

**THE CORPORATION OF THE
TOWN OF GREATER NAPANEE**

SIGN BY-LAW

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The Corporation of the Town of Greater Napanee

By-law No. 2011 – 42

A By-law for Prohibiting and Regulating the Erection of Signs and Other Advertising Devices within the Town of Greater Napanee

WHEREAS Section 11.(3) of the *Municipal Act, 2001*, S.O. 2001, Chapter 25, as amended, (the "*Municipal Act*") provides that by-laws may be passed by a lower-tier municipality respecting structures including fences and signs;

AND WHEREAS Section 128 of the *Municipal Act* provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are, or could become, or cause public nuisances;

AND WHEREAS Section 446 of the *Municipal Act* provides that where a municipality has the authority by by-law to direct or require that a matter or thing be done, the municipality may, in the same or another by-law, direct that, in default of it being done by the person directed or required to do so, such matter or thing shall be done at the person's expense and the municipality may recover the costs by action or by adding the costs to the tax roll and collecting them in the same manner as taxes;

AND WHEREAS it is the desire of the Council of The Corporation of the Town of Greater Napanee to regulate signs and advertising devices with a view to ensuring the safety of the public and minimize the nuisance with respect to the erection, location, size and occurrence of such signs and advertising devices;

AND WHEREAS temporary signs and advertising devices, including posters on public utility poles, mobile signs, Portable signs and other such temporary advertising devices, which were erected or displayed on the day this by-law comes into force, and which do not comply with the provisions of the by-law, are, in the opinion of the Council of the Town of Greater Napanee, deemed nuisances and safety matters requiring regulation;

AND WHEREAS all signs and advertising devices which were erected or displayed on the day this by-law comes into force without the benefit of a sign permit issued at the time of erection, where such permit was required, are unlawful and must comply with this by-law;

NOW THEREFORE the Council of The Corporation of the Town of Greater Napanee enacts the following:

SECTION 1 SHORT TITLE

- 1.1 This by-law may be cited as the "Sign By-law".

SECTION 2 SCOPE

- 2.1 The provisions of this by-law shall regulate the erection, location, re-location, construction, substantial alteration, and the re-sizing or replacement of the sign or sign structure, for all signs and advertising devices within the limits of the Town.
- 2.2 A change in the message displayed, except for Adult Entertainment signs, or the regular maintenance and repair of signs or advertising devices, does not in itself constitute a substantial alteration.
- 2.3 Where this by-law limits the number and spacing of a type of sign on a lot, the limit shall include all existing signs of such type on the lot, including those erected on the day this by-law comes into force, when consideration is given to erecting a new sign.
- 2.4 **By-law Exemptions**
- 2.4.1 Notwithstanding Subsection 2.1 of this by-law, this by-law does not apply to a permanent sign that was lawfully erected or displayed prior the passing of this by-law, if the sign is not substantially altered. This exemption does not apply to a temporary sign.
- 2.4.2 Signs erected by or for the Government of Canada, the Government of Ontario, the County of Lennox and Addington, the Town of Greater Napanee, any school board or college identified in the Zoning By-law, the KFL&A Public Health, or any local board as defined in the *Municipal Act* are exempt from this by-law, however such signs requiring professional design by the Building Code shall require a permit under this by-law and must comply with the Building Code and other provisions of this by-law.
- 2.4.3 Notwithstanding Clause 2.4.2 of this by-law, temporary signs erected on lands owned or leased by an entity listed therein shall comply with this by-law.
- 2.4.4 Picket signs and other signs carried or displayed on one's person are exempt from this by-law.
- 2.4.5 A sign painted on, or that appears to be painted on, a plated vehicle having a valid vehicle permit and actually used as a vehicle is exempt from this by-law, with the exception of an adult entertainment sign, which

is not permitted on a vehicle, and with the exception of an Election sign described and regulated by Clause 6.16.

- 2.4.6 Nothing in this by-law shall regulate the display of the Canadian flag, the Ontario flag, or the municipal flags.
- 2.4.7 A sign on a Town bus shelter and a bench sign authorized by agreement or contract with the Town is exempt from this by-law.
- 2.4.8 Except for a Window sign and an Adult Entertainment sign, a sign located within the interior of a building is exempt from this by-law.
- 2.4.9 Notwithstanding Clauses 2.4.1 and 2.4.2 of this by-law, signs erected wholly or partly on Town property may be required to comply with this by-law, if Council determines such compliance is in the best interest of the municipality.

2.5 **Other Authorities**

- 2.5.1 Nothing in this by-law shall limit the validity and effect of the County of Lennox and Addington sign by-law or the regulations of the Ministry of Transportation.
- 2.5.2 This by-law does not supersede any authority or remedy provided under the *Municipal Elections Act*.

SECTION 3 DEFINITIONS

- 3.1 Definitions in the Zoning By-law shall be used with respect to matters pertaining to land and land use and which are undefined in this by-law.
- 3.2 Definitions in the *Building Code Act*, 1992, S.O. 1992, c.43 and the Building Code (the "Building Code") shall be used with respect to matters pertaining to buildings and signs which are undefined in this by-law.
- 3.3 "Abandoned or Obsolete Sign" means a sign located on property which becomes vacant and unoccupied for a period of ninety (90) days or more, or any sign which pertains to a time, event or purpose which no longer applies.
- 3.4 "Address Sign" means a sign depicting no other information except for the street number, street name, owner's name, and/or common name of the property on which the sign is located.
- 3.5 "Adult Entertainment Sign" means a sign that promotes or advertises goods, entertainment, or services that are designed to appeal to erotic or sexual inclinations.

- 3.6 "Advertising Device" means any device or object erected or located so as to attract public attention to any goods or services or facilities or events and includes flags, banners, pennants and lights or any other object intended for advertising purposes.
- 3.7 "Applicant" means the applicant for a permit to erect a sign.
- 3.8 "Banner" means a fabric sign which may be predominately one dimensional and may be erected across a street, highway, road, or other place.
- 3.9 "Billboard Sign" means a third party off-premise outdoor sign erected and maintained by a person engaged in the sale or rental of the space on the sign to a clientele, upon which space is displayed copy that advertises goods, products, or services not necessarily sold or offered on the property where the sign is located, and the sign is either single faced or double faced.
- 3.10 "Boulevard Sign" means a privately owned sign erected temporarily on the municipal boulevard or median giving directions to motorists and may be associated with a church or place of worship, but shall not be used for a business, commercial or industrial purpose.
- 3.11 "Canopy Sign" means a retractable or non-retractable permanent sign on a building which may be designed to provide shelter from sun, wind, rain, or other elements, includes a sign on a canopy, awning or marquee, which may or may not be supported by posts.
- 3.12 "Chief Building Official" means the Chief Building Official or his or her designate appointed by the Town of Greater Napanee pursuant to the Ontario Building Code Act.
- 3.13 "Community Bulletin Board or Kiosk" means a facility located on Town property, public property, or private property as may be designated from time to time by Council, upon which signs and posters may be placed by members of the public.
- 3.14 "Community Poster Sleeve" means a poster sleeve attached to a utility pole, light standard or other pole or post on Town or public property as may be designated from time to time by Council upon which posters may be placed by members of the public
- 3.15 "Construction Site Sign" means a temporary sign which identifies or provides information relating to or advertising the construction or alteration of a building in progress on the premises for which the sign is erected, until such time as the work has been finished or abandoned.
- 3.16 "Council" means the Council of The Corporation of the Town of Greater Napanee.

- 3.17 "Development" has a meaning as defined in the *Planning Act*, R.S.O 1990, c.P.13, as amended (the "Planning Act").
- 3.18 "Directory Sign" means a sign listing the tenants of a multi-tenant building containing at least two (2) distinct tenant units which sign includes only the municipal address and a list of tenants or occupancies for identification purposes.
- 3.19 "Election Sign" means a sign advertising, supporting or promoting the election of a candidate or a political party for public office, or a question on a ballot with respect to a Federal, Provincial, School Board or Municipal election.
- 3.20 "Electronic Message Display" means a permanent on-premise sign that employs flashing, animated or intermittent illumination, and shall include any sign whose message remains unchanged for a period of less than seven (7) seconds, but shall not include signs that display in whole or part the time of day and/or temperature.
- 3.21 "Erect" means to erect, install, place, affix, display, maintain or relocate a sign and includes a substantial alteration such as the re-sizing or replacement of the sign or sign structure, but does not include regular maintenance or a change in the message content, except where adult entertainment is the subject matter. For purposes of this by-law, erect shall also mean to cause to erect.
- 3.22 "Fabric Sign" means an advertising device which is a temporary sign constructed of flexible material and which may be subject to movement caused by atmospheric conditions, and includes canvas, film plastic, polyethylene, cloth or similar lightweight non-rigid material, but does not include a permanent sign constructed of a flexible material supported by a rigid frame in a manner that the material is not subject to movement.
- 3.23 "ft" means feet and "sq ft" means square feet.
- 3.24 "Façade" means the entire exterior building wall facing one direction including a parapet.
- 3.25 "Face" means the plane of the sign upon, against or through which the message of the sign is exhibited.
- 3.26 "Farm Sign" means a sign associated with and located on land devoted to the practice of farming.
- 3.27 "Frontage" means the length of street line abutting a street. For lots with frontage on more than one (1) street, and for corner lots, permit calculations may be allocated on a sign per street basis.

- 3.28 "Garage/Yard Sale Sign" means a temporary sign advertising the sale of personal merchandise associated with a private dwelling and offered for sale on the premises of the private dwelling and includes any directional signage thereto.
- 3.29 "Grade" means the average elevation of the finished surface of the ground adjacent to the sign but shall not include any artificial embankment or vegetation.
- 3.30 "Ground Sign" means a permanent sign directly supported from the ground by one or more uprights, poles or braces, or located on a structural base or foundation placed in or upon the ground, which sign may include the name(s) of the owner(s) and/or tenant(s) and address and may advertise goods, products, services or events that are sold, offered, or provided on the premises on which the sign is located, and does not include any other sign defined in this by-law.
- 3.31 "Height" means the vertical distance from grade to the highest point of the sign and includes any support structure or ornamental feature.
- 3.32 "Inflatable Sign" means a fabric sign or advertising device filled with air or gas and designed to be airborne and tethered to the ground, a vehicle or structure and shall include balloons and any other inflatable advertising device.
- 3.33 "Information Sign" means a sign for public safety or convenience regulating on-premise traffic, parking or other functional subdivision of premises or a sign denoting sections of a building and bearing no commercial advertising.
- 3.34 "Interior Sign" means a sign not visible or intended to be seen from off the premises upon which the sign is located.
- 3.35 "Intersection" means the area embraced within the prolongation or connection of the lateral curb lines or, if none, then of the lateral boundary lines of two or more highways that join one another at an angle, whether or not one highway crosses the other.
- 3.36 "Lot" has a meaning as defined in the Zoning By-law. A lot shall also mean a parcel of land identified in a registered lease agreement as a separate entity related to a separate and distinct building on the lands.
- 3.37 "Lot Line" means any boundary of a lot.
- 3.38 "m" means metres and "sq m" means square metres.
- 3.39 "Menu Board Sign" means a permanent sign used in conjunction with a drive-through facility and used to display and order products and services available at the drive-through business.
- 3.40 "Mixed Use Lands" means a lot legally used for residential and non-residential uses.

- 3.41 "Mobile Sign" means a temporary sign with a sign area greater than 1.2 sq m (13 sq ft) which is designed, intended or capable of being readily moved from one location to another, is usually built on a trailer or other solid framework and which does not rely on a building or fixed foundation for its structural support but does not include a Portable sign. Mobile signs shall only be permitted on the property of which the advertisement or event is taking place.
- 3.42 "Municipal Law Enforcement Officer" means a By-law Enforcement Officer appointed by the Town for enforcement of its regulatory by-laws or the Chief Building Official or an Inspector or Officer appointed under the Building Code.
- 3.43 "Official Sign" means a sign erected by an entity identified in Clause 2.4.2 of this by-law or privately by an owner who is required to erect such sign by an entity described in Clause 2.4.2 of this by-law.
- 3.44 "On-Site Directional Sign" means any on-premises sign which gives directions or instructions for the control of vehicular or pedestrian traffic and shall include an entry and exit sign.
- 3.45 "Open House Sign" means a portable sign intended to direct traffic to a residence or business for sale or lease, but shall not include a subdivision development sign.
- 3.46 "Owner" means the sign owner, building or property owner or other person in control of the sign, building or property upon which the subject sign is erected and includes the lessee of a sign or his or her agent. Where there is no owner, lessee or agent for a sign or such person cannot be determined with certainty, the sign owner shall be deemed to be the person or business having the use or major benefit of the sign, or if such person or business is unknown, the sign owner shall be deemed to be the registered owner of the land upon which the sign is situated.
- 3.47 "Permanent Sign" means a sign designed and erected in a manner that it may remain fixed in the same location throughout the life of its structure, is not capable of being readily moved, and does not include a mobile sign, portable sign, poster or other temporary signs. A permanent sign is attached to a building with screws or fasteners or to the ground with foundations or significant depth in a manner that its removal requires special tools and effort.
- 3.48 "Permit" means written permission or written authorization from the Chief Building Official or designate to erect a sign in accordance with this by-law.
- 3.49 "Person" means an individual, business, firm, corporation, association, partnership or entity.

- 3.50 "Portable Sign" means a temporary sign designed or intended to be readily moved from one location to another, with a sign area less than or equal to 1.2 sq m (13 sq ft), which is designed to rest temporarily on the ground or on an object and is not affixed or attached thereto, and shall include signs commonly referred to as sandwich board, A-frame, T-frame and menu board but does not include a mobile sign.
- 3.51 "Poster or Poster Sign" means a temporary sign which is a printed notice, generally made of cardboard, plastic, fibreboard, paper or similar flexible material, conveying information intended to be displayed for a short period of time and includes, but is not limited to, a bill, handbill, leaflet, notice or placard.
- 3.52 "Pre-Menu Board" means a sign erected as part of a drive-through facility and used only to display products and services available at the drive-through business.
- 3.53 "Projecting Sign" means a sign which is supported by a building and projects out from the building at an angle.
- 3.54 "Public Property" means property owned or leased by an entity described in Clause 2.4.2 of this by-law.
- 3.55 "Pump Island Sign" means a sign on top of gasoline service pumps or on the columns of a gas bar canopy, on guard posts or freestanding on a gasoline pump apron.
- 3.56 "Public Road Authority" means the Town, Lennox & Addington County or the Provincial government which has jurisdiction over a particular street as applicable.
- 3.57 "Readograph" means a permanent sign composed of changeable letters intended to convey a temporary message and which is designed or constructed so that the message on the sign may be easily changed and rearranged mechanically (manually) or as part of an electronic message display.
- 3.58 "Real Estate Sign" means a temporary sign that advertises a building, property or premises for sale, lease or rent, but shall not include an open house sign.
- 3.59 "Residential Only Lands" means a lot legally used for residential use(s) only, but excludes a lot with mixed residential uses such as farmland with an associated dwelling unit.
- 3.60 "Roof Sign" means any sign which is supported entirely or partly by the roof of a building or structure and which sign projects above the roof, eave or parapet of the building.
- 3.61 "Shopping Centre" has a meaning as defined in the Zoning By-law.

- 3.62 "Sign" means any surface, structure and other component parts, which is used, or is capable of being used, as a visual medium or display to attract attention to a specific subject matter or matters, other than itself, for identification, information, or advertising purposes, and includes an advertising device.
- 3.63 "Sign Area" means the entire area of the surface of a sign face including the border and frame and where a sign is not bounded or enclosed within a distinct area or frame, or the sign is composed of individually installed letters, numerals or shapes, the area shall be that of the smallest polygon containing a maximum of eight (8) right angle sides that encloses the grouping of letters, numerals or shapes.
- 3.64 "Sign Structure" means the supports, uprights, bracing and framework of a sign which is resting on, or attached to, the ground, building or structure.
- 3.65 "Sight Triangle" means an area on a corner lot as defined in the Zoning By-law.
- 3.66 "Special Event Sign" means a temporary sign promoting a public festival, charitable event, or community group and includes all ancillary signs related thereto such as directional signs.
- 3.67 "Special Occasion Sign" means a temporary sign erected for not more than two (2) days to acknowledge or celebrate a special day such as a birthday or anniversary and may include an advertising device.
- 3.68 "Street" means a highway, road, street, as defined in the *Municipal Act* but does not include a private lane or an unopened road allowance.
- 3.69 "Street Line" means the boundary line that divides a lot from a street.
- 3.70 "Subdivision Development Sign" means a temporary sign that advertises only the subdivision, condominium or other development in which the sign is located and not the sale of lots or units elsewhere or the realtor's, developer's or landowner's business in general.
- 3.71 "Subdivision Identification Sign" means a permanent sign that identifies the name only of the subdivision in which it is erected.
- 3.72 "Temporary Sign" means a sign which is not a permanent sign and includes mobile signs, portable signs, poster signs, signs anchored in shallow ground without foundation, and signs which are capable of being easily moved or re-located.
- 3.73 "Third Party Sign" means a sign describing in any manner whatsoever one or more products, services or things which are not made, provided, produced, assembled, sold or stored on the lot upon which the sign is erected.

- 3.74 "Town" means The Corporation of the Town of Greater Napanee.
- 3.75 "Town Property" means any property owned or leased by the Town, including parkland, buildings and lands, vacant land, pathways, streets, opened and unopened road allowances.
- 3.76 "Unsafe" means a condition which is structurally inadequate or faulty, or could be hazardous to a pedestrian, motorist or property.
- 3.77 "Wall Sign" means a permanent sign which is supported by a building exterior wall or fascia and projects outwardly to a plane approximately parallel to the plane of the wall and may include a canopy sign.
- 3.78 "Window Sign" means a sign posted, painted, placed or affixed in or on a window, and shall include a sign located in the interior of a building that faces a window and located within 1 m (3 ft) of a window.
- 3.79 "Zoning By-law" means the current Zoning By-law, as amended, of the Town enacted under the *Planning Act*.

SECTION 4 GENERAL PROVISIONS

4.1 General Regulations Applicable to All Signs

- 4.1.1 No person shall erect a sign except in accordance with this by-law.
- 4.1.2 No person shall erect a sign wholly or partly located on Town property or public property, except as provided in Section 8 of this by-law.
- 4.1.3 No person shall erect a sign without a permit except as permitted in Subsection 5.3 of this by-law.
- 4.1.4 Every Owner shall ensure that their signs comply with all provisions of this by-law.
- 4.1.5 Except for permitted third party and billboard signs, no person shall erect a sign unless the use of the sign is incidental and accessory to the principal lawful use of the property.
- 4.1.6 All signs must comply with the Building Code requirements for signs, including the requirements for structural design, professional design, plastic sign facing materials and location restrictions specified therein.

4.2 **General Prohibition of Signs**

4.2.1 No person shall erect any of the following signs which are hereby prohibited within the Town:

- a) A sign not specifically described in this by-law.
- b) A flashing or animated sign with a period of time of illumination or a period of non-illumination of any part of the sign of less than 15 (fifteen) seconds, and includes images or messages in motion, but does not include alpha-numeric text moving horizontally in a right to left direction at constant speed.
- c) A sign which makes use of a word such as "Stop", "Look", "Yield", or any similar word, phrase, symbol or character in such a manner as to tend to interfere with, mislead or confuse a motorist and which is not erected by a Public Road Authority.
- d) An abandoned or obsolete sign.
- e) A sign on a vehicle or trailer when the vehicle or trailer is used primarily as a sign and not as a vehicle or trailer.
- f) A roof sign.
- g) A sign which is unsafe.
- h) A sign on a tree, bush or shrub.
- i) A sign painted on a building wall, door or roof.
- j) A sign erected on a fence or sound attenuation wall, except an on-site directional sign, election sign, information sign, official sign or real estate sign.
- k) A sign which conveys indecent images or words.
- l) A sign which displays the Town logo, unless approved in writing by the Town.

4.2.2 Any person who erects any prohibited sign is guilty of an offence.

4.3 **General Location Restrictions for Public Health and Safety**

4.3.1 No person shall erect a sign as follows:

- a) A moving or revolving sign, greater than 0.5 sq m (5 sq ft) and located within 15 m (49 ft) of a street.
- b) A banner sign over a street unless the Public Road Authority or Council has given prior approval.
- c) A sign painted, marked or inscribed on pavement.
- d) A sign which impairs the visibility or safety of a pedestrian using a sidewalk at a driveway, laneway or intersection crossing.
- e) A sign which impairs the visibility of a motorist entering or leaving a property at a vehicle access location.
- f) A sign, which, in the opinion of the Director of Public Works or the Chief Building Official may, by reason of size, location, content, colouring or manner of illumination, obstruct or interfere with the visibility, safety or effectiveness of any motorist or pedestrian.
- g) A sign obstructing or interfering with the intended operation of any public utility, traffic control, fire route, or building system.
- h) A sign interfering with or obstructing the view of an official sign.
- i) An exterior sign erected over any part of a sidewalk or walkway unless the vertical distance, measured from the bottom of the overhanging portion of the sign to the travelled surface, is at least 2.4 m (8 ft).

4.3.1 Any person who erects any prohibited sign contrary to the specifications in this Subsection is guilty of an offence.

4.4 **General Restrictions for Reducing Public Nuisance**

4.4.1 No person shall erect a sign as follows:

- a) A sign with an illuminating light source not shielded so that the light source is visible from off the property on which the sign is located.
- b) An inflatable sign erected for more than three (3) days.
- c) A sign erected within, or partially within, a parking space required by the Zoning By-law.
- d) A sign erected within, or partially within, a parking space designated for accessibility purposes.

- e) A sign erected in such a manner as to limit the intended use of a pedestrian walkway or barrier-free path of travel, or which reduces the effective width of a sidewalk to less than 1.5 m (5 ft).
 - f) A sign on the ground located less than 1 m (3 ft) from a lot line, street line, or road curb unless permitted otherwise, or unless necessary for the purposes of an information sign or official sign.
- 4.4.2 Any person who erects any prohibited sign contrary to the specifications in this Subsection is guilty of an offence.

SECTION 5 PERMITS AND FEES

5.1 Permit Requirements

- 5.1.1 No person shall erect a sign without obtaining a permit from the Chief Building Official, except as allowed by Subsection 5.3.
- 5.1.2 The applicant for a permit shall submit to the office of the Chief Building Official a written and signed application for each sign proposed along with two (2) copies of a plot/site location plan and two (2) sets of scale drawings of the sign showing, in detail, the kind and character of sign proposed to be erected and maintained together with the actual dimensions and weight thereof and the manner in which it is proposed to be erected. Every application shall be signed by the owner of the property upon which the sign is proposed to be erected or by the owner's authorized agent. The Chief Building Official may require additional information where it is deemed necessary.
- 5.1.3 Where the Chief Building Official is satisfied there is compliance with this by-law and other by-laws of the Town, he/she may issue a permit, subject to compliance with other applicable laws outside the jurisdiction of the Town, provided the owner can provide documentation the other applicable agency has been notified.
- 5.1.4 The permit may be issued subject to such terms and conditions as the Town deems necessary to ensure compliance with this by-law and the health and safety of the public.
- 5.1.5 The Chief Building Official may, if deemed necessary, require that the sign and its supporting structure be designed by an Architect or Professional Engineer registered in Ontario and the erection of any such sign must be reviewed during construction by the Architect or Professional Engineer and certified as being erected in compliance with the design drawings and specifications. The following signs, in all instances, must be designed by an Architect or Professional Engineer registered in Ontario and the erection of any such sign must be reviewed

during construction by the Architect or Professional Engineer and certified as being erected in compliance with the design drawings and specifications:

- a) a ground sign exceeding 7.5 m (25 ft) height;
- b) a projecting sign weighing more than 115 kg;
- c) a projecting sign attached or fastened to any part of a parapet .

5.1.6 Plans and such other information with respect to any building or structure upon which a sign is proposed to be erected, may be required by the Chief Building Official in order to determine whether the structure or building will safely carry the additional loads and stresses imposed by the erection of such sign.

5.1.7 Every sign for which a permit is required may be inspected by a Municipal Law Enforcement Officer. The owner shall notify the office of the Chief Building Official in advance of completion of the stages of construction specified in the Building Code and when such sign is completely erected.

5.1.8 Any permit may be revoked by the Chief Building Official serving reasonable notice upon the owner where such owner fails to comply with the requirements of this by-law or where the permit was issued on false information, or was issued in error.

5.1.9 Every permit issued under this by-law shall automatically expire and become null and void:

- a) if the sign authorized by such permit is not erected within six (6) months of the date of issue of such permit,
- b) if the sign is erected in contravention of the conditions of the permit or of any applicable provisions of this by-law, or
- c) if the erection or display of the subject sign is contrary to the provisions of any other applicable law.

5.1.10 The issuance of a permit under this by-law in no way constitutes absolute permission to erect a sign. Other prohibitory regulations may exist outside of the jurisdiction of the Town, and it is the responsibility of the owner and sign erector to ensure all applicable laws are complied with prior to installation.

5.2 Permit Fees

- 5.2.1 No application for a permit shall be considered until the fee described in Schedule "A" attached hereto, and forming part of this by-law, has been paid to the Town.
- 5.2.2 In the case of withdrawal of an application or the abandonment of all or a portion of the work, or the non-commencement of any project, the Chief Building Official shall determine the amount of paid permit application fees that may be returned to the applicant, if any, in accordance with Schedule "A" attached hereto.
- 5.2.3 No construction shall commence until the required permit has been issued. Notwithstanding Clause 5.2.1 of this by-law, the application fees prescribed in Schedule "A" shall be increased by \$100.00 where construction has commenced prior to the issuance of a permit.

5.3 Permit Exemptions

- 5.3.1 No permit shall be required for the following signs, provided such signs comply with all other provisions of this by-law:
- a) A permanent sign less than 1.2 sq m (13 sq ft) in sign area and less than 2.5 m (8 ft) in height,
 - b) A temporary sign less than 1.2 sq m (13 sq ft) in sign area and less than 2.5 m (8 ft) in height, or
 - c) A special event sign.
- 5.3.2 Notwithstanding Clause 5.3.1 of this by-law, a permit is required for certain signs on Town property specified in Section 8 of this by-law.
- 5.3.3 Notwithstanding Clause 5.3.1 of this by-law, a permit is required for all adult entertainment signs.

SECTION 6 PROVISIONS FOR TYPES OF SIGNS

- 6.1 Sign definitions in Section 3 of this by-law pertain to types of sign structures and types of use. A sign may be described in this by-law according to its structure, its use or both.
- 6.2 Where a sign may be described by several types in this by-law, the sign must meet the specific provisions applicable for each type of sign.

Specific Provisions for Signs Described as Permanent

6.3 Ground Signs

- 6.3.1 A ground sign shall be erected on the same frontage used to determine the maximum sign area and height of sign.
- 6.3.1 A ground sign shall not exceed 4 m (13 ft) in height for lots with 20 m (66 ft) or less of street frontage and 7.5 m (25 ft) in height for lots with more than 20 m (66 ft) of frontage.
- 6.3.2 A ground sign shall not exceed 4 sq m (43 sq ft) in sign area for lots with 20 m (66 ft) or less of street frontage, 6 sq m (65 sq ft) in sign area for with more than 20 m (66 ft) of street frontage but not greater than 40 m (131 ft) of street frontage, 8 sq m (86 sq ft) in sign area for lots with more than 40 m (131 ft) of street frontage but not greater than 60 m (197 ft) of street frontage, and 10 sq m (108 sq ft) in sign area for lots with more than 60 m (197 ft) of street frontage.

Street Frontage	Ground Sign Area NOT To Exceed
0 – 20 metres	4 sq metres
20 – 40 metres	6 sq metres
40 – 60 metres	8 sq metres
60 metres or more	10 sq metres

- 6.3.3 Shopping Centres with a lot area of 1 ha to 4 ha may have the sign area increased to 10 sq m (108 sq ft).
- 6.3.4 Shopping Centres with a lot area of over 4 ha may have the sign area increased to 20 sq m (215 sq ft) and the sign height increased to 9 m (30 ft).
- 6.3.5 The maximum total sign area for a ground sign that is double faced or a multi-faced sign shall be double the sign area permitted for one (1) sign face.
- 6.3.6 The sign face of a ground sign may allocate not more than 50% of the sign face to a readograph or electronic message display.
- 6.3.7 A ground sign in a commercial or industrial zone shall display the municipal address number in numerals that are a minimum height of 150 mm (6 inches).
- 6.3.8 A ground sign shall not be erected within 1 m (3 ft) of a lot line or street line.

- 6.3.9 A ground sign shall not be erected within 3 m (10 ft) of a driveway entrance or road curb when the sign is located a distance less than the height of the sign from the street line.
- 6.3.10 A ground sign shall not be erected within 3 m (10 ft) of a traffic signal standard.
- 6.3.11 More than one (1) ground sign per street frontage is not permitted on a lot, except on lots with greater than 100 m (328 ft) of frontage, one (1) ground sign is permitted on each street for every 100 m (328 ft) of street frontage, or part thereof, to a maximum of two (2) signs per street.
- 6.3.12 Where this by-law permits more than one (1) ground sign along a street frontage, no ground sign shall be erected along the street line within 45 m (148 ft) of any ground sign on the same property.
- 6.3.13 Professional Engineering design is required for all ground signs over 7.5 m (25 ft) in height as specified in Clause 5.1.4 of this by-law. Ground signs over 3 m (10 ft) in height with movement resisting foundations such as pole type signs must be designed by a person qualified in calculating the overturning forces and soil resistance, unless permitted otherwise by the Chief Building Official.

6.4 **Wall and Canopy Signs**

- 6.4.1 No wall or canopy sign shall extend beyond the extremity of the wall façade or fascia on which it is mounted.
- 6.4.2 No wall or canopy sign shall extend above the roof line of a building.
- 6.4.3 No wall sign shall project more than 0.5 m (1.6 ft) from the wall or fascia to which it is attached.
- 6.4.4 A canopy sign, and its anchorage system, must be designed to withstand the snow and rain loads specified in Part 4 of the Ontario Building Code.
- 6.4.5 A wall sign and a canopy sign shall be parallel to the wall or fascia to which it is attached.
- 6.4.6 A wall sign and a canopy sign shall be mounted on the same building façade used to calculate the maximum sign area.
- 6.4.7 No wall or canopy sign shall be greater in sign area than 50% (fifty percent) of the area of the exterior wall facing one direction upon which it is installed, with a maximum individual sign area of 35 sq m (377 sq ft).

- 6.4.8 Wall and canopy signs must meet the Zoning By-law requirements for setbacks from lot lines and the Building Code requirements for structural design, non-combustibility and flame resistance.
- 6.4.9 A property owner may erect a free-standing architectural feature to accommodate signage in lieu of a wall or canopy sign, subject to the following provisions:
- a) The free-standing architectural feature is erected no farther than 4 m (13 ft) from the main building to which the signage applies.
 - b) The maximum sign area is equal to that permitted for a wall or canopy sign under this by-law.
 - c) No portion of the free-standing architectural feature or attached sign shall be less than 2.5 m (8 ft) above grade, except for structures required to support the architectural feature.
 - d) The structural supports of the free-standing architectural feature shall be designed in such a manner not to interfere with the safety of a pedestrian with a vision disability.
 - e) No portion of the free-standing architectural feature shall exceed a maximum height of 4.5 m (15 ft).
 - f) The free-standing architectural feature must also meet the size and location requirements for a main building in the Zoning By-law.

6.5 **Projecting Signs**

- 6.5.1 No projecting sign shall be erected with a sign area of more than 2 sq m (22 sq ft).
- 6.5.2 Projecting signs must meet the Zoning By-law requirements for setbacks from lot lines and the Building Code requirements for structural design, non-combustibility and flame resistance.
- 6.5.3 Professional Engineering design is required for certain projecting signs specified in Clause 5.1.5 of this by-law.

6.6 **Billboard Signs**

- 6.6.1 No more than one (1) billboard sign is permitted on a lot.
- 6.6.2 A billboard sign shall be erected no closer than 6 m (20 ft) from the street line and no closer than 8 m (26 ft) from all other lot lines.

- 6.6.3 A billboard sign shall not be erected on a lot with less than 75 m (246 ft) of frontage.
- 6.6.4 A billboard sign shall not be erected in, or less than 100 m (328 ft) from, a residential zone designated in the Zoning By-law.
- 6.6.5 A billboard sign shall not be erected in a rural agricultural, agricultural, or open space zone designated in the Zoning By-law.
- 6.6.6 A billboard sign shall not be erected less than 400 m (1312 ft) from any other billboard sign.
- 6.6.7 A billboard sign shall not exceed 20 sq f (65 ft) in sign area.
- 6.6.8 A billboard sign shall not exceed 8 m (26 ft) in height.

Specific Provisions for Signs Described as Temporary

6.7 Mobile Signs

- 6.7.1 A mobile sign is not permitted on Town property or public property, except in accordance with Section 8, but is permitted on private property.
- 6.7.2 More than one (1) mobile sign per street is not permitted on a lot, except on lots with greater than 100 m (328 ft) of frontage, one (1) mobile sign is permitted on each street for every 100 m (328 ft) of frontage, or part thereof, to a maximum of two (2) signs per street.
- 6.7.3 A mobile sign shall not exceed 6 sq m (65 sq ft) in sign area and shall contain no more than two (2) sign faces.
- 6.7.4 A mobile sign shall not exceed 2.5 m (8 ft) in height.
- 6.7.5 A mobile sign is not permitted within 1 m (3 ft) of a lot line or street line.
- 6.7.6 A mobile sign is not permitted within 3 m (10 ft) of a driveway or road curb when the sign is located a distance less than the height of the sign from the street line.
- 6.7.7 Where more than one mobile sign is permitted on a lot, a mobile sign is not permitted within 45 m (148 ft) of another mobile sign on the same lot.
- 6.7.8 Every mobile sign shall have the name and telephone number of the sign company or owner affixed to it in a clearly visible location.

- 6.7.9 A mobile sign shall not be erected within, or partially within, a parking space required by the Zoning By-law, nor shall it be erected within or partially within any parking space designated for accessibility purposes.
- 6.7.10 A mobile sign erected or displayed on private property on the day this by-law comes into force, and which does not meet the provisions of the by-law, shall comply with this by-law within one (1) year after the day this by-law comes in force.
- 6.7.11 A mobile sign shall be erected for a maximum of sixty (60) consecutive days from the date of permit issuance.

6.8 **Portable Signs**

- 6.8.1 A Portable sign is not permitted on Town property, except as provided in Section 8 of this by-law, but is permitted on private property.
- 6.8.2 Every business suite is entitled to one (1) portable sign which must be placed on the lot in accordance with this by-law.
- 6.8.3 A Portable sign shall not exceed 0.6 sq m (6 sq ft) in sign area if single faced or 1.2 sq m (13 sq ft) in sign area if double faced, and shall not contain more than two (2) sign faces.
- 6.8.4 A Portable sign shall not exceed 0.9 m (3 ft) in height.
- 6.8.5 A Portable sign is not permitted within 10 m (33 ft) of a mobile sign or another Portable sign on the same lot, unless it is placed directly in front of the business storefront.
- 6.8.6 A Portable sign shall be removed and stored indoors when the building or service is not open for business.
- 6.8.7 A Portable sign erected or displayed on private property on the day this by-law comes into force, and which does not meet the provisions of this by-law, shall comply with this by-law within thirty (30) days after the day this by-law comes into force.

6.9 **Signs Anchored in Shallow Ground Without Foundation**

- 6.9.1 A sign shall not be erected in shallow ground without foundation unless the sign is intended to be a temporary sign and otherwise permitted by specific use type in this by-law.
- 6.9.2 A sign erected in shallow ground without foundation and which is permitted in this by-law shall comply with the size, number and location requirements for the use type of sign in this by-law but in any case shall

not be erected less than 1 m (3 ft) from a lot line or street line unless specifically permitted otherwise in this by-law.

- 6.9.3 A sign anchored in shallow ground without foundation, erected or displayed on private property on the day this by-law comes in force, and which does not meet the provisions of this by-law, shall comply with this by-law within one (1) year of the day this by-law comes into force.

6.10 Fabric Signs

- 6.10.1 For the purposes of this by-law, fabric signs shall consist of temporary signs such as the banner type, the inflatable type, and the flag type.
- 6.10.2 More than two (2) fabric signs are not permitted on a building.
- 6.10.3 A banner shall not exceed 6 sq m (20 sq ft) in sign area.
- 6.10.4 Except for a banner over a Street permitted in Section 8 of this by-law, a banner shall only be hung on the exterior wall of a building.
- 6.10.5 An inflatable sign erected for not more than three (3) days on a lot shall not be erected again on the same lot unless a period of one (1) year has passed without an inflatable sign on the lot.
- 6.10.6 A fabric sign erected or displayed on private property on the day this by-law comes in force, and which does not meet the provisions of this by-law, shall comply with this by-law within sixty (60) days of the day this by-law comes into force.

6.11 Poster

- 6.11.1 A poster is not permitted on Town or public property except in accordance with Section 8 of this by-law.
- 6.11.2 A poster is not permitted on private property within 15 m (49 ft) of a Street, except at a community bulletin board or kiosk or a community poster sleeve and only if the poster conforms to Clauses 8.2.2 to 8.2.4 of this by-law.
- 6.11.3 A poster erected on private property, and which is greater than 15 m (49 ft) from the Street, may be considered an interior sign if it is not readable from the street.
- 6.11.4 A poster erected on private property must conform to the shape of the surface on which it is affixed.

- 6.11.5 No person shall affix or place a poster, if the poster conveys a message with respect to an Adult Entertainment business or an unlawful activity or an activity which a Peace Officer or a Municipal Law Enforcement Officer has reason to believe is unlawful.
- 6.11.6 A poster erected or displayed on private property on the day this by-law comes into force, and which does not meet the provisions of this by-law, shall comply with this by-law within thirty (30) days after the day this by-law comes into force.

6.12 Other Temporary Signs

- 6.12.1 Other temporary signs shall not be erected unless the sign is permitted by specific use type in this by-law.
- 6.12.2 A temporary sign which is permitted in this by-law shall comply with the size, number and location requirements for the use type of sign in this by-law, but in any case shall not be erected less than 1 m (3 ft) from a lot line or street line unless specifically permitted otherwise in this by-law.
- 6.12.3 A temporary sign, erected or displayed on private property on the day this by-law comes into force, and which does not meet the provisions of this by-law, shall comply with this by-law within one (1) year after the day this by-law comes into force.

Specific Provisions for Signs Described by Use

6.13 Subdivision Development Signs

- 6.13.1 A subdivision development sign shall not be erected for a subdivision with less than six (6) lots.
- 6.13.2 A subdivision development sign shall not be erected until the subdivision or development lands are zoned and subdivided for the use being advertised.
- 6.13.3 A subdivision development sign shall be located within the subdivision or development it advertises.
- 6.13.4 More than one (1) subdivision development sign per street upon which the subdivision or development fronts is not permitted.
- 6.13.5 More than one (1) sign shall not be mounted on a sign structure.
- 6.13.6 A subdivision development sign shall not be located within 3 m (10 ft) of a lot line or a street line.

- 6.13.7 A subdivision development sign shall not be located less than 8 m (26 ft) from the boundary of the subdivision or development which is not a street line.
- 6.13.8 A subdivision development sign shall not exceed a sign area of 12 sq m (129 sq ft).
- 6.13.9 A subdivision development sign shall not exceed a height of 4 m (13 ft).

6.14 Subdivision Identification Sign

- 6.14.1 A subdivision identification sign shall not be erected for a subdivision with less than six (6) lots.
- 6.14.2 A subdivision identification sign shall be located within the subdivision it identifies, and shall not be located on the road allowance.
- 6.14.3 More than one (1) subdivision identification sign per street upon which the subdivision fronts is not permitted.
- 6.14.4 A subdivision identification sign shall not be located within 1 m (3 ft) of a lot line except that it may be located adjacent to a street line.
- 6.14.5 A subdivision identification sign shall not exceed a sign area of 2 sq m (22 sq ft).
- 6.14.6 A subdivision identification sign shall not exceed a height of 2 m (7 ft).
- 6.14.7 A subdivision identification sign on a corner lot is not permitted greater than 0.9 m (3 ft) in height above the elevation of the street traffic lane nearest the sign, within a visibility triangle.

6.15 Real Estate Signs

- 6.15.1 A real estate sign is permitted to be erected only on the property that is for sale or lease.
- 6.15.2 Not more than one (1) real estate sign per street shall be permitted on a lot, except on lots with more than 150 m (492 ft) frontage, one (1) sign is permitted on each street for every 150 m (492 ft) of frontage or part thereof.
- 6.15.3 A real estate sign erected on the ground shall be located not less than 1 m (3 ft) from a lot line and a street line.
- 6.15.4 Notwithstanding Subsections 4.2.1(k) and 6.15.3 of this by-law, one real estate sign may be erected on a fence located on a lot.

- 6.15.5 An Open House Directional sign shall comply with Subsection 8.3 of this by-law.
- 6.15.6 A real estate sign located on residential only lands shall not exceed:
- a) 0.8 sq m (9 sq ft) in sign area for lots with 20 m (65 ft) or less of frontage, and
 - b) The lesser of 4 sq m (43 sq ft) or 0.04 sq m (0.4 sq ft) of sign area per linear metre of frontage for lots with more than 20 m (65 ft) of frontage.
- 6.15.7 A real estate sign located on mixed use or non-residential lands shall not exceed:
- a) 1.2 sq m (13 sq ft) in sign area for lots with 20 m (65 ft) or less of frontage, and
 - b) The lesser of 6 sq m (65 sq ft) or 0.06 sq m (0.7 sq ft) of sign area per linear metre of frontage for lots with more than 20 m (65 ft) of frontage.
- 6.15.8 Real estate signs shall be removed within thirty (30) days after the date of the acceptance of an offer of purchase or lease of the premises.
- 6.15.9 A real estate sign shall only be erected if the property is marketed for a use that is in conformance with the Zoning By-law.
- 6.15.10 A real estate sign may be erected as a window sign within a suite of commercial or industrial use.
- 6.16 **Election Signs**
- 6.16.1 No person shall erect an election sign, except in accordance with this by-law.
- 6.16.2 Election signs shall not be erected on private property without the consent of the owner of the property.
- 6.16.3 Election signs shall comply with Section 4 of this by-law, but need not comply with Section 6 of this by-law.
- 6.16.4 Election signs erected on the ground shall be located not less than 1 m (3 ft) from a lot line and a street line.

- 6.16.5 Election signs located on residential only lands shall not exceed 1.2 sq m (13 sq ft) in sign area, except on property without a building where the sign shall not exceed 3 sq m (32 sq ft).
- 6.16.6 Election signs located on other than residential only lands shall not exceed 3 sq m (32 sq ft) in sign area, with the exception of a billboard sign.
- 6.16.7 No election sign shall be erected on the property where a polling facility is located when the polling station is open.
- 6.16.8 Election signs associated with federal or provincial elections shall not be erected earlier than the official date of notice of voting day, with the exception of signage at a campaign headquarters.
- 6.16.9 Election signs associated with a municipal election shall not be erected earlier than forty five (45) days before voting day, with the exception of signage at a campaign headquarters.
- 6.16.10 Election and campaign headquarter signs shall be removed no later than three (3) days following voting day. The candidate shall be responsible for the removal of the signs.
- 6.16.11 Notwithstanding Section 11 of this by-law, and where time is of the essence, election signs in violation of this by-law may be removed without notice upon recommendation of the Returning Officer for that election.

6.17 Construction Site Signs

- 6.17.1 A construction site sign is permitted to be erected only on the property that relates to the advertised or displayed construction.
- 6.17.2 More than one (1) sign shall not be mounted on a sign structure.
- 6.17.3 A construction site sign erected on non-residential only lands shall be non-illuminated with a sign area not exceeding 15 sq m (162 sq ft) and shall be removed from the construction site within thirty (30) days after first occupancy of the project.
- 6.17.4 A construction site sign erected on residential only lands shall be non-illuminated with a sign area less than 0.8 sq m (9 sq ft) and shall be removed from the construction site within thirty (30) days after first occupancy of the project.
- 6.17.5 A construction site sign erected on residential only lands and containing more than one (1) residential unit shall be non-illuminated with a sign

- 6.16.5 Election signs located on residential only lands shall not exceed 1.2 sq m (13 sq ft) in sign area, except on property without a building where the sign shall not exceed 3 sq m (32 sq ft).
 - 6.16.6 Election signs located on other than residential only lands shall not exceed 3 sq m (32 sq ft) in sign area, with the exception of a billboard sign.
 - 6.16.7 No election sign shall be erected on the property where a polling facility is located when the polling station is open.
 - 6.16.8 Election signs associated with federal or provincial elections shall not be erected earlier than the official date of notice of voting day, with the exception of signage at a campaign headquarters.
 - 6.16.9 Election signs associated with a municipal election shall not be erected earlier than forty five (45) days before voting day, with the exception of signage at a campaign headquarters.
 - 6.16.10 Election and campaign headquarter signs shall be removed no later than three (3) days following voting day. The candidate shall be responsible for the removal of the signs.
 - 6.16.11 Notwithstanding Section 11 of this by-law, and where time is of the essence, election signs in violation of this by-law may be removed without notice upon recommendation of the Returning Officer for that election.
- 6.17 **Construction Site Signs**
- 6.17.1 A construction site sign is permitted to be erected only on the property that relates to the advertised or displayed construction.
 - 6.17.2 More than one (1) sign shall not be mounted on a sign structure.
 - 6.17.3 A construction site sign erected on non-residential only lands shall be non-illuminated with a sign area not exceeding 15 sq m (162 sq ft) and shall be removed from the construction site within thirty (30) days after first occupancy of the project.
 - 6.17.4 A construction site sign erected on residential only lands shall be non-illuminated with a sign area less than 0.8 sq m (9 sq ft) and shall be removed from the construction site within thirty (30) days after first occupancy of the project.
 - 6.17.5 A construction site sign erected on residential only lands and containing more than one (1) residential unit shall be non-illuminated with a sign

area not exceeding 4 sq m (43 sq ft) and shall be removed from the construction site within thirty (30) days of substantial completion or first occupancy of the project.

6.18 Farm Signs

- 6.18.1 Nothing in this by-law applies to the extent it restricts a normal farm practice from being carried on as part of an agricultural operation. Farm signs must otherwise comply with the provisions of this by-law.
- 6.18.2 A third party sign shall not be erected or displayed on a farm with respect to goods, services and produce sold from another property.
- 6.18.3 A third party sign shall not be erected on another property to advertise goods, services and produce sold from the farm, however a temporary Directional sign conforming to Subsection 8.3 of this by-law may be erected by a farmer.
- 6.18.4 Notwithstanding Subsection 4.2.1(i) of this by-law, a sign may be painted on the roof or wall of a farm building to a maximum of 20 sq m (215 sq ft).

6.19 Third Party Signs

- 6.19.1 No person shall erect or permit to be erected a third party sign except for a billboard sign, an interior sign, a special event sign, a boulevard directional sign, a poster, signs conforming to Subsections 8.3 and 8.8, and a sign within a building which is not a window sign.
- 6.19.2 Notwithstanding Subsection 6.19.1 of this by-law, third party signs may be erected on Town property or public property in accordance with Subsections 8.2 to 8.8 of this by-law.

6.20 Special Event Signs

- 6.20.1 Special event signs on Town property shall comply with Section 8 of this by-law.
- 6.20.2 A special event sign may be erected on private property as a ground sign, mobile sign, portable sign or wall sign, without regard to existing ground signs, mobile signs, portable signs and wall signs on the lot.
- 6.20.3 A special event sign shall not remain erected for more than thirty (30) days and shall not be erected on the same property more than twice in any calendar year.

6.21 **Window Signs**

No window signs shall obstruct the natural light through the window by more than 50%.

6.22 **On-Site Directional Signs**

6.22.1 An on-site directional sign shall have a maximum sign area of 0.75 sq m (8 sq ft) and shall have a maximum height of 1.2 m (4 ft).

6.22.2 The number of on-site directional signs shall be limited to two (2) per entrance.

6.23 **Adult Entertainment Signs**

6.23.1 No person shall erect or permit to be erected an adult entertainment sign unless advertising a legal adult entertainment business established on the property where the sign is located.

6.23.2 No person shall erect or permit to be erected a third party adult entertainment sign.

6.23.3 No person shall erect or permit to be erected an adult entertainment sign or advertising device within a business suite where the adult entertainment business is not the primary business at the suite.

6.23.4 An adult entertainment sign shall only be erected as a wall or canopy sign and shall not exceed 4 sq m (43 sq ft) in sign area.

6.23.5 An adult entertainment sign shall not convey indecent images or words.

6.24 **Pump Island**

The maximum sign area of a Pump Island sign is 2 sq m (22 sq ft) per pump island.

6.25 **Official Sign**

An official sign required by a Town planning application process may be erected on private property as a ground sign or wall sign, without regard to existing ground signs and wall signs on the lot.

6.26 **Small Incidental Signs**

Incidental signs such as information signs, address signs, directory signs, and official signs shall be limited in number, sign area and height to minimum values

necessary to perform the intended function, unless permitted otherwise in this by-law.

6.27 Menu Boards

6.27.1 One Menu Board shall be permitted in association with a permitted drive-through facility/lane provided the Menu Board is a maximum height of 2.4 m (8 ft) and a maximum sign area of 4 sq m (43 sq ft).

6.27.2 One Pre-Menu Board shall be permitted in association with a permitted drive-through facility provided the Pre-Menu Board is a maximum height of 2.5 m (8 ft) and a maximum sign area of 2 sq m (22 sq ft).

6.28 Any person who erects any prohibited sign contrary to the specifications in this Section is guilty of an offence.

SECTION 7 SIGNS ON RESIDENTIAL LANDS

7.1 Signs on Residential Only Lands

7.1.1 Except for an address sign, a construction site sign, a real estate sign, an election sign, a garage/yard sale sign, a special occasion sign, an official sign, a subdivision development sign and a subdivision identification sign, no person shall erect a sign on residential only lands.

7.1.2 Except for a special occasion sign, residential only lands with 20 m (66 ft) or less of frontage and containing not more than six (6) residential units shall have no sign over 0.8 sq m (9 sq ft) in sign area or over 2 m (7 ft) in height.

7.1.3 Residential only lands shall not have more than one (1) of each type of permitted sign per lot, for each street frontage.

7.1.4 Notwithstanding Subsection 7.1.1, a sign for a home occupation or home industry is permitted and shall not exceed 0.4 sq m (4 sq ft).

7.1.5 The maximum sign area of an address sign on residential only lands containing not more than six (6) residential units shall be 0.2 sq m (2 sq ft).

7.1.6 The maximum sign area of an address sign on residential only lands containing more than six (6) residential units shall be 1.5 sq m (16 sq ft) with a maximum height of 2 m (7 ft), if erected on the ground.

7.1.7 A sign erected on the ground on residential only lands shall be located not less than 1 m (3 ft) from a lot line and a street line.

- 7.1.8 Notwithstanding Subsection 7.1.1, a sign not exceeding 0.6 sq m (6 sq ft) in sign area, identifying the premises as a bed and breakfast, may be erected on a property lawfully used as a bed and breakfast.

7.2 Signs on Mixed Use Lands

The requirements of Subsection 6.1 of this by-law shall apply to the portion of the building and/or the portion of the lot used for residential purposes.

- 7.3 Any person who erects any prohibited sign contrary to the specifications in this Section is guilty of an offence.

SECTION 8 SIGNS ON TOWN/PUBLIC PROPERTY

8.1 General Provisions

- 8.1.1 Except as permitted in this section, all signs shall comply with other sections of this by-law, including Section 4.
- 8.1.2 Unless permitted by this section, no person shall erect a sign on Town property without prior written authorization of the Director of Public Works and/or Council, or by way of an encroachment agreement and unless a permit has been issued therefore by the Chief Building Official.
- 8.1.3 The Town may, at its sole discretion, remove any sign from Town property or public property at any time, if it has determined the sign is not in compliance with this by-law, or if it has determined the sign to be unsafe in its current location or condition.
- 8.1.4 Unless permitted in this section, no person shall erect a sign on public property without prior written authorization of the entity described in Subsection 2.4.2 that owns or leases the property.

8.2 Poster

- 8.2.1 No person shall affix or place a poster on Town or public property except in accordance with this by-law at a community bulletin board or kiosk or a community poster sleeve designated in Schedule "B" of this By-law.
- 8.2.2 A person shall only affix or place one poster on one designated location and such poster shall be in accordance with the following requirements:
- a) It must indicate the name, address and telephone number of the person or business responsible for placing the poster.

- b) It must be no greater in size than 22 centimeters (9 inches) by 28 centimeters (11 inches).
 - c) It must conform to the shape of the poster sleeve, bulletin board, or kiosk.
 - d) It must be attached to the poster sleeve, bulletin board or kiosk only by staples, tacks or push pins.
- 8.2.3 No person shall affix or place a poster if the poster conveys a message with respect to an Adult Entertainment business or an unlawful activity or an activity which a Peace Officer or a Municipal Law Enforcement Officer has reason to believe is unlawful.
- 8.2.4 A poster must be removed by the person who affixed or placed the poster within thirty (30) days after its placement or when the time, event or purpose for which it was placed no longer applies, whichever comes first.
- 8.2.5 The Town or other Public Authority or entity described in Subsection 2.4.2 of this by-law may remove and dispose of lawfully and unlawfully placed posters without notice or compensation when necessary for maintenance or other purpose.

8.3 Open House Directional Signs, Garage/Yard Sale Directional Signs, Etc.

- 8.3.1 An open house directional sign and a garage/yard sale directional sign of size not greater than 0.4 sq m (4 sq ft) in sign area and 0.75 m (2.5 ft) in height may be erected on a Town boulevard at least 0.5 m (1.6 ft) from the edge of a travelled road, sidewalk, or shoulder of a highway.
- 8.3.2 Where the boulevard is not large enough to accommodate the 0.5 m (1.6 ft) setback above, the sign may be located with lesser setback in a manner so as not to create a traffic hazard, but not on a sidewalk or travelled portion of a highway.
- 8.3.3 An open house directional sign and a garage/yard sale directional sign must be removed by the person who placed it within four (4) hours and twelve (12) hours respectively, of its placement.
- 8.3.4 No more than three (3) signs shall be permitted near an intersection at the same time.
- 8.3.5 An open house directional sign and a garage/yard sale directional sign shall not be erected, posted or affixed to any utility pole, light standard, or traffic signal standard, except on a designated community poster sleeve.

- 8.3.6 Similar temporary directional signs of duration less than one (1) day may be placed with the same size, location and quantity restrictions.

8.4 Directional Signs

- 8.4.1 A directional sign may be erected on a Town boulevard as a permanent sign with the approval of the Director of Public Works and the Director of Parks, Recreation & Culture.
- 8.4.2 A directional sign shall not exceed 0.2 sq m (2 sq ft) in sign area, or 2.5 m (8 ft) in height, unless approved otherwise.
- 8.4.3 A directional sign shall only be installed by Town forces and the cost of installation shall be paid to the Town by the person requesting the sign.

8.5 Portable Signs/Sidewalk Sandwich Boards

- 8.5.1 A business abutting a Town sidewalk may erect or display one (1) portable sign on the Town sidewalk in front of the business to which the sign relates in accordance with this subsection.
- 8.5.2 A portable sign shall not exceed 0.5 sq m (5 sq ft) in sign area if single faced or 1.2 sq m (13 sq ft) in sign area if double faced, and shall not contain more than two (2) sign faces.
- 8.5.3 A portable sign shall not exceed 0.9 m (3 ft) in height.
- 8.5.4 A portable sign is not permitted within 1 m (3 ft) of the curb, edge of the travelled road, or shoulder of highway.
- 8.5.5 A portable sign shall not be erected or placed on a Town sidewalk in such a manner to limit the intended use of a pedestrian walkway, driveway or barrier-free path of travel or which reduces the effective width of a sidewalk to less than 1.2 m (4 ft).
- 8.5.6 A portable sign shall not be erected or placed on a Town sidewalk unless its location has been chosen to minimize its impact on pedestrian traffic.
- 8.5.7 A portable sign shall be removed and stored indoors each evening at business close.

8.6 Special Event Sign

- 8.6.1 Special event signs may be erected on a Street by the organization promoting the public festival, charitable event, or community group, if the signs meet the size and location requirements of Subsections 8.2, 8.3, or

8.5 of this by-law and provided the signs remain erected for not more than fourteen (14) days.

8.6.2 A special event sign may be erected on Town property other than the Street for not more than thirty (30) days with prior written authorization of the Director of Public Works and/or Council.

8.7 Banner Signs

A banner may be erected over a Street for not more than thirty (30) days.

8.8 Encroaching Signs

8.8.1 Buildings located less than 0.5 m (1.6 ft) from a street line may have erected thereon a wall sign or Canopy sign without posts which projects less than 0.5 m (1.6 ft) over a Street if a permit has been issued therefore by the Chief Building Official.

8.8.2 A permit shall not be issued for an encroaching sign until an encroachment agreement has been entered into between the Town and the Owner of the building upon which the sign is erected.

8.8.3 The encroaching sign shall maintain the 2.4 m (8 ft) clearance required by Subsection 4.3(j) of this by-law.

8.9 Any person who erects any prohibited sign contrary to the specifications in this Section is guilty of an offence.

SECTION 9 MAINTENANCE OF SIGNS

9.1 The Owner shall maintain or cause such sign to be maintained in a proper state of repair, so that such sign remains completely operative at all times and does not become unsafe, defective, dangerous, unsightly or seems abandoned.

9.2 The maintenance or repairs using materials identical to the materials of the component being maintained or repaired does not constitute an alteration.

SECTION 10 MINOR VARIANCES

10.1 The Council of the Town may, upon the application of any person, authorize minor variances from this by-law, if in the opinion of Council, the general intent and purpose of this by-law are maintained.

10.2 The fee for an application for variance to cover processing of the application shall be \$150.00. A separate application is required for each sign or group of similar signs on a lot.

- 10.3 Council hereby delegates to the Committee of Adjustment the authority specified in Subsection 10.1 to review applications and make decisions on whether or not the general intent and purpose of the by-law is maintained.
- 10.4 The Committee may establish rules of procedure necessary for its function.

SECTION 11 REMOVALS AND REPAIR OF SIGNS

- 11.1 Where a sign is erected in contravention of any provision of this by-law, the Town, in addition to any other action, may give notice to the applicant for permit or Owner, requiring that the sign to be removed, repaired or altered to conform with the by-law. In the event that a notice is given and the sign indicated in the notice is not removed, repaired or altered to conform with the provisions of this by-law within the time period set out in the notice, the Town, its employees, agent or contractor may enter upon the land and remove such sign or carry out the work required to make such sign comply with this by-law, and may charge any costs incurred for such work to the applicant or Owner.
- 11.2 Where the applicant or Owner refuse to pay the costs incurred by the Town in Subsection 11.1 of this by-law, the Town may recover the costs in accordance with Section 446 of the Municipal Act.
- 11.3 Any notice given under this by-law may be given by: (a) personal service to the party being served; (b) ordinary or registered mail to the Owner according to the last revised Assessment Roll of the property upon which the sign is located; (c) ordinary or registered mail to the address of the applicant for a permit shown on the sign permit application; (d) ordinary or registered mail to the last known address of the Owner; or (e) by prominently displaying a copy of the notice on the sign in respect of which the notice is given or on the land upon which the sign is located.
- 11.4 The Town, its employees, agent or contractor may, without notice, remove any sign which contravenes Subsections 4.2 or 4.3 of this by-law or Section 8 of this by-law and cost of removal may be charged to the applicant or Owner as in Subsection 11.1 of this by-law or recovered as in Subsection 11.2 of this by-law.
- 11.5 Any sign removed as authorized by Section 11 of this by-law, may be deposited elsewhere on the property on which it is located, or may be stored by the Town, its employees, agent or contractor. Where a sign has been removed and stored, the Owner may reclaim such sign upon payment to the Town, any costs incurred by the Town, its agent or contractor in the removal of such sign. Where a sign has not been reclaimed within thirty (30) days of its removal, such sign may be forthwith destroyed or otherwise disposed of by the Town, its employees, agent or contractor.

SECTION 12 ADMINISTRATION, ENFORCEMENT AND RIGHT OF ACCESS

- 12.1 This by-law shall be administered and enforced by a Municipal Law Enforcement Officer, or any person appointed or otherwise delegated the authority of administration and enforcement.
- 12.2 The Municipal Law Enforcement Officer may enter upon, enter within and inspect any land, property, building or structure at any time to determine if this by-law is complied with.
- 12.3 Notwithstanding Subsection 12.2 of this by-law, the Municipal Law Enforcement Officer shall not enter or remain in any room or place actually used as a dwelling unless the provisions of Section 430 of the *Municipal Act* are complied with.

SECTION 13 PENALTIES

Every person who contravenes any provision of this by-law is guilty of an offence and is liable upon conviction to a fine of not more than \$5,000.00, pursuant to the *Provincial Offences Act*, R.S.O.1990, c.P.33.

SECTION 14 SCHEDULES

Schedule 'A' attached hereto shall be read with and form part of this by-law.

SECTION 15 VALIDITY

Should any Section, Subsection, Clause, Subclause or provision of this by-law be held by a court of competent jurisdiction to be invalid, the validity of the remainder of the by-law shall not be affected.

SECTION 16 REPEAL OF OTHER BY-LAWS

By-law No. 2004-28 of the Town of Greater Napanee or any other by-law which would contravene or conflict with any part of this by-law is hereby repealed.

SECTION 17 EFFECTIVE DATE

This by-law shall come into force and take effect on the date it is finally passed.

Read a first and second time and finally passed this 28th day of June, 2011.



Gordon Schermerhorn, Mayor



Rebecca Murphy, Clerk