

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2020-54

**A BY-LAW TO REGULATE SIZE, *USE*, LOCATION AND
MAINTENANCE OF *SIGNS* IN
THE TOWNSHIP OF WEST LINCOLN**

WHEREAS subsection 8(1) of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, 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 11 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, authorizes a municipality to pass by-laws respecting structures including fences and *signs*;

AND WHEREAS section 99 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, provides rules that apply to a by-law of a municipality respecting advertising devices, including *signs*;

AND WHEREAS subsection 391(1) of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, provides that a municipality may pass by-laws imposing fees or charges on any *person* for services or activities provided or done by the municipality or done on behalf of it;

AND WHEREAS section 425 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, authorizes a municipality to pass by-laws providing that a *person* who contravenes a by-law of a municipality passed under that Act is guilty of an offence;

AND WHEREAS subsection 436(1) of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, provides that a municipality may pass by-laws providing for the entry onto land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a by-law;

AND WHEREAS section 444 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, 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 the Council of the Corporation of the Township of West Lincoln deems it expedient to pass a by-law respecting *signs* in the Township of West Lincoln.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN ENACTS AS FOLLOWS:

SECTION 1 GENERAL PROVISIONS

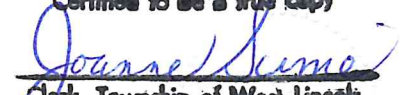
1.1 SHORT TITLE

1.1.1 This by-law shall be known as the "Sign By-law".

1.2 DEFINITIONS

1.2.1 For the purpose of this by-law:

- (1) "*abandoned sign*" means a *sign* located on a *property* which becomes vacant or unoccupied for a period of greater than ninety (90) days or any *sign* which pertains to a time, event, purpose, or business which has passed or is no longer applicable;
- (2) "*advertising device*" means any device or object *erected*, located or displayed so as to attract public attention to any goods or services or facilities or events and includes *flags*, banners, pennants, and lights;
- (3) "*altered*" or "*alterations*" means, when *used* in reference to a *sign* or *sign structure*, to change any one or more external dimensions and / or construction material, but shall not include the replacement of the plastic face, painting, repainting, cleaning or other normal maintenance and repair of a *sign* that does not involve structural changes;

Certified to be a true copy

Joanne Suma
Clerk, Township of West Lincoln

- (4) "*animated sign*" means a video screen that electronically displays or projects visual images including, but not limited to, video, trailers, digital or computer images and does not include a *read-o-graph*;
- (5) "*authority having jurisdiction*" means the *Township*, the Regional Municipality of Niagara, the Ministry of Transportation and the Niagara Peninsula Conservation Authority;
- (6) "*awning*" means a space frame system, movable or fixed, covered with fabric or like material attached and projecting from a building or structure, but not forming an integral part thereof, and includes a canopy;
- (7) "*billboard sign*" means an outdoor *sign* maintained by a *person*, firm, corporation or business engaged in the sale or rental of the space on the *sign* to a client, upon which space is displayed information 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;
- (8) "*Chief Building Official*" means the *Chief Building Official* appointed by *Council* under the *Building Code Act*, 1992, S.O. 1992, c. 23, as amended, or the *person* to act in that capacity in his or her absence;
- (9) "*contractor's identification sign*" means a *sign* identifying the contractor involved in the undertaking of improvements, including but not limited to, maintenance, landscaping, renovation, construction, or demolition;
- (10) "*combustible material*" means a material that fails to meet the acceptance criteria of CAN4-S114, "Standard Method of Test for Determination of Non-combustibility in Building Materials" or any similar standard incorporated into the Ontario Building Code subsequent to the enactment of this by-law;
- (11) "*community event sign*" means any *sign* 3m² [32.29 ft²] or less in area advertising a community event such as, but not limited to, a craft show, car show, festival, fair, carnival, fundraiser, charitable or other similar event;
- (12) "*construction sign*" means a *sign* which identifies or provides information relating to or advertising the development of the construction of a building on the lands on which the *sign* is erected;
- (13) "*Council*" means the Council of the Township of West Lincoln;
- (14) "*development sign*" means a *sign* which displays the name or corporate identification of a builder or developer, or provides direction to a new home development in progress and located within an approved registered plan of subdivision or condominium plan within the *Township*;
- (15) "*directional sign*" means any on-premises *sign* which gives directions or instruction for the control of vehicular or pedestrian traffic and shall include an entry and exit *sign*;
- (16) "*directory sign*" means a *sign* listing the tenants of a multi-tenant building containing at least two distinct tenant units which *sign* includes only the municipal address and a list of tenants or occupancies for identification purposes;
- (17) "*drive through facility*" means the *use* of land, buildings or structures, or parts thereof, to provide or dispense products or services, either wholly or in part, through an attendant or a window or an automated machine, to *persons* remaining in motorized vehicles, that are in a lane *designated* for that purpose;
- (18) "*erect*" means to conduct any action involved in the *erection*, installation, construction, extension, repair, reconstruction, replacement or material alteration of a *sign*;
- (19) "*fascia sign*" means a *sign* attached to, marked or inscribed on, *erected* or placed against a wall forming part of a building, or supported by or through a wall of a building, including a painted *wall sign* and an *awning sign*, however,

- a *fascia sign* shall not include any other *sign* defined in this by-law unless otherwise stated;
- (20) "*flag*" means a *sign* made of cloth or lightweight material attachable by one edge to a pole or rope, but is not *used* for commercial advertisement;
- (21) "*frontage*" means the length of the *street line*;
- (22) "*grade*" means the average elevation of the finished surface of the ground where it meets the base of the *sign* or *sign structure*, but does not include any embankment specifically installed for the *sign*, planter box or other structure;
- (23) "*ground sign*" means a *sign* supported by uprights or braces embedded in a foundation in the ground to a depth of at least 1.2m [3'-11 1/4"] and which is not attached to any part of a building;
- (24) "*height*" means the vertical distance from the average elevation of the finished *grade* immediately below a *sign* measured to the highest point of the *sign* and includes the supporting structure;
- (25) "*home based business*" means a home industry or home occupation *use* as defined in the *Township's Comprehensive Zoning By-law 2017-70*, as amended from time to time;
- (26) "*incidental sign*" means a *sign* of minor consequence and size and without limiting the foregoing, shall include a holiday decoration, metal plaque, community gateway *sign*, any *sign* which is part of equipment or display, and *signs* affixed to or painted on around a construction site;
- (27) "*inflatable sign*" means an *advertising device* designed to be inflated and which is tethered to the ground, a building, structure, vehicle or similar support and includes a hot air balloon;
- (28) "*Municipal Clerk*" means the *Municipal Clerk* of the Corporation of the Township of West Lincoln or a *person* delegated by the *Municipal Clerk* for the purpose of this by-law;
- (29) "*property*" means any parcel of *land* which can be alienated or otherwise disposed of separately and apart from any abutting *lands*, whether or not such parcel is described in a registered deed, or shown on a registered plan of survey or subdivision;
- (30) "*property line*" means any boundary of a *property*;
- (31) "*property line, front*" means the *property line* that divides the *property* from a public or private *street* provided that for a *corner property*, through *property*, or through *corner property*:
- (a) the shortest of the *property lines* that divide the *property* from the public or private *street* shall be deemed to be the *front property line*;
 - (b) where such *property lines* are of equal length and where one *property line* abuts a Regional Road or Provincial *highway*, the *front property line* shall be deemed to be that *property line* which abuts the Regional road or Provincial *highway*; and
 - (c) where such *property lines* are of equal length and where both *property lines* abut public *streets* under the same jurisdiction, the *Township* may designate which *property line* is the *front property line*.
- (32) "*mobile new home development sign*" means a *sign* which is not permanently installed or affixed to the ground advertising the sale of new homes and may provide directions to a site or identification of a site, sales office, or model home;
- (33) "*neighbourhood event sign*" means a *sign* advertising a private auction, garage sale, bake sale, bazaar, church even tor other similar neighbourhood event within the *Township*;

- (34) "*Officer*" means an *Enforcement Officer*, a Building Inspector, a *Chief Building Official*, or other *person* appointed or employed by the *Township* for the enforcement of by-laws;
- (35) "*open house sign*" means a *sign* which is not permanently installed or affixed to the ground intended to direct traffic to a building or *property* for sale or lease, but shall not include a *mobile new home development sign*;
- (36) "*owner*" means and includes the:
- (a) *owner* of the *sign*;
 - (b) *owner* of the real *property* on which the *sign* is located; or
 - (c) the *person*, for the time being, managing or receiving the rent of the *sign* or the real *property* on which the *sign* is located.
- (37) "*person*" means and includes an individual, firm, corporation, association or partnership and includes an occupant or an *owner* of a *property*;
- (38) "*pole sign*" means a *sign* greater than 3m [9'-10 1/8"] in *height* directly supported from the ground with the aid of any building or structure other than the *sign structure*;
- (39) "*portable ground sign*" means any *sign* specifically *designed* or intended to be readily moved from one location to another and which does not rely on a building or fixed concrete foundation for its structural support, and includes *signs* commonly known as an a-frame or *mobile sign*;
- (40) "*poster*" means a printed notice conveying information that is intended to be displayed for a temporary period of time and includes, but is not limited to, a handbill, leaflet, notice, and placard;
- (41) "*public property*" means *property*, land, or buildings owned by the *Township*, the Region of Niagara, or a local board as defined in the Municipal Affairs Act, as amended, or owned by the Provincial or Federal governments;
- (42) "*read-o-graph*" means any part of a *sign* which is *designed* so that any identification or advertisement is readily interchangeable by manual or electronic means and includes an electronically controlled message centre;
- (43) "*real estate sign*" means a *sign* installed, *erected* or displayed on a *property*, temporarily or otherwise, for the notification that a building, premise or portion thereof is offered for sale, rent or lease;
- (44) "*Region*" means the Regional Municipality of Niagara;
- (45) "*roof sign*" means any *sign* which is located entirely on or above the roof of a building or is located entirely on top or above the parapet of a building or other similar structure and projects above the roof of a building;
- (46) "*sidewalk sign*" means a free standing *sign* located on but not permanently anchored in the ground and, without limiting the generality of the foregoing, shall include *signs* commonly referred to as 'A' frame, 'T' frame and sandwich boards but shall not include any other *sign* defined in this by-law;
- (47) "*sight triangle*" means a triangular area on a *property* determined by measuring a specified distance along each *street line* and joining such point with a straight line, as prescribed in the *Township's* Comprehensive Zoning By-law 2017-70, as amended;
- (48) "*sign*" means any board, plate, panel, object, surface or device upon, within, against, through or by which there is inscribed, painted, affixed, borne or projected declaration, demonstration, *insignia* or illustration *used* for the purpose of direction, information, advertisement, promotion or identification including any related *sign structure*, structural trim, and *advertising device*;
- (49) "*sign area*" means the entire area of the surface of the *sign* and where a *sign* is not bounded or enclosed within a distinct area or frame, the *sign* shall be

that of a rectangle, circle or other simply geometric shape containing all letters, symbols and devices on the *sign*;

- (50) "*sign permit*" means a permit issued by the *Chief Building Official* pursuant to the provisions of this by-law;
- (51) "*sign structure*" means the supports, uprights, bracing and / or framework of the *sign*;
- (52) "*sports facility fencing*" means any fence of open construction which is contained within the *property* boundaries of a public or private park, sports field, or recreational facility which is either a permitted *use* in accordance with the *Township's* Comprehensive Zoning By-law 2017-70 or an accessory to such permitted *use* but shall exclude all division fences and *property* boundary fences;
- (53) "*street*" means any public highway but does not include a provincial highway;
- (54) "*street line*" means any *property line* that divides a *property* from a public *street*;
- (55) "*substantially alter*" means the removal, alteration or replacement of the primary structural elements of the *sign* or where more than 75% of the *sign* is removed, *altered* or replaced;
- (56) "*Township*" means The Corporation of the Township of West Lincoln or the geographical area of the municipality, as the context requires;
- (57) "*use*" when *used* in conjunction with the words: residential, agricultural, industrial, non-residential, open space or similar words, shall mean such *uses* as may be permitted under the Comprehensive Zoning By-law 2017-70 of the *Township*;
- (58) "*use, agricultural*" means any lands zoned to permit the growing of crops, including nursery and horticultural crops, raising of livestock, raising of other animals for food, fur or fibre, including poultry or fish; aquaculture, apiaries, agro-forestry, maple syrup production, and associated on farm buildings and structures;
- (59) "*use, residential*" means any lands zoned to permit the establishment of buildings or structures for *use* as dwelling units and related accessory *uses*;
- (60) "*wall sign*" means a *sign* which is supported by the wall of a building; and
- (61) "*window sign*" means a *sign* posted, painted, placed or affixed in or on a window exposed to public view, and shall include an interior *sign* that faces a window exposed to public view and located within 1m [3' – 3 3/8"] of a window.

1.3 INTERPRETATION

- 1.3.1 In this by-law statutory references are to Statutes of Ontario and the regulations made thereunder and shall be deemed to refer to such statutes and regulations as amended, consolidated, re-enacted and in force from time to time.
- 1.3.2 This by-law shall be read with all changes of gender and number required by the context or circumstances.
- 1.3.3 For the purpose of this by-law:
- (1) "m" means metres;
 - (2) "mm" means millimetres;
 - (3) ' means feet (i.e. 5' = 5 feet);
 - (4) " means inches (i.e. 5" = 5 inches);

- (5) values contained in [] denote imperial equivalents to the prescribed metric value.

1.4 APPLICATION

- 1.4.1 The provisions of this by-law shall regulate the *erection of signs* on any and all *properties* within the boundaries of the *Township*.
- 1.4.2 When referring to the maximum *sign area* of either *fascia signs* or *ground signs*, the area being referenced is the total area of all *fascia* or *ground signs* located on a building or *property* that require a *sign permit*.
- 1.4.3 The requirements for *signs* contained in this by-law shall not apply to any *sign erected* by:
- (1) the Township of West Lincoln;
 - (2) the Regional Municipality of Niagara; or
 - (3) any Department or Ministry of the Federal or Provincial Government.

SECTION 2 PROHIBITIONS AND PERMITS

2.1 GENERAL PROHIBITIONS

- 2.1.1 No *person* shall affix, *erect* or otherwise display or *cause* to be affixed, *erected* or otherwise displayed any *sign* not expressly permitted by this by-law and without limiting the generality of the foregoing, the following types of *signs* and *sign* features are strictly prohibited:
- (1) *abandoned signs*;
 - (2) *animated signs* including those with moving lights that will adversely affect adjacent properties or vehicular traffic, however does not include a *read-o-graph sign*;
 - (3) the *use* of light or lights on the *sign* where the lights revolve, flash, rotate or move in any way that will adversely affect adjacent properties or vehicular traffic;
 - (4) any *sign* which *uses* words such as "STOP", "LOOK", "ONEWAY", "DANGER", "YIELD" or any other similar word, phrase, symbols or characters in such a manner as may interfere with, mislead or confuse vehicular traffic;
 - (5) any *sign* which in the opinion of the *Chief Building Official* or designate is indecent or may tend to corrupt or demoralize;
 - (6) any *sign* which creates or constitutes a danger or hazard to the public;
 - (7) any *sign* which obstructs or impedes the maintenance operations of the *Township*;
 - (8) any business *sign* on lands of *residential uses* other than where such *signs* may be permitted elsewhere in this by-law;
 - (9) the illumination of any *sign* other than where such *signs* may be permitted to be illuminated or luminous elsewhere in this by-law;
 - (10) any *sign* located so as to obstruct the view of any pedestrian or motor vehicle driver so as to *cause* an unsafe condition;
 - (11) any *sign* interfering with or obstructing the view of an authorized traffic *sign* or *signal*, located on *public property*, or a *sign* resembling any authorized traffic *sign* or *signal* other than a stop *sign* or other traffic *sign* meant solely for local traffic safety purposes and located on private *property*; and
 - (12) any *sign* located within a *sight triangle*.

- 2.1.2 No *person* shall affix, *erect* or otherwise display or cause to be affixed, *erected* or otherwise displayed:
- (1) a *sign* without a permit where a permit is required by this by-law;
 - (2) a *sign* for which a permit has been obtained except in accordance with the approved plans and drawings attached to the permit;
 - (3) a *sign* in a manner that is not in accordance with the regulations provided in this by-law or the conditions of any variance granted under this by-law; and
 - (4) a *sign* which is on, over, partly on or over *public property*, including road allowances, except as may be provided elsewhere in this by-law.
- 2.1.3 No *person* shall affix, *erect* or otherwise display or cause to be affixed, *erected* or otherwise displayed a *sign* within any portion of a *street* or road allowance within the *Township* except as may be provided elsewhere in this by-law.
- 2.1.4 No *person* shall affix, *erect* or otherwise display or cause to be affixed, *erected* or otherwise displayed any *sign* or cause any *sign* to be affixed, *erected*, or otherwise displayed on any utility pole, light standard, or traffic control device managed and controlled by a public authority, commission or local board unless express written consent of the public authority, commission or local board has been provided and a copy of such consent forwarded to the *Township*.
- 2.1.5 No *person* shall affix, *erect* or otherwise display or cause to be affixed, *erected* or otherwise displayed a *sign* overhanging a sidewalk or other pedestrian walkway unless the vertical distance, measured from the bottom of the overhanging portion of the *sign* to the surface of the sidewalk or walkway is at least 2.4m [7'-10 1/2"] or in accordance with the Ontario Building Code.
- 2.1.6 No *person* shall affix, *erect* or otherwise display or cause to be affixed, *erected* or otherwise displayed a *sign* within 0.6m [1'-11 5/8"] of the vehicular travelled portion of a private lane or roadway, or of a motor vehicle parking area unless the minimum vertical distance between *grade* and the bottom of the overhanging *sign* faces is at least 4.25m [13'-11 1/4"] or in accordance with the Ontario Building Code.
- 2.1.7 No *person* shall affix, *erect* or otherwise display or cause to be affixed, *erected* or otherwise displayed a *sign* in a location that may interfere with or damage any above or below ground municipal, regional or utility service which has been lawfully placed at that location.
- 2.1.8 No *person* shall affix, *erect* or otherwise display or cause to be affixed, *erected* or otherwise displayed a *sign* on a vehicle or trailer which is placed and / or located on a *property* for the purpose of displaying said *sign* or advertisement.
- 2.1.9 Except as provided for elsewhere in this by-law, no *person* shall affix, *erect* or otherwise display or cause to be affixed, *erected* or otherwise displayed a *sign* for a business or use other than a business or use actively operating on the *property* on which the *sign* is displayed.

2.2 REQUIRED PERMITS

- 2.2.1 No *person* shall affix, *erect* or relocate or cause to be affixed, *erected* or relocated any *sign* without first having obtained a permit from the *Chief Building Official* in accordance with the provisions of this by-law.
- 2.2.2 Every application for permit shall be submitted on the form prescribed by the *Township* for the purpose, which may be *altered* from time to time, and shall be accompanied by:
- (1) two (2) site plans of the *property* on which the *sign* is proposed to be *erected* showing the *property lines* and *street lines* of the *property*, the location of the *sign* in relation to the said *property lines* and *street lines* as well as to any other buildings or structures on the subject *property*;
 - (2) two (2) complete plans of the proposed *sign* and its structure, those plans being prepared by a competent *person*;

- (3) such other documents as may be specified by the *Chief Building Official* where, in their opinion, additional documents or materials may be deemed necessary to ensure that the proposed *sign* complies with this by-law as well as any other applicable law;
 - (4) confirmation or certification from an architect, professional engineer, land surveyor or other competent *person* licensed in the province of Ontario as may be requested by the *Chief Building Official* where, in their opinion, such documentation is deemed necessary to ensure public safety and / or compliance with this by-law; and
 - (5) valid proof of issuance of any other permit or approval required to be issued by any other *authority having jurisdiction*.
- 2.2.3 In addition to the required information prescribed in article 2.2.2, every application for a permit submitted for the *erection* of an *inflatable sign* shall contain information regarding the method of adequately securing the *inflatable sign*.
- 2.2.4 Where the issuance of a permit to *erect* a *sign* is required by any other *authority having jurisdiction*, the provisions of article 2.2.1 for the obtaining of a permit from the *Township* shall still be applicable.
- 2.2.5 No *person* shall affix, *erect* or otherwise display or *cause* to be affixed, *erected* or otherwise displayed a *sign* except in accordance with the permit issued for such *sign* and no *person* shall make a material change or *cause* a material change to be made to a plan, specification or document or other information on the basis of which a permit was issued without notifying the *Chief Building Official* and filing details of such change with them for the purpose of obtaining authorization for such change prior to proceeding with the implementation of the change.
- 2.2.6 Where a permit has been issued in accordance with the requirements of article 2.2.1, the *person* to whom the permit is issued shall notify the *Chief Building Official* of the commencement and completion of the *erection* of the *sign* in order to arrange for an inspection of the *sign* by an *Officer* to confirm the installation is in compliance with the approved drawings as well as the provision and regulations of this by-law.

2.3 PERMIT EXEMPTIONS

- 2.3.1 The exceptions provided in this subsection do not prohibit any municipal or other government authority from requiring a permit or approval for any *sign* under other legislation, regulations or by-laws.
- 2.3.2 Notwithstanding the provisions of subsection 2.2, provided the *sign* complies with all other applicable requirements of this by-law, a *sign permit* from the *Chief Building Official* is not required for any *sign* or *signs*:
- (1) *erected* by any federal, provincial or regional government agency which are located on lands of the government agency and are *used* solely to identify the agency or its mandate;
 - (2) *erected* or required to be *erected* by a government or government agency or any local board established by such government or government agency;
 - (3) serving as a regulatory *sign* including, but not limited to entrance, exit, parking or traffic *signs* on private *property*, provided such *sign* shall not exceed 0.4m² [4.31ft²] in area per face;
 - (4) serving as a traffic direction *sign* *erected* in conformance with the provisions of subsection 3.9;
 - (5) in the form of *flags* of corporate, education or religious organizations provided that not more than three (3) *flags* are located on any single *property*;
 - (6) in the form of emblems or *insignia* of patriotic, civic, educational, or religious organizations;
 - (7) in the form of commemorative plaques or cornerstones of a non-advertising nature;

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- (8) that displays only the name and / or address of the *owner* or occupant of the premises or the name of the *property* or premises or both of the *property* where the *sign* is located, provided such *sign* shall:
- (a) not exceed 0.4m^2 [4.31ft^2] in area per face for a *property* of *residential use*; or
 - (b) not exceed 0.6m^2 [6.46ft^2] in area per face for a *property* of other than *residential use*.
- (9) posted for the warning or safety of others such as, but not limited to; "No Trespassing", "Caution" or "Beware of Dog", provided such *sign* shall not exceed 0.2m^2 [2.15ft^2] per side;
- (10) a *sign* for a *home based business* on lands of *residential use* where such *use* is a permitted business or *use* in accordance with the *Township's Comprehensive Zoning By-law*, provided such *sign* shall:
- (a) not exceed 0.8m [$2'-7\frac{1}{2}"$] in maximum *height* above *grade*;
 - (b) not exceed 0.2m^2 [2.15ft^2] per side; and
 - (c) not be located closer to a *property line* or *street line* than 1.0m [$3'-3\frac{3}{8}"$].
- (11) a *poster erected* in conformance with the provisions of subsection 3.11;
- (12) a *community event sign erected* in conformance with the provisions of subsection 3.12;
- (13) a *neighbourhood event sign erected* in conformance with the provisions of subsection 3.13;
- (14) a *real estate sign* advertising the sale or lease of a building or *property*, provided that such *sign* shall:
- (a) not exceed 1.2m^2 [12.91ft^2] in area per *sign* face for *property* of *residential use*;
 - (b) not exceed 3m^2 [32.29ft^2] in area per *sign* face for a *property* of *use* other than *residential use*;
 - (c) be located on the *property* being advertised for sale or lease; and
 - (d) be *erected* in conformance with the provisions of subsection 3.14;
- (15) a *development sign* provided that such *sign* shall:
- (a) not exceed 10m^2 [107.6ft^2] in area per *sign* face; and
 - (b) be *erected* in conformance with the provisions of subsection 3.15;
- (16) a *construction sign* provided that such *sign* shall:
- (a) be located on the *property* where the construction is occurring; and
 - (b) be *erected* in conformance with the provisions of subsection 3.16;
- (17) a *contractor's identification sign* provided that such *sign* shall:
- (a) not exceed 1.2m^2 [12.91ft^2] in area per *sign* face;
 - (b) not exceed 1.25m [$4'-1\frac{1}{4}"$] in maximum *height* above *grade*;
 - (c) be located on the *property* where the work is being performed; and
 - (d) be *erected* in conformance with the provisions of subsection 3.17;
- (18) a *sign* advertising the sale of a crop from the *property* of *agricultural use* on which they were grown or produced, during the appropriate growing season

for the crop advertised, provided that such *sign* shall not exceed 3m² [32.29ft²] in area per *sign* face;

- (19) a *sign* advertising the sale of Christmas trees, in season, on lands where such *use* is permitted in accordance with the *Township's* Comprehensive Zoning By-law 2017-70, provided that such *sign* shall not exceed 3m² [32.29ft²] in area per *sign* face;
- (20) a *sign* inside a building;
- (21) a *sign* painted upon a window, wall, roof, canopy or *awning* provided such *sign* conforms to the respective subsections of this by-law for the size and area of the *sign*;
- (22) a *sign* painted on a fuel storage tank or dispensing facility advertising the product or any *sign* affixed to a pump structure or canopy associated with the sale of fuel;
- (23) any public transit shelter advertising or any advertising on *street* furniture and fixtures which have been placed or authorized by the *Township* or *Region*;
- (24) any menu board or *directory signs*;
- (25) any *signs* affixed to *sports facility fencing*;
- (26) any *incidental sign*; or
- (27) the changing of any moveable part of a *sign* for which a permit has been issued, that is *designed* for such change, or the repainting or reposting of the advertising message on the display surface of such *sign*.

2.4 PERMIT FEES

- 2.4.1 Any fee or deposit required by or described in this by-law shall be as prescribed in Schedule 'A' to this by-law for the various types of permits as well as all other applicable fees and deposits.
- 2.4.2 No permit shall be issued until the fees and deposits calculated in accordance with this by-law have been paid in full.
- 2.4.3 The calculation date for the fees calculated in accordance with article 2.4.1 shall be the date on which the permit is issued.
- 2.4.4 Any *person* who commences the *erection* or relocation, or causes or permits the *erection* or relocation of any *sign* without first having obtained a permit from the *Chief Building Official* in accordance with the provisions of this by-law, shall, in addition to any other penalty under the application law or this by-law, pay an additional fee equal to 100% of the amount calculated as the full permit fee in order to compensate the *Township* for the additional work incurred by such early commencement of work.

2.5 BUILDING PERMITS

- 2.5.1 Notwithstanding the provisions of article 2.2.1 of this by-law, the following *signs* are exempt from the requirement to obtain a *sign permit* provided the *erection* of such *sign* complies with all other provisions of this by-law and a building permit is obtained from the *Township* to permit the *erection* of such *sign*:
 - (1) a *pole sign* exceeding 7.5m [24' – 7 1/4"] in *height* above finished *grade* erected or installed in accordance with subsection 3.4;
 - (2) a *roof sign* exceeding 10m² [107.64 ft²] erected or installed in accordance with subsection 3.5;
 - (3) a *billboard sign* erected or installed in accordance with subsection 3.7.

2.6 EXPIRY / RENEWAL / REVOCATION OF PERMITS

- 2.6.1 A permit issued by the *Township* shall expire:
- (1) upon the expiry of any display period specified within this by-law or pursuant to the terms and conditions of the issuance of a permit;
 - (2) immediately upon removal of the *sign*; or
 - (3) six (6) months after the date of issuance of the permit where no *erection* activities have been commenced on the *property* subject to the permit.
- 2.6.2 Where a permit has been issued and prior to its expiry, an application may be made to extend the permit for an additional ninety (90) days.
- 2.6.3 Where an application is submitted to extend the permit, the *Chief Building Official* may only grant the renewal of the permit after payment of the prescribed application renewal fee has been submitted and the *sign* is confirmed to comply with the requirements of this by-law.
- 2.6.4 The *Chief Building Official* may revoke any permit issued under this By-law where:
- (1) the permit was issued on mistaken, false or incorrect information;
 - (2) six (6) months after the issuance of the permit, the *erection* of the *sign*, other than a *portable ground sign*, for which the permit was issued has not, in the opinion of the *Chief Building Official*, been seriously commenced;
 - (3) *erection* of the *sign*, other than a *portable ground sign*, is in the opinion of the *Chief Building Official*, substantially suspended or discontinued for a period of more than six months;
 - (4) the permit was issued in error; or
 - (5) the permit holder or *property owner* or their agent requests in writing for the permit to be revoked.
- 2.6.5 Prior to revoking a permit in accordance with this by-law, the *Chief Building Official* may give written notice of the intention to revoke the permit to the permit holder at their last known address and if on the expiration of thirty (30) days from the date of such notice, the grounds for revocation continue to exist, the permit shall be revoked without further notice and all submitted plans and other information may be disposed of, at the request of the permit holder, or returned as directed.

SECTION 3 SIGN REGULATIONS

3.1 GENERAL REQUIREMENTS

- 3.1.1 Where a *sign* or other *advertising device* is regulated by more than one *Authority having jurisdiction*, such *sign* or other *advertising device* shall be *erected* in accordance with the regulations of the most restrictive regulating authority.
- 3.1.2 Unless specified elsewhere in this by-law, no *sign permit* shall be issued for any *sign* advertising a business or *use* not located on the *property* on which the *sign* is to be *erected*.
- 3.1.3 In the case of a shopping centre, plaza, or any other multi-tenant or multi-user *property*, it is the responsibility of the *owner* or the *owner's* agent, if any, to allocate the permitted *sign area* among the tenants, businesses or occupants of the *property*.
- 3.1.4 Every *sign* shall be *designed*, constructed and maintained to adequately withstand all loads which may reasonably be expected to come upon it and the loads and *design* shall be equal to those specified in the Ontario Building Code.
- 3.1.5 No *sign* illuminated or operated electrically shall be *erected*, maintained or *altered* unless such electrical work is in conformity with all regulations of the Electrical Safety Authority and all such electrical equipment bears the appropriate approval of the Canada Standards Association.

3.2 GROUND SIGNS

- 3.2.1 No *person* shall affix, *erect* or otherwise display or cause to be affixed, *erected* or otherwise displayed a *ground sign* located less than the setback prescribed for a building on that same *property* as established by the *Township's Zoning By-law* or 3m [9'-10 1/8"], whichever is the lesser, from any *street line* or *property line*.
- 3.2.2 No *person* shall affix, *erect* or otherwise display or cause to be affixed, *erected* or otherwise displayed a *ground sign* that:
- (1) exceeds 3m [9'-10 1/8"] in *height*;
 - (2) exceeds 0.3m² [3.2ft²] in area per side or visible face, for *property* zoned for only *residential use*;
 - (3) exceeds 9m² [96.88ft²] in area per side or visible face, for all other properties; or
 - (4) is located within 3m [9'-10 7/8"] of a driveway, entrance or exit.
- 3.2.3 No *person* shall affix, *erect* or otherwise display or cause to be affixed, *erected* or otherwise displayed on any *property* more than one *ground sign* for every 20m [65'-7 3/8"] of the *frontage* of the *property* on which the *ground sign* is to be located. Where a *property* has a *frontage* less than 20m [65'-7 3/8"] the maximum number of *ground signs* on the *property* shall be one.
- 3.3 PORTABLE GROUND SIGNS**
- 3.3.1 A *portable ground sign* shall be located wholly on private *property*.
- 3.3.2 No *person* shall affix, *erect* or otherwise display or cause to be affixed, *erected* or otherwise displayed a *portable ground sign* less than:
- (1) 1m [3'-3 3/8"] from any *street line*, *property line* or municipal sidewalk;
 - (2) 2m [6'-6 3/4"] from any *street line* where the *portable ground sign* exceeds 1m [3'-3 3/8"] in *height*;
 - (3) 3m [9'-10 7/8"] from a driveway, entrance or exit
 - (4) 6m [19'-8 1/4"] from an intersection of two *streets*, when the permitted distance to the *street* or *property line* is less than the *height* of the *portable ground sign*;
 - (5) 30m [98'-5 1/8"] from another *portable ground sign* on the same *property*, and where the *property* has a *frontage* of less than 30m [98'-5 1/8"] the maximum number of *portable ground signs* on the *property* shall be one.
 - (6) exceeds 2m [6'-6 3/4"] in *height*;
 - (7) exceeds 4.6m² [49.51ft²] in area per side or visible face;
 - (8) has more than two sides or visible faces;
 - (9) is located within 6m [19'-8 1/4"] of a driveway entrance / exit or intersection of two *streets*, when the setback is less than the *height* of the *sign*;
 - (10) is located on private *property* closer than 1m [3'-3 3/8"] from a municipal sidewalk;
 - (11) is on *property* of *residential use*; or
 - (12) is in or on a parking space required by the *Township's Zoning By-law 2017-70*, on a *property*.
- 3.3.3 *Portable ground signs* may be illuminated or luminous provided such lighting does not consist of flashing lights, moving lights, or intermittent or activated lighting of any kind.

- 3.3.4 All electrical cables, extensions, wires or outlets of every nature or kind attached to, or relating in any way to, a portable *sign* must comply with the regulations of the Electrical Safety Authority.
- 3.3.5 No *person* shall affix, *erect* or otherwise display or cause to be affixed, *erected* or otherwise displayed a *portable ground sign* on a *property* without first obtaining written permission from the *owner* of the *property*.
- 3.3.6 A maximum of six (6) *portable ground sign permits* per calendar year may be issued to each eligible *property*.
- 3.3.7 Subject to article 3.3.7, a *portable ground sign* shall not be *erected* or displayed for more than thirty (30) consecutive days from the date the permit is issued.
- 3.3.8 No *portable ground sign permit* shall be issued unless a minimum of twenty-one (21) days have passed since the expiry date endorsed on any previous *portable ground sign permit* issued for each *property line* abutting a *street*.

3.4 POLE SIGNS

- 3.4.1 No *person* shall affix, *erect* or otherwise display or cause to be affixed, *erected* or otherwise displayed a *pole sign* located closer to the *street line* or any other *property line* than the setback line for a building as established by the *Township's Zoning By-law 2017-70* or 3m [9'-10 7/8"], whichever is the lesser.
- 3.4.2 No *person* shall affix, *erect* or otherwise display or cause to be affixed, *erected* or otherwise displayed a *pole sign* which:
- (1) exceeds 9m [29'-6 1/4"] in *height* of the *sign*;
 - (2) exceeds 20m² [215.28ft²] in area per side of visible face; or
 - (3) is intended to be on lands zoned for *residential use*.
- 3.4.3 No *person* shall affix, *erect* or otherwise display or cause to be affixed, *erected* or otherwise displayed on any lot more than one *pole sign* for every 60m [196'-10 1/4"] of *frontage* of the lot on which the *pole sign* is located.
- 3.4.4 *Pole signs* may be illuminated or luminous provided such lighting does not consist of flashing lights, moving lights, or intermittent or activated lighting of any kind.

3.5 ROOF SIGNS

- 3.5.1 No *person* shall affix, *erect* or otherwise display or cause to be affixed, *erected* or otherwise displayed a *roof sign* less than 1m [3'-3 3/8"] from the face of the building on which such *roof sign* is *erected*.
- 3.5.2 No *person* shall affix, *erect* or otherwise display or cause to be affixed, *erected* or otherwise displayed a *roof sign* which:
- (1) is constructed of *combustible materials*;
 - (2) does not have a clear space at least 1.22m [4'-0"] from the underside of the *sign* to the level of the roof or top of the building except for the support structure of the *sign*;
 - (3) has any face exceeding 10m² [107.64ft²] in area per visible side or visible face;
 - (4) *height* exceeds the maximum building *height* from *grade* as prescribed by the *Township's Zoning By-law [2017-70]*.

3.6 FASCIA / WALL SIGNS

- 3.6.1 No *person* shall affix, *erect* or otherwise display or cause to be affixed, *erected* or otherwise displayed a *wall sign* or *fascia sign* that:

- (1) is not *erected* against the exterior wall of the building to which the *wall sign* is to be attached;
 - (2) projects more than 0.6m [1'-11 5/8"] from the wall of the building;
 - (3) exceeds 10m² [107.64ft²] or 25% of the area of the face of the building on which it is installed, whichever is the lesser;
 - (4) exceeds 0.3m² [3.23ft²] in area on a building on residential lands; or
 - (5) does not have at least 2.4m [7'-10 1/2"] clearance between *grade* and the underside of the *wall sign* or *fascia sign*.
- 3.6.2 No *person* shall affix, *erect* or otherwise display or cause to be affixed, *erected* or otherwise displayed more than one *wall sign* for each 100m² [1076.39ft²] of building wall face, notwithstanding that any building which does not have a building face of 100m² [1076.39ft²] in area may have one *wall sign* on the building face fronting on the *street*.
- 3.6.3 *Wall signs* and *fascia signs* may be illuminated or luminous provided such lighting does not consist of flashing lights, moving lights, or intermittent or activated lighting of any kind.

3.7 BILLBOARD SIGNS

- 3.7.1 No *person* shall affix, *erect* or otherwise display or cause to be affixed, *erected* or otherwise displayed a billboard in a zone other than one so zoned by the *Township's* Comprehensive Zoning By-law 2017-70 as a commercial zone with the *Township's* approval.
- 3.7.2 No *person* shall affix, *erect* or otherwise display or cause to be affixed, *erected* or otherwise displayed on any lot more than one billboard for every 305m [1000'] of *frontage* of the lot on which the billboard is located. Where a lot has less than 305m [1000'] of *frontage*, the *owner* may *erect* one (1) *billboard sign* which shall be in accordance with article 3.7.3.
- 3.7.3 No *person* shall affix, *erect* or otherwise displayed or cause to be affixed, *erected* or otherwise display a billboard or any part thereof:
- (1) with an area per *sign* face of more than 20m² [215.28ft²]; and,
 - (2) located closer than 305m [1000'] from any other *billboard sign* in any direction on the same or neighbouring lot(s); and,
 - (3) located closer than 305m [1000'] measured in a straight line from a residential zone; and,
 - (4) more than 15m [49'-2 1/2"] in *height*;
 - (5) located closer than 7.5m [24'-7 1/4"] to the *street line* or the setback line from the main building as established by the *Township's* Zoning By-law [2017-70] for the applicable zone, whichever is the lesser; and,
 - (6) without prior site plan control approval.
- 3.7.4 Where a *billboard sign* is permitted, it may be illuminated or non-illuminated, single or double face only.

3.8 INFLATABLE SIGNS

- 3.8.1 No *person* shall affix, *erect* or otherwise display or cause to be affixed, *erected* or otherwise displayed an *inflatable sign* on any *property* with a *frontage* of not more than 15m [49'-2 1/2"].
- 3.8.2 No *person* shall affix, *erect* or otherwise display or cause to be affixed, *erected* or otherwise displayed more than one *inflatable sign* on any one *property* at any one time.

- 3.8.3 No *person* shall affix, *erect* or otherwise display or cause to be affixed, *erected* or otherwise displayed an *inflatable sign* located less than:
- (1) 3m [9'-10 7/8"] from any *property line*;
 - (2) 3m [9'-10 7/8"] from any driveway entrance and / or exit;
 - (3) 10m [32'-9 3/4"] from any ground or *portable ground sign* on the same or abutting *property*;
 - (4) 100m [328'-1"] measured in a straight line from any residential *property*; and
 - (5) 50m [164'-0 1/2"] from a traffic light standard.
- 3.8.4 An *inflatable sign* shall have a *height* of not more than 7m [22'-11 1/2"] from *grade* and a width of not more than 6m [19'-8 1/4"].
- 3.8.5 *Sign permits* issued for the *erection* or display of an *inflatable sign* shall be limited in duration to not more than fourteen (14) consecutive days and no more than two (2) permits may be issued for a single business on the *property* on which the *sign* is to be displayed in each calendar year.
- 3.8.6 No business shall be eligible for issuance of a *sign permit* to *erect* or display an *inflatable sign* unless at least twenty-one (21) consecutive days have passed since the expiry date endorsed on the previous *inflatable sign permit* issued on the same *property*.
- 3.8.7 *Sign permits* for *inflatable signs* shall be issued only to businesses or *uses* currently on the *property* on which the *sign* is to be displayed or *erected*.
- 3.8.8 All *inflatable signs* shall be properly secured to the satisfaction of the *Chief Building Official* or their *designate*.
- 3.8.9 In addition to the information required in article 2.1.2, every application submitted for an *inflatable sign* shall be supplemented with proof of insurance for at least \$2,000,000 of valid comprehensive liability insurance is in effect and that the *Township* is named as an additional insured.
- 3.9 DIRECTIONAL SIGNS**
- 3.9.1 No *person* shall affix, *erect* or otherwise display or cause to be affixed, *erected* or otherwise displayed a *directional sign*:
- (1) having a *sign face* of an area greater than 0.75m² [8.07ft²];
 - (2) having an overall *height* greater than 1.2m [3'-11 1/4"]; and
 - (3) located closer than 0.6m [1'-11 5/8"] from the *street line* or a driveway entrance or exit.
- 3.9.2 There shall be no limit to the number of traffic *directional signs* located on a *property*, however, there shall be no greater than two (2) traffic *directional signs* at each point of ingress or egress of a *property*.
- 3.9.3 *Directional signs* may be illuminated or luminous provided such lighting does not consist of flashing lights, moving lights, or intermittent or activated lighting of any kind.
- 3.10 SIDEWALK SIGNS**
- 3.10.1 Any *property* which pays business taxes with respect to a business situation within the *Township*, provided such business is operating in a commercial zone as provided in the *Township's* Comprehensive Zoning By-law [2017-70], may *erect* one (1) *sidewalk sign* in the front yard of such business provided such *sign* complies with the following regulations set forth in this subsection.
- 3.10.2 A *sidewalk sign* shall only be displayed or *erected* on municipal *property* abutting the business in cases where it is not possible because of the size of the lot, to locate a

ground sign or *portable ground sign* entirely on the same lot as the business for which the permit applies.

- 3.10.3 In addition to the information required in article 2.2.2, every application submitted for a *sidewalk sign* shall be supplemented with proof of insurance for at least \$2,000,000 of valid comprehensive liability insurance is in effect and that the *Township* is named as an additional insured.
- 3.10.4 No *person* shall affix, *erect* or otherwise display or cause to be affixed, *erected* or otherwise displayed a *sidewalk sign*:
- (1) greater than 0.6m [1'-11 1/2"] wide x 1.2m [3'-11 1/4"] high or 0.6m [1'-11 1/2"] in depth;
 - (2) outside of the time between sunrise and sunset of every business;
 - (3) located within 3m [9'-10 1/8"] of a driveway entrance;
 - (4) located within 10m [32'-9 3/4"] of a *ground sign* and 25m [82'-0 1/4"] of a *portable ground sign* on the same lot;
 - (5) whereby the *sign* impedes pedestrian traffic;
 - (6) located in a manner to obstruct a pedestrian walkway to a clear width of less than 1.5m [4'-11"]; or
 - (7) not properly maintained to the satisfaction of the *Chief Building Official* or *Municipal Law Enforcement Officer*.

3.11 POSTERS

- 3.11.1 No *person* shall affix, *erect* or otherwise display or cause to be affixed, *erected* or otherwise displayed a *poster* unless such *poster* meets the requirements of this by-law.
- 3.11.2 Every *poster* affixed or placed by a *person* shall:
- (1) indicate the name, address and telephone number or email address of the *person* responsible for the placing of the *poster*;
 - (2) be of a size not greater than 0.28m x 0.43m [11" x 17"]; and
 - (3) conform to the shape of the object it is posted on.
- 3.11.3 *Posters* shall be removed within twenty-four (24) hours following the scheduled event advertised on the *poster*.
- 3.11.4 No *person* shall affix, *erect* or otherwise display or cause to be affixed, *erected* or otherwise displayed a *poster* if the *poster* conveys a message with respect to an unlawful activity which a *Peace Officer* or *Municipal Law Enforcement Officer* has reason to believe is unlawful.
- 3.11.5 Both lawfully and unlawfully *erected posters* within the *Township* may be removed and disposed of without notice by the *Township* in accordance with its maintenance schedule.
- 3.11.6 *Posters* are exempt from complying with the provisions of article 2.1.3 of this by-law, provided that all other provisions of this by-law have been met.

3.12 COMMUNITY EVENT SIGNS

- 3.12.1 No *person* shall affix, *erect* or otherwise display or cause to be affixed, *erected* or otherwise displayed a *community event sign* prior to forty-five (45) days before the event and no longer than two (2) day after the event;
- 3.12.2 *Community event signs* shall be *erected* in compliance with the *portable ground sign* provisions of subsection 3.3 as well as the provisions for *postering* under subsection 3.11, whichever is more applicable.

- 3.12.3 Notwithstanding the provision of article 2.1.3, *Community event signs* are permitted to be located within the non-roadway portion of a road allowance, provided that all other provisions of this by-law have been met.

3.13 NEIGHBOURHOOD EVENT SIGNS

- 3.13.1 No *person* shall affix, *erect* or otherwise display or cause to be affixed, *erected* or otherwise displayed a *neighbourhood event sign*:

- (1) prior to three (3) days before the event and no longer than one (1) day after the event;
- (2) that exceeds 0.9m [2'-11 1/2"] in any dimension or exceeds 0.6m² [6.46ft²] in *sign area*; and
- (3) that does not indicate the address and date of the event.

- 3.13.2 *Neighbourhood event signs* shall be *erected* in compliance with the *portable ground sign* provisions of subsection 3.3 as well as the provision for *posting* under subsection 3.11, whichever is more applicable.

- 3.13.3 Notwithstanding the provision of article 2.1.3, *Neighbourhood event signs* are permitted to be located within the non-roadway portion of a road allowance, provided that all other provisions of this by-law have been met.

3.14 REAL ESTATE SIGNS

- 3.14.1 No *person* shall affix, *erect* or otherwise display or cause to be affixed, *erected* or otherwise displayed a *real estate sign*:

- (1) in a quantity of more than one (1) *real estate sign* per *street line* of the *property* on which the *sign* is to be affixed, *erected* or displayed;
- (2) of a size more than 1.2m² [12.91ft²] in area per *sign* face when advertising the sale or lease of a building or *property* of *residential use* with a lot area less than 0.4ha [1 acre];
- (3) of a size more than 3m² [32.29ft²] in area per *sign* face when advertising the sale or lease of a building or *property* of other than *residential use* with a lot area less than 0.4ha [1 acre];
- (4) of a size more than 10m² [107.64ft²] in area per *sign* face when advertising the sale or lease of a building or *property* of any *use* with a lot area greater than 0.4ha [1 acre];
- (5) on a *property* other than the *property* being advertised for sale or lease;

- 3.14.2 No *person* shall affix, *erect* or otherwise display or cause to be affixed, *erected* or otherwise displayed an *open house sign* or *open house signs* prior to three (3) days before the event and no longer than one (1) day after the event.

- 3.14.3 Notwithstanding the provisions of article 2.1.3, *open house signs* are permitted to be located within the non-roadway portion of a road allowance, provided that all other provisions of this by-law have been met.

3.15 DEVELOPMENT SIGNS

- 3.15.1 No *person* shall affix, *erect* or otherwise display or cause to be affixed, *erected* or otherwise displayed a *mobile new home development sign* having:

- (1) more than two (2) *sign* faces;
- (2) a *sign* face of an area greater than 1.5m² [16.15ft²]; and
- (3) an overall *height* greater than 1.2m [3'-11 1/4"].

- 3.15.2 No *person* shall affix, *erect* or otherwise display or cause to be affixed, *erected* or otherwise displayed *mobile new home development sign* located:

- (1) closer than 10m [32'-9 1/2"] to a transit stop;
 - (2) closer than 5m [16'-5"] to a driveway intersection with a *street line*;
 - (3) on a roadway median; or
 - (4) on any other location on a *street* that obstructs a sight line or otherwise interferes with *street* maintenance, or impedes the movement of pedestrians or vehicular traffic, or otherwise creates a hazard.
- 3.15.3 Notwithstanding the provisions of article 2.1.3, a *mobile new home development sign* is permitted to be located within the non-roadway portion of a road allowance, provided that all other provision of this by-law are met.
- 3.15.4 Notwithstanding the provisions of article 3.15.3, *mobile new home development signs* shall be prohibited from being displayed on, over, partly on or partly over the non-roadway portion of a road allowance directly adjacent to other *public property* such as, but not limited to, public parks, municipal buildings, community centers or fire stations.
- 3.15.5 No *person* shall affix, *erect* or otherwise display or *cause* to be affixed, *erected* or otherwise displayed any development *sign* having:
- (1) more than two (2) *sign* faces; or
 - (2) an area exceeding 10m² [107.64ft²].
- 3.15.6 Development *signs* not pertaining to an active development or development application shall be deemed to be abandoned and must be removed within sixty (60) days of the ceasing of activity with the development or development application.
- 3.15.7 Development *signs* may be illuminated or luminous provided such lighting does not consist of flashing lights, moving lights, or intermittent or activated lighting of any kind.

3.16 CONSTRUCTION SIGNS

- 3.16.1 Except as provided in article 3.16.2, no *person* shall affix, *erect* or otherwise display or *cause* to be affixed, *erected* or otherwise displayed more than one (1) *construction sign* for each *street line* of the project on which the *sign* is to be *erected*.
- 3.16.2 An additional *construction sign* beyond the one permitted by article 3.16.1 may be *erected* along each *street line* of a project provided that:
- (1) each *construction sign* is not less than 100m [328'-1"] from any other *construction sign* located on the same *street line* and on the same project; and
 - (2) the combined total area of the two *construction signs* located on the same *street line* and on the same project shall not exceed 60m² [645.83ft²] in area.
- 3.16.3 No *person* shall affix, *erect* or otherwise display or *cause* to be affixed, *erected* or otherwise displayed a *construction sign* having:
- (1) more than two (2) *sign* faces;
 - (2) a *height* greater than 7.5m [24'-7 1/4"];
 - (3) a combined area of all faces of not greater than 60m² [645.83ft²];
 - (4) a setback of not less than 3m [9'-10 1/8"] from any *property line*; and
 - (5) a setback of not less than 3m [9'-10 1/8"] from any driveway entrance.
- 3.16.4 *Construction signs* shall be removed from the site of the project no later than sixty (60) days from the date of the last occupancy permit being granted for the project.

3.17 CONTRACTOR'S IDENTIFICATION SIGNS

- 3.17.1 No *person* shall affix, *erect* or otherwise display or cause to be affixed, *erected* or otherwise displayed a *contractor's identification sign*:
- (1) prior to two (2) days before the commencement of the work and no longer than two (2) days following the completion of the work; and
 - (2) that exceeds 0.9m [2'-11 1/2"] in any dimension or exceeds 0.6m² [6.46ft²] in *sign area*.
- 3.17.2 Notwithstanding the provisions of sentence 2.1.1(6), a *contractor's identification sign* is permitted to be located on lands of *residential use*, provided that all other provision of this by-law are met.

3.18 WINDOW SIGNS

- 3.18.1 No *person* shall affix, *erect* or otherwise display or cause to be affixed, *erected* or otherwise displayed a *window sign* covering more than 25% of any single window or 25% of the entire surface area of a group of windows and shall not block the clear view of exits or entrances and shall maintain visibility into the interior of the premises at all times.

3.19 MISCELLANEOUS SIGNS

- 3.19.1 *Signs* permitted through the *Township's Comprehensive Zoning By-law 2017-70* for home industry and home occupation shall, in addition to the provisions established in the *Zoning By-law*, conform to the provisions as provided in subsections 3.2, 3.3, 3.5 and 3.6 respectively for the applicable type of *sign*.

3.20 SIGN MAINTENANCE

- 3.20.1 The *owner* of any *sign* is solely responsible for the maintenance of any *sign* or other *advertising devices* and every *owner* shall ensure that every *sign* or other *advertising device* is kept in good repair and in compliance with the provisions of this by-law.
- 3.20.2 Maintenance or repairs using materials identical to the materials of the component being maintained or repaired does not constitute an alteration so as to required permit to be issued.

SECTION 4 ADMINISTRATION AND ENFORCEMENT

4.1 GENERAL PROVISIONS

- 4.1.1 No *person* shall hinder, obstruct, molest or interfere with or attempt to hinder, obstruct, molest or interfere with an *Officer* or a *person* acting under their instructions in the exercise of a power or the performance of a duty under this by-law.
- 4.1.2 No *person* shall neglect or *refuse* to provide any information required by an *Officer* in the exercise of a power or performance of a duty under this by-law.
- 4.1.3 A *person* is guilty of an offence if the *person*:
- (1) contravenes any section of this by-law; or
 - (2) fails to comply with an *order* issued under this by-law.
- 4.1.4 Every director or *Officer* of a corporation who contravenes article 4.1.3 is guilty of an offence.
- 4.1.5 Neither the *Township* or an agent acting on its behalf shall be liable to compensate the *owner*, *occupant* or any other *person* by reason of anything done by or on behalf of the *Township* in the reasonable exercise of its powers under this by-law.

4.2 OFFICERS

4.2.1 The *Chief Building Official* is hereby assigned the responsibility of administering and enforcing this By-law and may assign duties to such *persons* as necessary to carry out the provisions of this By-law.

4.2.2 *Persons* appointed or assigned for the purposes of administering or enforcing this By-law are *Officers* and have authority to carry out the duties assigned to *Officers* under this By-law, and may enforce the provisions of this By-law.

4.3 RIGHT TO ENTER

4.3.1 An *Officer* acting under the provisions of this by-law or any *person* acting under their instructions may at any reasonable time, and upon producing proper identification, enter upon any *property* without a warrant for the purpose of:

- (1) inspection of the *property* to determine whether the *property* conforms with the provisions prescribed in this by-law;
- (2) inspection of the *property* to determine whether an *order* made under this by-law has been complied with; or
- (3) conducting necessary works to rectify and otherwise resolve any non-conformity identified in an *order* having been served and the stipulated date of compliance passed.

4.4 INSPECTION

4.4.1 Every *owner* or *occupant* shall permit an *Officer* to inspect the *property* or *sign* for compliance with the provisions of this by-law.

4.4.2 For the purposes of an inspection under the provision of this by-law, an *Officer* and any *person* acting under the *Officer's* instructions may:

- (1) alone or in conjunction with a *person* possessing special knowledge, enter upon the subject *property* to inspect or otherwise make an examination to determine whether:
 - (a) the *property* is in compliance with the provisions of this by-law;
 - (b) a *sign permit* is required to be issued;
 - (c) the permitted construction is being constructed in accordance with approved plans;
 - (d) the *owner* or *occupant* has complied with an *order* issued by an *Officer*, or
 - (e) there is non-compliance with any other provision of this by-law.
- (2) require information from any *person* concerning a matter related to the subject *property* or part thereof; or
- (3) through the examination of the *property*, document the state of *property* through various means, including but not limited to:
 - (a) the conducting of tests;
 - (b) taking of samples; or
 - (c) taking of photographs or video.

4.5 ORDERS FOR NON-CONFORMITY

4.5.1 If an *Officer* is satisfied that a contravention of this By-law has occurred, the *Officer* may issue an order to the *owner* and such other *persons* affected by it as the *Officer* determines and a copy of the order may be posted on the *property* to require that the materials or conditions be brought into compliance with this By-law.

4.5.2 An order as described in article 4.5.1 shall:

- (1) state the municipal address or the legal description of the *property* on which the non-conformity or infraction has occurred;
 - (2) give reasonable particulars of the contravention adequate to identify the contravention and the location on the *property* on which the contravention has occurred;
 - (3) indicate the date or dates by which compliance with the *order* must be achieved;
 - (4) give notice that, if the required actions are not carried out within the time specified, the *Township* may carry out the necessary actions to resolve the non-compliance at the expense of the *owner*, and
 - (5) be served in accordance with sub-section 3.6.
- 4.5.3 An *Officer* may make an *order* requiring the *owner* or *occupant* within the time specified in the *order* to:
- (1) remove any and all *signs* deemed to be in violation of the provisions of this by-law;
 - (2) obtain the required permit or permits; or
 - (3) undertake and supply, at the expense of the *owner*, such tests and samples as may be specified or required to determine conformance with the provisions of this by-law.
- 4.5.4 An *Officer* may grant extensions of time for compliance with any *order* beyond that specified in the *order* in any case where valid reason exists, in the opinion of the *Officer*, for the extension for such an extension.
- 4.5.5 Any such extension of time for compliance beyond that specified in the order as permitted by article 4.5.4 shall be provided in writing. An extension received in any other manner shall not be considered valid or applicable.
- 4.6 SERVICE**
- 4.6.1 The *order* described in article 4.5.1 shall be served or caused to be served on the *owner* of the *property* and such other *persons* affected by the *order* by:
- (1) *personal* service; or
 - (2) prepaid registered mail sent to the *last known address* of the *owner* or *occupant*.
- 4.6.2 An *order* served by registered mail shall be deemed to have been served on the 5th day after the date of mailing.
- 4.6.3 An *Officer* may in addition to service set out in article 4.6.1, post a copy of the *order* in a conspicuous place on the *property*.
- 4.6.4 If an *Officer* is unable to effect service as provided in article 4.6.1, the *Officer* shall place a placard containing the terms of the *order* in a conspicuous place on the *property* and the placing of the placard shall be deemed as sufficient service of the *order* on the *owner*, *occupant* or other *persons*.
- 4.6.5 Where an *order* is issued for a subsequent offence, *personal* delivery and / or posting of the *order* on site as provided for in article 4.6.4 shall be deemed to be sufficient notice for compliance provided the *order* issued respecting the first offence indicated that any subsequent offence would be dealt with in this manner.
- 4.7 FAILURE TO COMPLY WITH AN ORDER**
- 4.7.1 Where the *owner* or *occupant* fails to comply with an *order* issued under this by-law within the time specified for compliance, an *Officer*, with such assistance by others as may be required may:

- (1) remove any and all *signs* deemed to be in violation of the provisions of this by-law; or
 - (2) issue a fine to the *owner* of the *property* in accordance with Schedule "B" of this by-law.
- 4.7.2 Where items, materials or things are removed as a result of actions to rectify non-conformities on a *property* in accordance with article 4.7.1, the items materials or things may be immediately disposed of by an *Officer*, and any resulting recovered salvage value or other actual recovery of money made upon such disposal shall be forfeited by the *owner* or *occupant*.
- 4.7.3 Upon completion of the works pursuant to article 4.7.1, by or on behalf of the *Township*, the *Township* shall have a lien on the *property* for the amount spent on the work and shall be deemed to be municipal real *property* taxes and may be added by the Clerk of the municipality to the tax roll and collected in the same manner and with the same priority as municipal real *property* taxes as provided by statute.
- 4.7.4 Where the *Township* conducts works pursuant to article 4.7.1, the *Township* may, in addition to the expense of the work, charge an administrative fee of 15% of such expense with a minimum fee of \$125.00 which shall be added to the expense of the work.
- 4.7.5 Notwithstanding the provisions of article 4.7.3, to recover the costs incurred and identified by articles 4.7.3 and 4.7.4, the *Township* may prepare and issue an invoice to the *owner* allowing for not less than 21 days to pay such invoice in full, after which time the amount shall be transferred to the tax roll by the Clerk of the municipality.
- 4.8 POWER OF TOWNSHIP TO IMMEDIATELY REMOVE**
- 4.8.1 Where a *sign* or any part thereof is *erected*, located or displayed on *public property*, except where specifically permit by this by-law or where a permit has been granted, an *Officer* may remove or cause the *sign* to be removed immediately without notice at the expense of the *sign owner*.
- 4.8.2 Where a *sign* or any part thereof is *erected*, located or displayed in a manner that is unsafe or poses a health and / or safety concern to the public, an *Officer* may remove or cause the *sign* to be removed immediately without notice at the expense of the *sign owner*.
- 4.8.3 Where articles 4.8.1, 4.8.2 or 4.8.3 are applicable to a *sign* greater in area than 0.6m² [6.5 ft²] and an *Officer* is required to cause the *sign* to be removed, the *Officer* may employ the services of an outside contractor to conduct the removal and any associated costs will be assessed to the *owner*.
- 4.8.4 Where the *Township* conducts works pursuant to article 4.8.4, the *Township* may, in addition to the expense of the work, charge an administrative fee of 15% of such expense with a minimum fee of \$125.00 which shall be added to the expense of the work.
- 4.8.5 Any *sign* removed pursuant to this subsection may be deposited elsewhere on the *property* on which it was located.
- 4.8.6 Where a *sign* is removed under the provisions of articles 4.8.1, 4.8.2 or 4.8.3 the *Township* may hold the *sign* for pick up for a period of ten (10) business days, after such time the *sign* may be disposed of in manner deemed fit by the *Chief Building Official*.
- 4.8.7 Where a *sign* greater in area than 0.6m² [6.5 ft²] is required to be stored, a storage fee shall apply as prescribed in Schedule A to this by-law.
- 4.8.8 The *Township* may recover any expenses incurred in undertaking the work described in articles 4.8.1, 4.8.2, 4.8.3 or 4.8.4, including the administration fee as prescribed in article 4.8.5 and any storage fee assessed in accordance with article 4.8.7 or 4.8.8, by legal action or by adding the costs to the tax roll and collecting them in the same manner as taxes.

4.9 VARIANCES OF THIS BY-LAW

- 4.9.1 Where the *owner* or *person* in control of a *sign* for any reason is unable to comply with the provisions and regulations under this by-law, such *person* may apply to *Council* for a variance from the provisions and regulations of this by-law.
- 4.9.2 Applications for variance from the provisions of this By-law shall be made in writing on a form as prescribed by the *Chief Building Official* and shall include:
- (1) The name, address, telephone number and contact information of the *person* making application for the variance;
 - (2) specific reference made to the applicable article(s) of the by-law from which exemption is being sought;
 - (3) a statement as to the reason why the provisions of the by-law are unable to be met; and
 - (4) the applicable fee.
- 4.9.3 The *Council* shall hear all applications and grant or deny a variance with respect to this by-law. All decisions of the *Council* are final and binding.
- 4.9.4 Any fees paid with regard to the submission of an application for variance shall be non-refundable.

4.10 PENALTIES

- 4.10.1 Every *person* who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for by the *Provincial Offences Act, R.S.O. 1990, Chapter P.33*, as amended.

4.11 TRANSITION

- 4.11.1 Any *sign* previously permitted through site specific zoning within the *Township's Comprehensive Zoning By-law 2017-70* shall be exempt from the regulations prescribed in sections 2 and 3 of this by-law except for the requirements of subsection 3.21.
- 4.11.2 Where a *sign* has been lawfully *erected* prior to this by-law coming into force, such *sign* shall be considered to be legal non-conforming, and shall continue to be permitted provided it is not removed, enlarged or *substantially altered*.
- 4.11.3 Legal non-conforming means a *sign* that is lawfully affixed, *erected* or other displayed on the day this by-law comes into force, provided the *sign* is not in any way *substantially altered*. The maintenance and repair of the *sign* or a change in the message displayed shall in themselves, be deemed not to constitute an alteration. The onus to prove the legal non-conforming status of a *sign* shall be that of the *owner* of such *sign*.

4.12 LIABILITY

- 4.12.1 Any *persons* *erecting* or maintaining any *sign* or on whose *property* a *sign* is located, shall be liable for such *sign*. The *Township* is hereby indemnified from and against all manner of claims for damages, loss, expense or otherwise arising from the *erection*, maintenance, removal or falling of such *sign*, or part thereof.
- 4.12.2 The *property owner* and / or the agent assume any liability arising from the information given by *signs* on private *property* and responsibility for the enforcement of such *signs* unless otherwise authorized in legislation.

4.13 VALIDITY

- 4.13.1 Should a court of competent jurisdiction declare a part or whole of any provision of this by-law to be invalid or of no force and effect, the provision or part is deemed severable from this by-law, and it is the intention of *Council* that the remainder survive and be applied and enforced in accordance with its terms to the extent

possible under the law so as to protect the public by ensuring a minimum standard for maintenance and care of *property* is maintained.

- 4.13.2 Where the regulations of this by-law conflict with those of another by-law, Act, or Regulation in force within the *Township*, the regulation that establishes the higher standards to protect the health and safety of *persons* shall prevail.

SECTION 5 REPEALS & ENACTMENT


5.1 REPEAL


5.1.1

5.2 DATE OF ENACTMENT

- 5.2.1 This by-law shall come into force and effect the day after it is passed.

**READ A FIRST, SECOND
AND THIRD TIME AND
FINALLY PASSED THIS 29TH
DAY OF JUNE 2020.**



DAVE BYLSMA, MAYOR

JOANNE SCIME, CLERK

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

SCHEDULE ‘A’ TO BY-LAW 2020-54

Sign By-law

SECTION 1 FEES

1.1 PERMIT FEES

1.1.1 All permit fees provided in table A1.1.1 shall be considered to be fixed fees for each sign subject to a permit in accordance with this by-law.

1.1.2 A minimum permit fee of \$150.00 shall be charged for all work unless otherwise indicated or prescribed in the table below.

Table A 1.1.1: Sign permit Fees

Request	Fee
<i>ground sign</i> – less than 2.5m ² [26.91 ft ²]	\$150
<i>ground sign</i> – 2.5m ² [26.91 ft ²] to 10m ² [107.64 ft ²]	\$300
<i>ground sign</i> – 10m ² [107.64 ft ²] or greater	\$450
<i>portable ground sign</i> (for each 30 day period or portion thereof)	\$150
<i>pole sign</i> – less than 2.5m ² [26.91 ft ²]	\$150
<i>pole sign</i> – 2.5m ² [26.91 ft ²] to 10m ² [107.64 ft ²]	\$300
<i>pole sign</i> – 10m ² [107.64 ft ²] or greater	\$450
<i>roof sign</i> – less than 2.5m ² [26.91 ft ²]	\$150
<i>roof sign</i> – 2.5m ² [26.91 ft ²] to 10m ² [107.64 ft ²]	\$300
<i>fascia / wall sign</i> – less than 2.5m ² [26.91 ft ²]	\$150
<i>fascia / wall sign</i> – 2.5m ² [26.91 ft ²] to 10m ² [107.64 ft ²]	\$300
<i>fascia / wall sign</i> – 10m ² [107.64 ft ²] or greater	\$450
<i>inflatable sign</i>	\$150
billboard	\$1,000
permit renewal	\$150

1.2 VARIANCE FEES

1.2.1 Every application for consideration of a variance to this By-law shall be subject to a fee as prescribed below.

Table A 1.2.1: Sign By-law Variance Application Fees

Request	Fee
<i>variance of sign regulations</i>	\$750

1.2.2 The fees collected for consideration of a variance do not in any way guarantee the granting of the requested variance or appeal and at no time shall the collected fee be refundable in whole or in part.

1.3 SIGN REMOVAL FEES

- 1.3.1 Where the removal of a *sign* is required in due to non-conformity with this by-law accordance with subsections 4.7 and 4.8 the removal fees are prescribed as follows:

Table A 1.3.1: Sign Removal Fees

Request	Fee
<i>sign</i> – less than 0.6m ² [6.46 ft ²]	\$75
<i>sign</i> – 0.6m ² [6.46 ft ²] or greater	\$200 in addition to removal costs
storage fee for <i>signs</i> greater than 0.6m ² [6.46 ft ²]	\$10 / day

1.4 REFUNDS

- 1.4.1 In any case where a permit has been paid for and issued, the holder of the permit shall not be entitled to any refund for any reason.

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

PART I PROVINCIAL OFFENCES ACT

BY-LAW 2020-54: SIGN BY-LAW

SET FINES

	Column 1	Column 2	Column 3
ITEM	SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE
1.	Placement of prohibited <i>sign</i>	2.1.1	\$200
2.	Placement of <i>sign</i> in road allowance	2.1.3	\$200
3.	Placement of <i>sign</i> on utility pole	2.1.4	\$200
4.	Placement of <i>sign</i> overhanging sidewalk	2.1.5	\$200
5.	Placement of <i>sign</i> too close to roadway	2.1.6	\$200
6.	Placement of <i>sign</i> – damage municipal <i>property</i>	2.1.7	\$200
7.	Placement of <i>sign</i> on vehicle / trailer	2.1.8	\$200
8.	<i>Sign</i> of inoperative business	2.1.9	\$200
9.	Fail to comply – setback – <i>ground sign</i>	3.2.1	\$200
10.	Fail to comply – size – <i>ground sign</i>	3.2.2	\$200
11.	Fail to comply – quantity – <i>ground sign</i>	3.2.3	\$200
12.	Fail to comply – setback – <i>portable ground sign</i>	3.3.2	\$200
13.	Fail to comply – size – <i>portable ground sign</i>	3.3.3	\$200
14.	Fail to remove – expired permit – <i>portable ground sign</i>	3.3.8	\$200
15.	Fail to comply – setback – <i>pole sign</i>	3.4.1	\$200
16.	Fail to comply – size – <i>pole sign</i>	3.4.2	\$200
17.	Fail to comply – quantity – <i>pole sign</i>	3.4.3	\$200
18.	Fail to comply – setback – <i>roof sign</i>	3.5.1	\$200
19.	Fail to comply – size – <i>roof sign</i>	3.5.2	\$200
20.	Fail to comply – size – wall / <i>fascia sign</i>	3.6.1	\$200
21.	Fail to comply – quantity – wall / <i>fascia sign</i>	3.6.2	\$200

	Column 1	Column 2	Column 3
22.	Fail to comply – quantity - billboard	3.7.2	\$200
23.	Fail to comply – size – billboard	3.7.3	\$200
24.	Fail to comply – setback – billboard	3.7.4	\$200
25.	Fail to comply – quantity – <i>inflatable sign</i>	3.8.2	\$200
26.	Fail to comply – setback <i>inflatable sign</i>	3.8.3	\$200
27.	Fail to remove – expired permit – <i>inflatable sign</i>	3.8.5	\$200
28.	Fail to secure <i>inflatable sign</i>	3.8.8	\$200
29.	Fail to comply – setback – <i>sidewalk sign</i>	3.10.4	\$200
30.	Fail to comply – size – <i>window sign</i>	3.18.1	\$200
31.	Fail to maintain	3.21.1	\$200
32.	Interfere with / obstruct an <i>Officer</i> in performance of their duty	4.1.1	\$200
33.	Fail to provide information to an <i>Officer</i>	4.1.2	\$200

NOTE: The penalty provision for the offences indicated above is Section 4.10 of By-law 2020-54, a certified copy of which has been filed.