdivision Sign shall exceed 5.0 metres (16.40 feet) in width;

- (c) No Subdivision Sign shall exceed a maximum height of 4.0 metres (13.12 feet). If the Grade at the base of the Sign is below the Grade of the centre of the adjoining Street, the Sign may extend to a maximum height of 4.0 metres (13.12 feet) above the Grade at the centre of the Street;
- (d) No Subdivision Sign shall be located at a distance from an abutting Street of less than 3.0 metres (9.84 feet) or at a distance from a Property Line of less than 30.0 metres (98.42 feet);
- (e) No more than one Sign shall be mounted to the supporting structure of any Sign;
- (f) In order to erect such a Subdivision Sign, the development must consist of a minimum of ten (10) dwelling units; and
- (g) A Subdivision Sign shall be removed prior to the completion of tertiary services and release of the letter of credit for the subdivision.

Section 5.02 – Additional Signs Requiring Permits in Other Zones

The following Signs are permitted in Other Zones (all areas within the Town **other than** Established Residential, Residential, Residential Multiple, Residential Development, or Queen-Picton Commercial):

- (1) One (1) **Ground Sign** per Lot, except where a Lot fronts onto more than one Street, then one (1) Ground Sign may be erected for each Street Frontage, provided that no Ground Sign shall be located within 45.0 metres (147.64 feet) of another Ground Sign on the same Lot.
The following regulations shall apply to all Ground Signs in Other Zones:
 - (a) No Ground Sign shall be larger than 3.0 square metres (32.29 square feet) in Sign Area, or 6.0 square metres (64.58 square feet) of area for all Sign Faces combined;
 - (b) No Ground Sign shall exceed a maximum height of 3.0 metres (9.84 feet). If the Grade at the base of the Sign is below the Grade at the centre of the adjoining Street, the Sign may extend to a maximum height of 2.0 metres (6.56 feet) above the Grade at the centre of the Street;
 - (c) No Ground Sign shall be located at a distance from the abutting Street or Property Line of less than 1.0 metres (3.28 feet);
 - (d) In addition to external illumination permitted in section 6.04 (1) hereto, alternative lighting may be used with a Ground Sign in the form of:
 - (ii) backlighting as provided in section 6.04(3); or,
 - (iii) backlighting where the Sign Face is substantially composed of Reverse Graphics; and
 - (e) Ground Signs are permitted only on the Premises to which the Sign refers.
- (2) One (1) only of the following types of Signs for each exterior Business Frontage shall be permitted:
 - (a) One (1) **Awning Sign** per Business Frontage. The Copy of the Awning Sign shall be restricted to the skirt of the Awning and shall not exceed 15.0 centimetres (5.91 inches) in height. The bottom edge of such a Sign shall be a minimum of 2.0 metres (6.56 feet) above Grade.
 - (b) One (1) **Canopy Sign** per Business Frontage not to exceed a width that is one hundred percent (100%) of the Building Frontage. The bottom edge of the Canopy Sign shall be a

minimum of 2.0 metres (6.56 feet) above Grade. Such a Sign shall be permitted only below the second Storey of a building.

- (c) One (1) **Projecting or Vertical Sign** according to the following provisions:
 - (i) No portion of the Projecting or Vertical Sign shall be less than 2.5 metres (8.20 feet) above Grade or floor level immediately below such Sign, and shall only be located between the first and second Storeys of the building;
 - (ii) The Sign Area of the Projecting or Vertical Sign shall not exceed 1.0 square metre (10.76 square feet);
 - (iii) The maximum projection of the Projecting or Vertical Sign shall not exceed 1.2 metres (3.94 feet) from the adjacent Building Face;
 - (iv) The maximum thickness of the Projecting or Vertical Sign shall not exceed 10.0 centimetres (3.94 inches); and
 - (v) The maximum weight of a Projecting or Vertical Sign shall be less than 115 kilograms (253 pounds).
- (d) One (1) **Wall Sign** per Business Frontage not to exceed a width which is ninety percent (90%) of the Building Frontage; provided however that the maximum Sign Area of the Sign shall not exceed ten percent (10%) of the area of the wall upon which the Sign is to be placed. In addition to external illumination permitted in section 6.04(1) hereto, alternative lighting may be used with a Wall Sign in the form of:
 - (i) backlighting as provided in section 6.04(3); or
 - (ii) backlighting where the Sign face is substantially composed on Reverse Graphics.
- (3) One (1) only of the following types of Signs for each Business Frontage:
 - (a) One (1) **Banner Sign** according to the following provisions:

No person, their agent, or Sign Permit holder, shall erect, display or otherwise use a Banner Sign, or cause to erect, display, or otherwise use a Banner Sign:

 - (i) For more than ninety (90) days per calendar year for a business to which a Banner Sign Permit has been issued, and such Sign Permit shall be issued only on the basis of a maximum of one (1) permit per business per calendar year;
 - (ii) If on a Lot or Premises which is occupied by two or more businesses, and another business on the Lot or Premises is already displaying a Banner Sign pursuant to a Banner Sign Permit. Only one Banner Sign may be displayed on a Lot at one time;
 - (iii) That is hung from any pole, tree, landscaping feature or fixture other than the exterior wall of a building on the subject Premises or business;
 - (iv) That exceeds a Sign Area of 4.0 square metres (43.06 square feet); or
 - (v) That is not in good repair, is unsafe, unsightly, or dangerous.
 - (b) One (1) **Mobile Sign** according to the following provisions:
 - (i) The Mobile Sign is located on private property;

- (ii) The Mobile Sign displays the message, or advertises the business or services, originally specified in the Sign Permit application;
- (iii) The Mobile Sign is in good repair, is situated at Grade, is not harmful to the environment, and has not become unsafe, unsightly, or dangerous;
- (iv) Where the Mobile Sign has been leased or rented from a Sign company, the Mobile Sign shall have the name and telephone number of the Sign company affixed to it at a clearly visible location.
- (v) No Mobile Sign shall have more than two (2) Sign Faces, and the area of all Sign Faces which shall not exceed 3.7 square metres (39.83 square feet), and no one dimension shall be greater than 2.4 metres (7.87 feet). Individual letters, characters, numbers, figures, and symbols shall not exceed 20.32 centimetres (8.0 inches) in height;
- (vi) Where a business is located on a Lot or Premises occupied by two or more businesses, no application shall be approved if another business on the Lot or Premises already has a Mobile Sign Permit until that issued permit has expired;
- (vii) No person, agent or permit holder shall erect, display or otherwise use a Mobile Sign, or cause to erect, display or otherwise use a Mobile Sign:
 - (a) For more than ninety (90) days per calendar year for a business to which a Banner Sign Permit has been issued, and such Sign Permit shall be issued only on the basis of a maximum of one permit per business per calendar year;
 - (b) The content of which would indicate a contravention of any zoning or other by-law, Act or regulation enforceable in the Town, or which would identify, advertise or provide information in relation to a use or occupancy not permitted under a Zoning By-law;
 - (c) Contrary to the approved location or contrary to the information contained in the application, in respect of which the Sign Permit was issued;
 - (d) Which is for the purpose of third party advertising or is a Third Party Sign;
 - (e) So as to obstruct openings required for light and ventilation or any means of egress or access required for fire safety purposes;
 - (f) At any location where the Mobile Sign obstructs the sightlines and view of any pedestrian or driver of a motor vehicle, or obstructs the visibility of any traffic Sign or device, or interferes with vehicular traffic so as to endanger any person or risk damage to any vehicle;
 - (g) Is an Illuminated Sign, or which has flashing or moving lights, or emits illumination resembling an emergency light or traffic regulating device;
 - (h) Which has moving, spinning or rotating parts, or has any mechanical or electronic device to provide or simulate motion;
 - (i) Prior to the commencement date, or after the expiry date as set out in the Mobile Sign Permit;
 - (j) Which would be an unsafe Sign;

- (k) Within 30.0 metres (98.42 feet) of the edge of a traffic light standard;
 - (l) Within 9.0 metres (29.53 feet) of the closest edge of the paved portion of an intersection;
 - (m) Within 3.0 metres (9.84 feet) of the closest edge of a sidewalk;
 - (n) Within 23.0 metres (75.46 feet) of the closest edge of another Mobile Sign;
 - (o) Within 9.0 metres (29.53 feet) of the closest edge of another Sign;
 - (p) Unless such Sign is designed and constructed so as to withstand the design wind loads established by the Ontario Building Code;
 - (q) Where the Mobile Sign is on a box, container, stationary vehicle, or any other temporary or permanent structure;
 - (r) On a Lot where a Sign with a Readograph exists; or
 - (s) Without a current and valid Mobile Sign Permit issued by the Town.
- (viii) Every Mobile Sign shall display, on both sides of the Sign, in a conspicuous position, a seal issued by the Town clearly showing the date of placement of the Sign and the date for removal of the Sign. Any Mobile Sign that does not have such a seal in place or that displays a seal that does not have the dates clearly visible or that is displayed past the date for removal of the Sign or that is placed before the installation date may be removed by the Town. The cost for removal and storage of the Sign shall be invoiced to the Owner and/or Occupant of the Premises where the Sign was displayed. In the event that the removal and storage costs are not paid, said costs may be transferred to the property roll and collected as taxes
- (c) One (1) **Sandwich Board Sign** according to the following provisions:
- (i) A Sandwich Board Sign shall not exceed 0.61 metres (2 feet) in width, 0.91 metre (3 feet) in height, or 0.56 square metres (6.02 square feet) in Sign Area;
 - (ii) A Sandwich Board Sign shall be located in such a manner so as to provide clear and free pedestrian movement at all times;
 - (iii) A Sandwich Board Sign shall not be an Illuminated Sign;
 - (iv) A Sandwich Board Sign shall only be erected if the merchant(s) or business(es) occupying a building or Premises does not display any form of merchandise exterior to the building;
 - (v) The Sign message on a Sandwich Board Sign shall be relative to the occupancy of the building in front of which it is located. It may advertise more than one Occupant or business contained within a single building or storefront;
 - (vi) A permit for a Sandwich Board Sign is required per calendar year and must be reapplied for each year; and
 - (vii) Every Sandwich Board Sign shall display, on both sides of the Sign, in a conspicuous position, a seal issued by the Town clearly showing the date of placement of the Sign and the date for removal of the Sign. Any Sandwich Board Sign that does not have such a seal in place or that

displays a seal that does not have the dates clearly visible or that is displayed past the date for removal of the Sign or that is placed before the installation date, may be removed by the Town. The cost for removal and storage of the Sign, plus interest, shall be invoiced to the Owner of the Premises where the Sign was displayed. In the event that the removal and storage costs, plus interest, are not paid, said costs may be transferred to the property roll and collected as taxes.

Section 5.03 – Additional Signs Requiring Permits in the Queen-Picton Zone

All Signs within the Queen-Picton Zone require a heritage permit as well as a Sign Permit prior to display except Temporary Signs which require a Sign Permit only. Signs are allowed as follows in the Queen-Picton Zone:

- (1) All Signs as permitted in Article 4 and Sections 5.01 and 5.02, except for Signs as indicated in Schedule "B", which are not permitted anywhere within the Queen-Picton Zone.
- (2) **Temporary Window Signs**
 - (a) The installation of a Temporary Window Sign on any glass or other transparent surface of a window or door provided that:
 - (i) such Temporary Window Sign shall be permitted only on windows or doors at the ground level, or if the Premises fronts on a Street on the Second Storey of a building, on or below the Second Storey;
 - (ii) for any Temporary Window Sign on the ground level:
 - (A) if the Temporary Window Sign is a solid panel or a single Sign, the total Sign Area shall not exceed ten percent (10%) of the total glass or other transparent surface available for display on the Business Frontage;
 - (B) if the Temporary Window Sign consists of individual letters, characters, numbers, figures, or symbols on the glass or other transparent surface, the total Sign Area shall not exceed twenty percent (20%) of the total glass or other transparent surface available for display; and
 - (C) the maximum height of each letter, character, number, figure, or symbol on a Temporary Window Sign shall be 15.25 centimetres (6 inches).
 - (iii) for any Temporary Window Sign on or below the Second Storey:
 - (A) the total Sign Area of any such Temporary Window Sign shall not exceed ten percent (10%) of the total glass or other transparent surface available for display; and
 - (B) the maximum height of each letter, character, number, figure, or symbol on a Temporary Window Sign shall be 22.86 centimetres (9 inches).
 - (iv) such Temporary Window Sign is displayed for no more than thirty (30) days, and in the case of a subsequent Temporary Window Sign being displayed, there shall be a minimum of fifteen (15) days between the date when the

- first Temporary Window Sign is removed, and the date when the subsequent Temporary Window Sign is installed; and
- (v) the date that such Temporary Window Sign is first displayed shall be noted on the bottom right corner of the Temporary Window Sign in numbers or letters at least 25 millimetres (1.0 inch) high and clearly visible from the exterior of the Premises.
- (b) No Window Sign shall be permitted above the second Storey of any building and no Window Sign may be an Illuminated Sign;
- (3) **Interior Signs**
- Nothing herein shall be deemed to prohibit any Sign or Advertising Device in the interior of a building, provided that the Sign is located a minimum distance of 1.0 metres (3.28 feet) from the inside of the glass or other transparent surface of any window or door, and is not intended to be viewed from a public right-of-way.
- (4) One (1) only of the following types of Signs for each exterior Business Frontage:
- (a) One (1) **Awning Sign** per Business Frontage. The Copy of the Awning Sign shall be restricted to the skirt of the Awning and shall not exceed 15.0 centimetres (6.0 inches) in height. The bottom edge of the Sign shall be a minimum of 2.0 metres (6.56 feet) above Grade.
 - (b) One (1) **Directory Sign** for each building that contains multiple business units, provided that the Directory Sign meets the following criteria;
 - (i) the maximum size of the Directory Sign shall be 1.14 metres (45 inches) wide by 1.83 metres (72 inches) high,
 - (ii) where the Directory Sign is to be placed adjacent (within 5 centimetres) to a window opening, the bottom of the Directory Sign shall be at the same height as the sill of the opening. Where the Directory Sign is not adjacent (within 5 centimetres) to a window opening, the bottom of the Sign shall be between 0.915 metres (36 inches) and 1.22 metres (48 inches) above Grade;
 - (iii) Directory Signs shall not be Illuminated Signs, and
 - (iv) Directory Signs may only refer to the businesses contained within the building to which the Sign is attached
 - (c) One (1) **Ground Sign** per Business Frontage for which the maximum Sign Area shall be 2.0 square metres (21.53 square feet) and the maximum area for all Sign Faces shall not exceed 4.0 square metres (43.06 square feet). The maximum thickness of the Ground Sign shall be 0.3 metres (0.98 feet). The Sign Face shall not exceed 3.0 metres (9.84 feet) in overall height above the center line of the nearest Street. All such Ground Signs must be set back at least 2.0 metres (6.56 feet) from Property Lines. No more than one (1) Sign shall be mounted to the supporting structure of any Ground Sign.
 - (d) One (1) **Projecting or Vertical Sign** per Business Frontage for which:

- (i) No portion of the Projecting or Vertical Sign shall be less than 2.5 metres (8.20 feet) above the Grade or floor level immediately below such Sign and shall generally be located between the first and second Storeys of the building;
 - (ii) The Sign Area of the Projecting or Vertical Sign shall not exceed 0.75 square metres (8.07 square feet);
 - (iii) The maximum projection of the Projecting or Vertical Sign shall not exceed 1.0 metre (3.28 feet) from the adjacent Building Face;
 - (iv) The maximum thickness of the Projecting or Vertical Sign shall not exceed 10.0 centimetres (4.0 inches);
 - (v) No portion of the Projecting or Vertical Sign shall be closer than 1.0 metres (3.28 feet) to a Property Line; and
 - (vi) The maximum weight of a Projecting or Vertical Sign shall be less than 115 kilograms (253 pounds).
- (e) One (1) **Wall Sign** per Business Frontage not to exceed ten percent (10%) of the area of the wall upon which the Sign is to be placed. The Wall Sign shall not extend by more than 30.0 centimetres (1.0 feet) from the face of the building. Such a Wall Sign shall be located so that the Sign is located at the center of the Business Frontage.

Section 5.04 – Additional Signs Requiring Permits in the Glendale Urban Area

Signs are allowed as follows in the Glendale Urban Area:

- (1) A maximum of one (1) **Pole Sign** shall be permitted for any business at any one time in accordance with the following regulations:
 - (a) A Pole Sign shall be greater than 3.0 metres (9.84 feet) in height and less than 10.0 metres (32.81 feet) in height;
 - (b) The Sign Area of a Pole Sign shall not exceed 12.0 square metres (129.17 square feet) or 24.0 square metres (258.34 square feet) on all Sign Faces combined;
 - (c) Pole Signs are not permitted in Residential Zones or agricultural zones as defined in the Zoning By-laws of the Town;
 - (d) Pole Signs shall be located no closer than 2.0 metres (6.56 feet) to any Property Line and no closer than 5.0 metres (16.40 feet) to any Property Line in common with a Premises in a Residential Zone;
 - (e) All Pole Signs shall be designed by a Professional Engineer or Architect and will require a Building Permit before erection. All Pole Signs must be Certified by the designing Professional Engineer or Architect as having been erected in accordance with the design drawings and specifications; and
 - (f) All Pole Signs shall refer only to the business or services available at the Premises on which the Pole Sign is erected.

Any person who erects, places, displays, or maintains, or permits to be erected, placed, displayed, or maintained any Sign contrary to the provisions of this Article is guilty of an offence.

Article Six – General Regulations

Section 6.01 – Permits Required

Unless otherwise provided for in this By-law, no person shall construct, erect, display, Alter, or repair a Sign, or permit a Sign to be constructed, erected, displayed, Altered, or repaired without first obtaining a Sign Permit and paying any fee as prescribed in Schedule A of this By-law. No Sign Permit is required for the maintenance of a Sign or for a change of Copy on painted, printed or Changeable Copy Signs.

Section 6.02– Permit Time Period

A Sign which has been approved and for which a Sign Permit has been issued pursuant to this By-law, may stand or be displayed for a time period which shall expire upon the earliest of the following events:

- (1) the closing of the business identified on the Sign for a period of thirty (30) days; or
- (2) the sale or transfer of the business identified on the Sign where there is a change of the name of the successor business.

Any Sign or Advertising Device which continues to stand or be displayed after one of the above events shall be removed by the Owner and/or Occupant.

Section 6.03 – Maintenance

All Signs shall be properly maintained. Exposed surfaces shall be clean and painted if it is a painted Sign. Defective parts shall be replaced. The Chief Building Official, a Building Inspector, or a Municipal Law Enforcement Officer shall have the right under section 9.09 of this by-law to order the repair or removal of any Sign that is defective, damaged, dangerous, unsafe, unsightly, or substantially deteriorated.

Section 6.04 – Lighting

- (1) Except as expressly permitted herein or expressly prohibited herein, all approved Signs may be illuminated only by an external light source.
- (2) External light sources shall be shielded so that the light source is not visible from within another Premises.
- (3) Where backlighting is expressly permitted within this By-law, this use of backlighting is restricted to: individual incised plastic or glass letters or symbols mounted on a solid opaque Sign Face; individual halo-lit or channel lettering or symbols mounted on a solid opaque background.
- (4) The use of neon tubing, except as a concealed light source forming part of an approved back-lit Sign, is prohibited.
- (5) All wiring and conduits to electric Signs and lighting sources shall be placed within the building walls, located underground or otherwise concealed from view.
- (6) Any person lighting a Sign or permitting a Sign to be lit contrary to the specifications in this section is guilty of an offence.

Section 6.05 – Changeable Copy

Unless otherwise specified by this By-law, any Sign herein allowed may use manual, automatic, or electrically or mechanically activated changeable Copy. Any person who erects, places, displays, or maintains, or permits to be erected, placed, displayed, or maintained any Sign contrary to the provisions of this Article is guilty of an offence.

Article Seven – Nonconforming Signs

Section 7.01 – Legal Nonconforming Signs

The provisions of this By-Law which require a Sign Permit or which prohibit certain Signs shall not apply to Legal Nonconforming Signs.

Section 7.02 – Loss of Legal Nonconforming Status

Any Legal Nonconforming Sign shall lose its designation as a Legal Non-Conforming Sign if:

1. the Sign is relocated or replaced; or
2. the structure or size of the Sign is Altered.

Section 7.03 – Maintenance and Repair of Nonconforming Signs

Legal Nonconforming Signs shall comply with all requirements of this By-law regarding safety, maintenance, and repair.

Any person who erects, places, displays, or maintains, or permits to be erected, placed, displayed, or maintained any Sign contrary to the provisions of this Article is guilty of an offence.

Article Eight – Construction Specifics

Every Sign shall be designed, constructed and maintained to adequately withstand all loads which may be expected to come upon them, and the loads and designs shall be equal to those specified in the Ontario Building Code.

Article Nine – Administration and Enforcement

Section 9.01 – Administration

The Chief Building Official and/or any Municipal Law Enforcement Officer assigned such duties shall be responsible for the administration and enforcement of this By-law.

Upon receipt of an application for a Sign Permit, the following functions shall be performed:

- (1) Receive and review all applications in conjunction with any Sign or Sign structure governed by this By-Law;
- (2) If the application conforms to the provisions of this By-law and all other By-laws of the Corporation, sign the drawings and specifications, retain one (1) set for file purposes and issue the Sign Permit;
- (3) Carry out such inspection as may be necessary to satisfy that all construction is in compliance with the provisions of this By-law, the approved plans, and the Ontario Building Code; and
- (4) Issue the required notice whenever work is found not to be in conformity with the provisions of this By-law.

The Chief Building Official, a Municipal Law Enforcement Officer, or a Building Inspector is empowered, upon presentation of proper credentials, to enter onto land and/or at any reasonable time to inspect any building, structure or premises, for the purpose of carrying out an inspection of a Sign and its structure, to determine whether this By-Law, or a notice, or an order issued. is being complied with. Such inspections shall be carried out during business hours, being between 8:00 a.m. and 6:00 p.m., unless an emergency situation exists where public safety is in question.

Section 9.02 – Application for Permit

The applicant for a Sign Permit to construct, erect, display, Alter or repair any Sign shall complete an application on a prescribed form furnished for that purpose and file the completed application in duplicate with the Town.

The application referred to above shall:

- (1) Describe the land, building, or structure on which the proposed Sign is or is to be erected, by Street name, Street number or by other equivalent description;
- (2) State the full names, addresses and telephone numbers of the Owner and any Occupant of the Premises, and the Owner, lessor, and/or lessee of the Sign;
- (3) Contain a declaration to be sworn by the applicant as to the truth and accuracy of the application, its contents and the submitted documents;
- (4) Include the consent of the Owner of the Premises if he/she is not the applicant for the Sign Permit; and
- (5) Be accompanied by plans, specifications and drawings that:
 - (a) Are drawn to scale and are of sufficient detail to establish that the work, when completed, will conform to the provisions of this By-law and all other relevant By-laws of the Town;
 - (b) Includes information with regard to materials used, message, lighting, colours, dimensions of the Sign Area, Sign Face, and supporting members, the maximum height, clearance and projection of the Sign, and all other relevant structural information;
 - (c) When applicable or required by the Town, include an elevation of the Premises upon which the Sign is to be erected indicating the location and dimensions of the proposed Sign on the building, vehicular access, doors, windows and other existing Signs; and
 - (d) When applicable or required by the Town, include a site plan of the lands upon which the Sign is to be erected indicating the location of the proposed Sign on the site, Street Lines and other boundaries of the Premises and the location and dimensions of the building(s) thereon.

Section 9.03 – Permit Fee

All applications for Sign Permits filed with the Town shall be accompanied by a payment of the initial Sign Permit fee for each Sign as established by Council from time to time and as specified in Schedule A to this By-law.

Section 9.04 – Issuance and Denial

A Sign Permit shall be issued if the completed application conforms to the provisions of this By-law, every other By-law of the Town, the Ontario Building Code and regulations made thereunder, and if all required fees are paid.

The Chief Building Official, and Municipal Law Enforcement Officer assigned such duties may:

- (1) Refuse a Sign Permit for any Sign if the building or structure to which the Sign is, or is to be attached, is incapable of supporting such Sign, or if the information submitted regarding the construction of the said building or structure is not sufficient to enable him/her to adequately determine the capability of such building or structure to give such support;
- (2) Refuse a Sign Permit for any Sign if the information submitted on the Sign Permit application is incomplete or incorrect; and/or
- (3) Refer to Council any Sign for which a Sign Permit is being requested which, in the opinion of the Chief Building Official or Municipal Law Enforcement Officer, is unsightly, grotesque or offensive in character.

Section 9.05 – Permit Conditions, Refunds and Penalties

- (1) If a Sign Permit is denied, the permit fee will be refunded to the applicant.
- (2) If no inspections have been made, no work authorized by the Sign Permit has been performed, and the Sign has not been displayed pursuant to the Sign Permit, the Sign Permit fee, except for \$25.00, may be refunded to the applicant upon request, provided that the Sign Permit is returned to the Town within thirty (30) days of issuance.
- (3) If any Sign is installed or placed on any Premises prior to receipt of a Sign Permit, the specified Sign Permit fee shall be doubled. However, payment of the doubled fee shall not relieve any person of any other requirement or penalties prescribed in this By-law.

Section 9.06 – Inspection Upon Completion

Any person installing, Altering, or relocating a Sign pursuant to a Sign Permit has been issued shall notify the Chief Building Official or Municipal Law Enforcement Officer upon completion of the work. A final inspection, including but not limited to, an electrical inspection and inspection of footings on freestanding Signs, may be required.

Section 9.07 – Site Specific Amendment

(1) Site Specific Amendments

There shall be and is hereby established a Sign Committee, composed of a minimum of three (3) persons to be appointed by Council who shall hold office until the expiry of the term of the Council that appointed them and until their successors have been appointed. When requesting a Sign Permit and upon payment of the application fee as established by Council, from time to time, an applicant may apply for a site specific amendment to this By-Law, to deal with Signs on the applicant's Premises. The application for a site specific amendment shall be submitted to the Town, and be reviewed by the Sign Committee as established by Council from time to time. The application shall then be submitted to Council for review and approval. A site specific amendment may be granted by the Council where the literal application of the By-law would create a particular hardship for the Sign user and the following criteria are met:

- (a) The granting of the requested amendment would not be materially detrimental to the property Owners in the vicinity;
- (b) Hardship caused the Sign user under a literal interpretation of the By-law is due to conditions unique to that Premises and does not apply generally to the Town;
- (c) The granting of the amendment would not be contrary to the general objectives of this By-law and the Official Plan; and
- (d) A fee of per Schedule A has been paid at the time of application.

In granting an amendment, the Council may attach additional requirements necessary to carry out the spirit and purpose of this By-law in the public interest.

Section 9.08 – Violations

- (1) When, in the opinion of the Chief Building Official or a Municipal Law Enforcement Officer, a violation of this By-law has occurred or exists, the Chief Building Official or a Municipal Law Enforcement Officer shall issue a written compliance notice to the alleged Violator. The notice shall specify those sections of the By-law which are in violation and shall state that the Violator has seventy-two (72) hours from the delivery of the notice in which to correct the alleged violation, failing which the Town may correct the alleged violation at the expense of the Owner and/or Occupier.

- (2) If, upon inspection, the Chief Building Official or Municipal Law Enforcement Officer finds that a Sign is an Abandoned Sign or is structurally, materially, or electrically defective, or in any way endangers the public, the Chief Building Official or Municipal Law Enforcement Officer shall issue a written order to the Owner of the Sign and/or Occupant of the Premises stating the nature of the violation and requiring the Sign to be repaired or removed within seventy-two (72) hours of the date of the order, failing which the Sign may be removed by the Town at the expense of the Owner and/or Occupier.
- (3) Service of any notice under this section shall be carried out by personal service upon the Violator by the Chief Building Official or Municipal Law Enforcement Officer or by hand delivering the notice or order to the address of the Owner of the Premises as listed in the assessment rolls of the municipality.

Section 9.09 – Removal of Illegal Signs

- (1) Notwithstanding section 9.08, when a Sign is erected or displayed in contravention of any provision of this By-law, such Sign may be removed immediately by the Chief Building Official or a Municipal Law Enforcement Officer without notice, if it is located on, over, partly on, or partly over, property owned by or under the jurisdiction of the Town.
- (2) If the notice issued pursuant to subsection 9.08(1) or an order issued pursuant to subsection 9.08(2) is not complied with, the Chief Building Official or a Municipal Law Enforcement Officer may require that the municipality, its employees, or an independent contractor enter upon the land and remove such Sign. If a Sign has been removed pursuant to this section, the Chief Building Official or a Municipal Law Enforcement Officer shall forward a notice, by personal service on, or by registered mail to, the Owner and/or Occupant of the Premises, that:
 - (a) Advises that the Sign has been removed for their failure to comply;
 - (b) Provides a description of the Sign sufficient to enable it to be identified;
 - (c) Includes the address of the place of storage of the Sign and the date that it was removed; and
 - (d) Includes a statement advising as to how the Sign may be redeemed, including the amount and calculation of removal, storage, and interest, and advising that the Sign may be sold or otherwise disposed of if it is not redeemed within sixty (60) days.
- (4) Signs so removed shall be stored by the Town for a period of time of not more than sixty (60) days, during which time the Owner or his/her agent may be entitled to redeem such Sign upon receipt by the Treasurer of the amount calculated as the cost of removing the Sign, storage charges on a per day basis, plus interest thereon, as set out in Schedule A attached to this By-law).
- (5) Where a Sign has been removed by the Town and stored for a period of sixty (60) days and has not been redeemed, such Sign may be forthwith destroyed or otherwise disposed of by the Town, and the Owner of the Sign and/or Owner or Occupier of the Premises from which the Sign was removed shall be liable to pay to the Town the cost of removal and storage of the Sign, plus interest as provided for in subparagraph (4) above.

- (6) In the event that the removal and storage costs, plus interest, are not paid, said costs may be transferred to the property roll and collected as taxes.

Any person who fails to pay the removal and storage costs, and interest thereon, as provided for in subparagraph (4) and (5) above, is guilty of an offence, and upon conviction, is liable to a fine as provided for herein.

Section 9.10 – Penalty for Non-compliance

- (1) Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33 and as set out in Schedule D.
- (2) Every director or officer of a corporation who knowingly concurs in the contravention of this By-Law is guilty of an offence, and on conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33. and as set out in Schedule D.
- (3) Where a person has been convicted of an offence under this By-law the Court may in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted directed toward the continuation or repetition of the offence.
- (4) Neither the granting of a Sign Permit, nor the approval of the drawings and specifications, nor inspection made by the authority having jurisdiction during the erection of a Sign shall, in any way, relieve the Owner of such Sign, Occupant or the Owner of Premises on which the Sign is located, from full responsibility for carrying out the work and required maintenance in accordance with the provisions of this By-law.

Article Ten - Conflict, Severability and Effective Date

Section 10.01 – Conflict

If any portion of this By-law is found to be in conflict with any other provision of any zoning, building, fire, safety, or other by-law of the Town, the provision which establishes the higher standard shall prevail.

Section 10.02 – Severability

Should any section, clause, or provision of this By-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part hereof, other than the part which was declared to be invalid.

Section 10.03 – Repeal

By-law Numbered 4400-10 shall be and the same is hereby repealed.

Section 10.04 – Effective Date

This By-law shall come into full force and effect of the date of final passage hereof at which time all By-laws that are consistent with the provisions of this By-law and the same are hereby repealed insofar as it is necessary to give effect to the provisions of this By-law.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 9th DAY OF OCTOBER, 2012



LORD MAYOR DAVE EKE



TOWN CLERK HOLLY DOWD

Schedule A
To By-law No. 4586-12

Site Specific Amendment Fee	\$250
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Sign Permit Fees

Subdivision Sign	\$80
Construction Sign	\$80
Directional Sign	\$80
Ground Sign	\$80
Projecting or Vertical Sign	\$80
Awning Sign	\$80
Canopy	\$80
Wall Sign	\$80
Directory Sign	\$80
Temporary Window Signs – QPC (yearly)	\$30
Sandwich Board Sign (yearly)	\$30
Mobile Sign (yearly)	\$80
Banner Sign (yearly)	\$30
Pole Sign	\$80

Removal Fees

Removal of Sign	Cost shall be calculated per sign, minimum charge \$75
Storage of Sign	\$3 per day
Interest	15% per annum

**Schedule B
To By-law No. 4586-12**

Type	Section	Permit Required	Queen Picton	Commercial	Residential	Glendale Commercial	Agricultural
Animated	3.01(2)	N/A	×	×	×	×	×
Awning	5.02(2)(a)	Yes	✓	✓	×	✓	✓
Banner	5.02(3)(a)	Yes	✓	✓	×	✓	✓
B & B	4.01(1)	No	✓	✓	✓	✓	✓
Canopy	5.02(2)(b)	Yes	✓	✓	×	✓	✓
Construct	5.01(1)	Yes	✓	✓	✓	✓	✓
Directional	5.01(2)	Yes	✓	✓	✓	✓	✓
Directory	5.03(4)(b)	Yes	✓	✓	✓	✓	✓
Election	4.01(2)(i)(ii)	No	✓	✓	✓	✓	✓
Gas Bar	4.01(14)	No	✓	✓	✓	✓	✓
Ground	5.02(1)	Yes	✓	✓	×	✓	✓
Home Based Business	4.01(3)	No	✓	✓	✓	✓	✓
Identification	4.01(4)	No	✓	✓	✓	✓	✓
Institution	4.01(5)	No	✓	✓	✓	✓	✓
Menu Display	4.01(6)	No	✓	✓	✓	✓	✓
Mobile	5.02(3)(b)	Yes	×	✓	×	✓	✓
Neon	3.02(1)	Yes, flashing prohibited	×	✓	✓	✓	✓
Official	4.01(7)	No	✓	✓	✓	✓	✓
Pole	5.04(1)	Yes	×	×	×	✓	×
Poster	3.01(4)	N/A	×	×	×	×	×
Produce	4.01(9)	No	×	✓	✓	✓	✓
Projecting	5.02(2)(c)	Yes	✓	✓	×	✓	✓
Public Info	4.01(11)	No	✓	✓	✓	✓	✓
Real Estate	4.01(12)	No	✓	✓	✓	✓	✓
Residential	4.01(13)	No	✓	✓	✓	✓	✓
Roof	3.01(3)	N/A	×	×	×	×	×
Sandwich	5.02(3)(c)	Yes	×	✓	×	✓	✓
Special Event	4.01(15)	No	×	✓	✓	✓	✓
Subdivision	5.01(3)	Yes	✓	✓	✓	✓	✓
Temporary Window	5.03(2)	Yes	✓	n/a	×	n/a	n/a
Third Party	3.01(14)	N/A	×	×	×	×	×
Wall	5.02(2)(d)	Yes	✓	✓	×	✓	✓
Window	5.02(3)(e)	Yes	n/a	✓	×	✓	✓
Yard Sale	4.01(8)	No	✓	✓	✓	✓	✓

✓ = Permitted

×

n/a = not applicable

*****Signs in the Queen Picton Zone require Heritage Permits. See Section 5.03 for details.**

Schedule C
To By-law No. 4586-12

Public property locations for placement of election Signs as well as the height restrictions are as follows:

- Northeast corner of Lakeshore Road and Read Road - must be more than 15 feet north of pavements edge
- North side of Lakeshore Road at East West Line
- North side of Lakeshore Road at Four Mile Creek Road
- 4 corners of East West Line and Four Mile Creek Road - maximum height of 1.0 meter (3.3 feet)
- East West Line at Niagara Street - maximum height of 1.0 meter for northeast and northwest corners
- Niagara Stone Road at Concession 6 Road - field area southeast of "VIRGIL" Sign
- Line 4 Road and Concession 7 Road - maximum height of 1.0 meter
- Read Road and Carlton Street - maximum height of 1.0 meter
- Niagara Stone Road and York Road - West of York Road, maximum height of 1.0 meter
- York Road and Townline Road - maximum height 1.0 meter
- Northeast corner of Four Mile Creek Road and York Road - maximum height of 1.0 meter on southwest corner
- Southwest corner of York Road and Niagara River Parkway
- West side of Four Mile Creek Road at Stamford Townline Road
- North side of Lakeshore Road, opposite Garrison Village Drive
- Northeast side of Queen Street, opposite Mississagua Street, Boulevard only
- All 4 corners of Mississagua Street and Mary Street, boulevard only, maximum height of 1.0 m.
- East side of King Street, south of Mary Street extension, east of existing Scout Hall Sign
- Northwest corner of Niagara Stone Road and Niven Road, maximum height 1.0 m.
- Southeast corner of Niagara Stone Road and Anderson Lane, south of bike path
- North side of Anderson Lane, west of Simcoe Street
- South side of Glendale Avenue on the east and west boulevards of Niagara on the Green Boulevard, 10.0 m south of the south curb line, maximum height of 1.0 m

SCHEDULE D

THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE BY-LAW NO. 4586-12: Signs

PART I PROVINCIAL OFFENCES ACT

ITEM #	COLUMN 1: Short Form Wording	COLUMN 2: Provision creating or defining offence	COLUMN 3: Set Fine
1	Erect/Place/Display/Maintain a Prohibited Sign	3.01	\$350
2	Erect/Place/Display/Maintain a Neon Sign in Queen Picton Zone	3.02(1)	\$150
3	Erect/Place/Display/Maintain a Sign without obtaining Permit	6.01	\$350
4	Erect/Place/Display/Maintain a Temporary Sign in Queen Picton Zone without Permit	5.03(2)	\$350
5	Erect/Place/Display/Maintain a Temporary Sign larger than permitted in Queen Picton Zone	5.03(2)(a)(iii)	\$350
6	Display Temporary Sign exceeding 30 days	5.03(2)(a)(iv)	\$350
7	Fail to Display placement date on Temporary Sign	5.03(2)(a)(v)	\$350
8	Display Mobile Sign exceeding 90 days per Calendar Year	5.02(3)(b)(vii)(a)	\$350
9	Fail to Display Seal on Mobile Sign	5.02(3)(b)(viii)	\$350
10	Display Banner Sign exceeding 90 days per Calendar Year	5.02(3)(a)(i)	\$350

NOTE: The penalty provision for the offences indicated above is section 9.10 of By-law No. 4586-12, a certified copy of which has been filed.

7/4/12
Dec 11/12