



# The Municipal Corporation of the Town of Fort Erie

## By-law No. 119-2017

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### Being a By-law to Regulate the Erection and Display of Signs within the Town of Fort Erie and to Repeal By-law Nos. 90-2014 and 55-2015

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**Whereas** Section 99 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides for rules applicable to the by-law making powers respecting advertising devices including signs; and

**Whereas** By-law No. 90-2014, as amended, was passed by the Municipal Council of the Town of Fort Erie on June 16, 2014, to regulate the erection and display of signs within the Town of Fort Erie; and

**Whereas** By-law No. 55-2015 was passed by the Municipal Council of the Town of Fort Erie on April 13, 2015 to amend By-law No. 90-2014 with respect to Fascia Signs and Sign Encroachments;

**Whereas** a Public Meeting with respect to passing a new by-law regulating the erection and display of signs within the Town of Fort Erie, was held on August 21, 2017; and

**Whereas** Report No. PDS-58-2017 was considered at the Council-in-Committee Meeting held on October 16, 2017, and subsequently approved by Council, to approve a new by-law regulating the erection and display of signs within the Town of Fort Erie; and

**Whereas** it is deemed desirable to regulate the erection and display of signs within the Town of Fort Erie, and to repeal By-law Nos. 90-2014 and 55-2015;

**Now therefore** the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** Schedule "A" providing regulations for the erection and display of signs within the Town of Fort Erie attached hereto and forming part of this by-law, is authorized and approved.
2. **That** every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to the penalties prescribed under the *Provincial Offences Act, R.S.O. 1990, c.P.33*, as amended.
3. **That** should any section, clause or provision of this by-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the by-law as a whole or any part thereof, other than the part which was declared to be invalid.
4. **That** By-law Nos. 90-2014 and 55-2015 are repealed.

**5. That** the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

**Read a first, second and third time and finally passed this 23<sup>rd</sup> day of October, 2017.**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Interim Clerk

I, \_\_\_\_\_, the Clerk, of The Corporation of the Town of Fort Erie certifies the foregoing to be a true copy of By-law No. 119-2017 of the said Town. Given under my hand and the seal of the said Corporation, this        day        , 20

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**Schedule “A”**

**1.0 SHORT TITLE**

1.1 The Short Title of this by-law is the “Sign By-Law.”

**2.0 DEFINITIONS**

2.1 The following terms are defined for the purposes of this by-law:

- 2.1.1 **“abandoned sign”** means a sign or sign structure which pertains to a time, event, purpose, or business which no longer exists, or is a portable sign without any copy, characters symbols or letters on the message board, or is a sign or sign structure that has fallen into disrepair and can no longer be used for its intended purpose.
- 2.1.2 **“address sign”** means a permanent sign that states only the name of the owner or occupant of the lot, the address of the lot or other identifiers of the lot or building.
- 2.1.3 **“advertising device”** means any device or object erected or displayed so as to attract public attention to goods, services, facilities or events, and includes flags, pennants and lights.
- 2.1.4 **“alter”** means, when used in reference to a sign structure, to change any one or more external dimensions and/or construction material(s), 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.
- 2.1.5 **“animated”** means the display of moving visual images or parts, but does not include a read-o-graph sign.
- 2.1.6 **“awning”** means a roof like projection that extends across all or part of the façade consisting entirely of non-rigid materials except for the supporting frame work and projecting from a building or structure, but not forming an integral part thereof.
- 2.1.7 **“awning sign”** means a non-illuminated sign constructed of metal, glass, or cloth attached to or erected or displayed in or on an awning.
- 2.1.8 **“billboard sign”** means a third party sign.
- 2.1.9 **“business improvement area”** means an area designated as a Business Improvement Area by a by-law enacted by Council.
- 2.1.10 **“By-law No. 40-09”** means the Town’s Fees and Charges By-law No. 40-09 to establish fees and charges for various services provided by the Town, as amended or replaced from time to time.

- 2.1.11 “charitable organization”** means an organization which is incorporated as a non-profit corporation with charitable objects or is a registered charity under the *Income Tax Act*, R.S.C., 1985, c. 1 (5th Supp.), as amended or replaced from time to time.
- 2.1.12 “Chief Building Official”** means the Chief Building Official of the Town appointed pursuant to the *Building Code Act, 1992*, S.O. 1992, c.23, as amended or replaced, and includes his or her designate.
- 2.1.13 “community sign”** means signs advertising private garage sales, open house directional signs, and signs advertising an event of a registered charitable organization.
- 2.1.14 “construction sign”** means a temporary sign that identifies or provides information relating to or advertising a proposed building or structure, or undergoing construction and/or renovation, and may include the contractors or construction company involved in the construction and/or renovation.
- 2.1.15 “Council”** means the Council of The Corporation of the Town of Fort Erie.
- 2.1.16 “Designated Official”** means any one of the Chief Building Official, a Municipal Law Enforcement Officer appointed by Council, the Director, and the Director, Infrastructure Services.
- 2.1.17 “Director”** means the Director, Planning and Development Services.
- 2.1.18 “Director, Planning and Development Services”** means the Town’s Director, Planning and Development Services from time to time or the holder of the office exercising the functions presently performed by the said Director and includes his or her designate.
- 2.1.19 “Director, Infrastructure Services”** means the Town’s Director, Infrastructure Services from time to time or the holder of the office exercising the functions presently performed by the said Director and includes his or her designate.
- 2.1.20 “directory sign”** means a sign displaying a listing of all occupants or tenants of a building or property.
- 2.1.21 “display area”** means the area of all surfaces of a sign upon, against, or upon which a message is displayed or illuminated, and in the case of individually installed letters or similar individually mounted logo(s) or sign components, the display area shall be calculated as being the total area within the outermost perimeter bounding the limit of all individual components.
- 2.1.22 “drive through facilities”** 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.

- 2.1.23 “driveway triangle”** means the triangular shape to be formed where a street line abuts a driveway line, measured as a right angle triangle with 4.5 metres (14.7 feet) sides along the street line and driveway line.
- 2.1.24 “effective ground level”** means the mean level of the ground within a radius of 1.25 metres (4.1 feet) of the sign location being considered.
- 2.1.25 “election sign”** means a sign advertising or promoting the election of a Canadian political party or candidate for public office in a federal, provincial or municipal election, or a question on the ballot with respect to a federal, provincial, school or municipal election.
- 2.1.26 “electronic sign”** means any type of sign with a surface internally illuminated displaying messages that are automatically or remotely changed, and includes without limiting the generality of the foregoing, animated, projected image and read-o-graph signs.
- 2.1.27 “erection”** means the placement, installation, and construction of a sign.
- 2.1.28 “fabric sign”** means a sign made of flexible material such as cloth, canvas, plastic or other similar material, and includes awning signs and other similar signs.
- 2.1.29 “façade”** means the entire building wall including a parapet, and windows, facing one direction.
- 2.1.30 “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, but shall not include any other sign defined in this by-law unless otherwise stated.
- 2.1.31 “flag”** means a sign made of cloth or lightweight material attached by one edge erected or displayed as an advertising device, and without limiting the generality of the foregoing, includes flags known as “teardrop” and “feather” flags and the like, including those only of a solid colour without design, pattern or advertising and used to draw attention to products or services associated with the lot.
- 2.1.32 “ground sign”** means a sign directly supported in or on the ground which is not attached to any part of a building and does not exceed 3 metres ( 9.8 feet) in height.
- 2.1.33 “home occupation”** means an occupation, trade, business, profession, or craft, carried on as a secondary and incidental use within any dwelling unit and/or accessory structure, which is carried out by the residents of the

dwelling in which the home occupation is located and up to one employee.

**2.1.34 “illuminated sign”** means a sign that is artificially lighted by an internal or external light source.

**2.1.35 “incidental sign”** means a sign having a maximum area of 0.37 square metres (4 square feet), and without limiting the foregoing, includes address signs, traffic directional signs, signs on park benches, mailboxes, bicycle racks, public benches, transit shelters, newspaper boxes, corner stones, metal plaques, any sign which is part of equipment or a display, and signs affixed or painted on hoardings around a construction site.

**2.1.36 “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.

**2.1.37 “landscape advertising sign”** means a sign composed of organic landscape materials.

**2.1.38 “lot”** means a parcel of land:

- (i) which is a whole lot as shown on a Registered Plan of Subdivision, but a Registered Plan of Subdivision for the purposes of this Section does not include a Registered Plan of Subdivision or Part of a Registered Plan of Subdivision which has been deemed not to be a Registered Plan of Subdivision under a by-law passed pursuant to Section 50(4) of the *Planning Act*, R.S.O 1990, as amended, or;
- (ii) is a separate parcel of land without any adjoining lands being owned by the same owner or owners as of the date of passing of this by-law; or
- (iii) the description of which is the same as in a deed for a parcel of land which has been severed pursuant to Section 53 of the *Planning Act*, R.S.O 1990, as amended; or, the description of a remnant parcel which results from the adjacent parcel having received the necessary severance, but for the purpose of this paragraph, no parcel or tract of land ceases to be a lot by reason only of the fact that a part or parts of it has or have been conveyed to or acquired by the Town, The Regional Municipality of Niagara, Her Majesty the Queen in right of Ontario, or Her Majesty the Queen in right of Canada, and includes any buildings or structures appurtenant to such lot.

**2.1.39 “lot line”** means any boundary line of a lot except for a street line.

**2.1.40 “maximum ground sign area”** means the total area of all ground signs located on a property that require a Sign Permit.

- 2.1.41 “menu board sign”** means a sign erected or displayed as part of a drive through facility and used to display and order the products and services available from the business associated with the drive through facility.
- 2.1.42 “model home/sales office identification and directional sign”** means a sign providing directions to a site or identification of a site, sales office, or model home, the location of which complies with the Zoning By-law.
- 2.1.43 “mural or temporary panel”** means any type of display or artistic endeavour that is applied as paint or film to any external wall or other part of a building or structure and which does not include any advertisement or any other promotional message or content including logos and trademarks.
- 2.1.44 “new development sign”** means a temporary sign, which displays the name or corporate identification of a builder or developer, or provides directions to a new home development or where an application of final subdivision or condominium plan approval has been made.
- 2.1.45 “owner of a sign”** means a person who is the lawful owner of a sign, including a lessee or licensee.
- 2.1.46 “owner of a property on which a sign is located”** means the lawful owner of a property on which a sign is located.
- 2.1.47 “person”** means any human being, association, firm, partnership, corporation, agent or trustee, and the heirs, executors or other legal representatives of a person at law.
- 2.1.48 “personal sign”** means a freestanding non-illuminated temporary sign or advertising device which displays a personal announcement or congratulatory message, located on a residential property.
- 2.1.49 “pole sign”** means a sign supported in or on the ground which is not attached to any part of a building and exceeds 3 metres (9.8 feet) in height.
- 2.1.50 “portable sign”** means a sign specifically designed or intended to be readily moved from one location to another and which does not rely on a building or foundation for its structural support, and includes signs commonly known as an A-Frame or mobile sign.
- 2.1.51 “poster sign”** means a temporary sign being a printed notice made of flexible material providing information.
- 2.1.52 “projected image sign”** means a sign which consists of an image projected on to a wall, sidewalk or other outdoor surface.
- 2.1.53 “projecting sign”** means a sign attached to and projecting from the face of a building where the sign face is not parallel to the face of the building to

which it is attached.

**2.1.54 “public information sign”** means any of the following signs:

- (i) signs erected or displayed on municipal buildings, in public parks, stadia or playgrounds and used for identification or regulatory purposes in accordance with Town guidelines;
- (ii) signs required to be erected or displayed by a public authority pursuant to a subdivision agreement, infrastructure construction project or in connection with an application made pursuant to the *Planning Act*;
- (iii) tourism and essential services directional signs; and
- (iv) the following signs located within a street, which require approval by the Town:
  - (a) directional signs for a place of worship; and
  - (b) community service organization gateway signs.

**2.1.55 “public property”** means real property owned or leased by the Town and includes a street.

**2.1.56 “read-o-graph sign”** means an electronic sign or portion of a sign displaying a static or changing text message.

**2.1.57 “real estate sign”** means a sign advertising a building or property for sale or lease.

**2.1.58 “roof sign”** means any sign which is located on or above the roof of a building or is located on or above the parapet of a building or other similar structure and projects above the roof of a building.

**2.1.59 “sidewalk sign”** means a sign located on public property, and without limiting the generality of the foregoing, includes signs commonly referred to as A-Frame, T-Frame and sandwich board signs.

**2.1.60 “sight triangle”** means the triangular shape formed by street lines of a corner lot where such lot is located at the intersection of two or more streets and the line drawn from a point in one street to a point in the other street, each such point being 10.5 metres (34.4 feet) from the point of intersection of the streets measured along the said street lines provided that where the two streets do not intersect at a point, the point of the intersection of the street lines shall be deemed to be the intersection of the projected tangents to the street lines drawn through the extremities of the interior lot lines. Such triangular shape may also be called a daylighting triangle.

**2.1.61 “sign”** means any surface, structure and other component parts, which are used or intended to be used as a visual medium to attract attention to a



specific subject matter for identification, information or advertising purposes and includes an advertising device, poster sign, and all of the various signs defined in this by-law.

- 2.1.62 “sign area”** means the entire surface of a sign, and where a sign is not bounded or enclosed within a distinct area or frame, the sign area shall be deemed to be that of a rectangle, circle or other simple geometric shape containing all letters, symbols and devices on the sign.
- 2.1.63 “Sign Encroachment Permit”** means a permit for a sign which encroaches on public property, issued by the Chief Building Official pursuant to the provisions of this by-law.
- 2.1.64 “Sign Permit”** means a permit issued by the Chief Building Official pursuant to the provisions of this by-law.
- 2.1.65 “sign structure”** means the supports, uprights, bracing and framework of a sign that is resting on or attached to the ground, building or structure.
- 2.1.66 “special event sign”** means a temporary sign advertising a public or not-for-profit/registered charitable organization event, and includes all ancillary signs related thereto.
- 2.1.67 “street”** means a public highway or public road under the jurisdiction of the Town including highways defined by the *Municipal Act, 2001* as amended from time to time, including the untraveled portion thereof, but does not include a private lane or private right-of-way.
- 2.1.68 “street line”** means a line dividing a lot from a street and is the limit of the street.
- 2.1.69 “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 or the realtor’s, developer’s, or owner’s business.
- 2.1.70 “subdivision identification sign”** means a permanent sign that identifies the name only of the subdivision, condominium or other development in which it is erected or displayed.
- 2.1.71 “temporary sign”** means a sign that is not permanent.
- 2.1.72 “third party sign”** means a sign advertising:
- (i) information that is not related to the lot;
  - (ii) a product which is not made, produced, assembled, stored, or sold on the lot; and

(iii) a service which is not provided on or from the lot, or was performed on the lot;

upon which the sign is erected.

**2.1.73 “Town”** means The Corporation of the Town of Fort Erie.

**2.1.74 “traffic directional sign”** means a sign giving directions, instructions, or information for control of vehicular and pedestrian traffic within the lot on which the sign is located, and may only otherwise contain the name or logo of the establishment, and may include a directory sign.

**2.1.75 “use”**, when used in conjunction with the words zone, residential, industrial, commercial, institutional, agricultural, open space, or similar words, shall mean such uses as may be permitted under the Zoning By-law.

**2.1.76 “vacant lot”** means a parcel of land separately assessed that has no structures thereon.

**2.1.77 “vehicle”** means any vehicle propelled or driven otherwise than by muscular power, and without limiting the generality of the foregoing, includes an automobile, truck, boat, farm implement, mobile home, motor home, snowmobile, trailer, recreational, and commercial vehicles, or any other device which is capable of being drawn, propelled or driven.

**2.1.78 “wall sign”** means a permanent sign that is supported by a building exterior wall or fascia parallel to the plane of the wall and may include an awning sign.

**2.1.79 “window sign”** means a sign that is painted on, etched or attached to the interior or exterior surface of a window.

**2.1.80 “zone”** means an area designated for particular land uses as provided in the Zoning By-law.

**2.1.81 “Zoning By-law”** means the Town’s Comprehensive Zoning By-law No. 129-90, as amended or replaced from time to time.

### **3.0 ADMINISTRATION, INTERPRETATION AND PERMITS**

#### **3.1 Conflict**

**3.1.1** If there is a conflict between a provision of this by-law and a provision of any other Town by-law, the provisions which establish the highest standard to protect the health and safety of the public, shall apply.

**3.2 Approval**

**3.2.1** Issuance of a Sign Permit does not constitute approval of any other permits or approvals which may be required by any other government authority or agency.

**3.3 Non-Application of Policy**

**3.3.1** This By-law shall not apply to home occupation signs which are regulated by the Zoning By-law.

**3.4 Existing Signs**

**3.4.1** This by-law does not apply to a sign which was lawfully erected or displayed on the day this by-law comes into force, provided the sign is not substantially altered.

**3.4.2** The maintenance and repair of the sign or a change in the message or contents displayed, is deemed not in itself to constitute a substantial alteration for the purposes of Subsection 3.4.1.

**3.5 Sign Permit Application**

**3.5.1** An application for a Sign Permit shall include the following:

- (a) one completed copy of the applicable application form as required by the Chief Building Official;
- (b) two copies of a site plan showing:
  - (i) the lot lines of the property on which the sign is proposed;
  - (ii) the proposed location of the sign in relation to all other signs, structures, and driveways existing or proposed on the lot; and
  - (iii) all other information as may be required, including but not limited to, the area of each existing sign, in order to determine compliance with the requirements of this by-law. If required by the Designated Official, such plans and information shall be certified by a licensed Ontario Land Surveyor;
- (c) two copies of complete working drawings and specifications of the erection, display or alteration of the sign, including any supporting frame work. Where the sign, excluding billboard signs, is proposed to be, or is located on a building or other structure, sufficient information in the sole discretion of the Designated Official, shall be provided to determine that such building or structure can safely carry the additional loads and stresses imposed thereon by the erection, display or alteration of such sign. Where required by the

Designated Official, such drawings shall include calculations bearing the stamp of a licensed professional engineer;

- (d) approval of the Ministry of Transportation of Ontario, Niagara Parks Commission if required;
- (e) a copy of a Sign Permit from the Regional Municipality of Niagara if required;
- (f) a letter from the property owner or his/her authorized agent acknowledging the terms of the Sign Permit, if applicable; and
- (g) the Sign Permit fee established in By-law No. 40-09.

**3.6 Expiry**

**3.6.1** Where a Sign Permit has been issued and the sign installation has not been completed within one (1) calendar year from date of issue, the Sign Permit shall expire.

**3.7 Revocation**

**3.7.1** The Chief Building Official may revoke a Sign Permit where:

- (a) the permit was issued on mistaken, false or incorrect information, or in error;
- (b) the terms of the permit are not complied with; or
- (c) the owner requests in writing that it be terminated.

**3.7.2** The Chief Building Official may revoke a Sign Encroachment Permit where:

- (a) the Sign Permit related to the Sign Encroachment Permit has been revoked or terminated; or
- (b) the terms of the Sign Encroachment Permit are not complied with.

**3.7.3** Prior to revoking a Sign Permit in accordance with this by-law, the Chief Building Official shall give written notice of the intention to revoke the Sign Permit to the owner at his/her 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 Sign Permit shall be revoked without further notice and all submitted plans and other information may be disposed of, or, at the request of the Sign Permit holder within such 30 days, returned as directed. In no case shall a Sign Permit fee be refunded.

### **3.8 Construction Requirements**

**3.8.1** Every sign shall be designed, constructed and maintained to adequately withstand all loads which may reasonably be expected to come upon it and the minimum design shall be equal to that specified in the Ontario Building Code.

**3.8.2** No sign illuminated or operated electrically shall be erected, displayed, maintained or altered unless such electrical work is in conformity with all regulations of the Electrical Safety Authority and Canadian Niagara Power Company Inc. or their successors.

### **3.9 Notification**

**3.9.1** The owner shall notify the Chief Building Official of the commencement of the erection or display of a sign.

## **4.0 SIGNS NOT REQUIRING A PERMIT**

**4.1** The exceptions provided in this Section do not prohibit any municipal or other government authority from requiring a permit or approval for any sign under any other relevant legislation, regulations or by-laws.

**4.2** The following signs do not require a Sign Permit but shall comply in all other respects with the requirements of this by-law, including but not limited to, setback to streets and abutting lots, and requirements related to pedestrian and vehicular safety:

- (a) community signs;
- (b) election signs;
- (c) incidental signs;
- (d) landscaping signs;
- (e) menu board signs;
- (f) mural or temporary panel signs;
- (g) non-illuminated construction signs having a sign area not greater than 1.2 square metres per face (12.9 square feet) and a height not exceeding 1.25 metres (4.2 feet);
- (h) non-illuminated new development signs not exceeding 6 square metres (64.6 square feet);
- (i) non-illuminated real estate signs, model home/sales office signs, provided that such sign does not exceed 1.2 square metres (12.9 square feet) in area per sign face located on residential buildings or properties, and does not

- exceed 3 square metres (32.3 square feet) located on non-residential buildings or properties;
- (j) personal signs erected or displayed for not more than 3 consecutive days;
  - (k) a portable sign on a lot operated by a charitable organization which does not exceed 3 square metres (32.3 square feet) per sign face, and is related to activities of the charitable organization;
  - (l) poster signs;
  - (m) public information signs;
  - (n) sidewalk signs;
  - (o) signs having a maximum sign area of 3 square metres (32.3 square feet) per face advertising the sale of Christmas trees, in season, on lands where permitted by the Town's Zoning By-law;
  - (p) signs erected or displayed by any municipal, regional, federal or provincial government authority or agency located on the lands of the said authority or agency;
  - (q) special event signs;
  - (r) window signs covering a maximum forty (40%) percent of the window; and
  - (s) flags having a maximum area of 3.72 square metres (39.8 square feet) and a maximum height of 4.6 metres (15.1 feet).

## **5.0 PROHIBITIONS**

- 5.1** Except as provided in Section 4.0, no person shall erect, display, or structurally alter a sign unless a Sign Permit for such erection, display or structural alteration has been issued by the Chief Building Official.
- 5.2** Any sign not expressly permitted by this by-law is prohibited, and without limiting the generality of the foregoing, the following signs are specifically prohibited:
- (a) abandoned signs;
  - (b) signs which have illumination components which may create unsafe conditions for pedestrians and motor vehicle drivers, or a nuisance, in the sole discretion of the Designated Official;
  - (c) roof signs;
  - (d) signs located which obstruct the view of pedestrians and/or motor vehicle drivers creating unsafe conditions, in the sole discretion of the Designated

Official;

- (e) signs located within sight triangles; and
- (f) third party signs, except for billboard signs.

**5.3** No person shall erect or display a sign:

- (a) within any part of a street or other public property including, but without limiting the generality of the foregoing, on a tree, utility pole, light standard, street sign, or traffic control device, except community signs;
- (b) which exceeds 1.0 metre (3.28 feet) in height within a driveway triangle;
- (c) on a vehicle or trailer which is parked for the primary purpose of displaying the sign;
- (d) which obstructs or impedes a fire escape, fire exit, door, window, skylight, flue, or any building service, or may prevent or impede the free access of emergency personnel to any part of a building, including fire department water connections and fire hydrants;
- (e) which projects more than 101 millimetres (4 inches) over a street line, unless it is located at least 2.5 metres (8.2 feet) above the surface of the street above which it is located;
- (f) on a fence appurtenant to a lot, except for signs affixed or painted on hoarding erected around a construction site; or
- (g) on a telecommunications tower.

**5.4** No person shall:

- (a) erect or display more than four (4) incidental signs on a lot at one (1) time; or
- (b) erect or display more than four (4) flags used to draw attention to products or services associated with a lot.

**6.0** **BILLBOARD SIGNS**

**6.1** Only one billboard sign shall be permitted on a vacant lot which is zoned for industrial or commercial uses under the Zoning By-law. Billboard signs are not permitted in any other zone.

**6.2** A billboard sign may be erected on railway lands or hydro corridors only where the railway land or hydro corridor intersects a street that has a minimum road width of 36 metres (118.2 feet), and provided that:

- (a) written approval for the billboard sign by the railway company or hydro company is directed to and received by the Chief Building Official prior to the issuance of a Sign Permit;
- (b) the lands abutting each side of the railway land or hydro corridor are zoned for industrial or commercial uses; and
- (c) the billboard sign shall not be located closer than 10.5 metres (34.4 feet) to the intersection of the railway land or hydro corridor and the street.

**6.3** No billboard sign shall be located:

- (a) within 300 metres (984.3 feet) of another billboard sign;
- (b) within 300 metres (984.3 feet) of a residential zone;
- (c) within 300 metres (984.3 feet) of a park, hospital or school or historic site; or
- (d) within 10.5 metres (34.4 feet) of a street line and 4.5 metres (14.7 feet) from any lot line.

**6.4** No billboard sign shall exceed 8.0 metres (26.2 feet) in height measured above the effective ground level.

**6.5** The maximum sign area for a billboard sign shall be 20 square metres (215.2 square feet) per sign face.

**6.6** All billboard signs shall be designed by, and constructed under the supervision of, a Professional Engineer.

**6.7** No billboard sign shall display more than two visible faces for advertising purposes.

**6.8** For the purpose of applying the maximum sign area per face for a “V” shaped billboard sign having two faces, the billboard sign shall be considered as having one face if the interior angle of the “V” exceeds ninety (90) degrees.

**6.9** A billboard sign may be illuminated.

**6.10** A billboard sign shall not be an electronic sign.

**7.0** **COMMUNITY SIGNS**

**7.1** Community signs may be erected or displayed within a street, provided that:

- (a) no sign shall be located closer than 1 metre (3.3 feet) to the curb or the edge of the travelled portion of a street where there is no curb;
- (b) no sign shall exceed a height of 1 metre (3.3 feet) or have any one dimension greater than 1 metre (3.3 feet); and



- (c) signs which advertise an event shall not be erected or displayed more than 3 days before the event and shall be removed the day following the event.

## **8.0 ELECTION SIGNS**

- 8.1** Election signs may be erected or displayed on private property, provided that such signs:
  - (a) shall not be erected or displayed earlier than 45 days prior to Election Day, and in the case of federal and provincial elections, shall not be erected or displayed before the official date of notice of Election Day;
  - (b) shall be removed within five (5) days following Election Day;
  - (c) where erected or displayed on lands zoned residential, shall not exceed 1.2 square metres (12.9 square feet) in display area; and
  - (d) where located on non-residential lands, shall not exceed 3.0 square metres (32.3 square feet), with the exception of billboard signs where permitted.
- 8.2** Election signs shall not be erected or displayed on public property, including trees and fences on public property, parks and cemeteries, and street medians and islands, subject to Subsection 8.3.
- 8.3** Notwithstanding Subsection 8.2, election signs may be erected or displayed on the untraveled portion of a street (excluding medians and islands) provided that no sign shall be erected or displayed in front of a lot which is not a vacant lot, unless the lot owner's permission therefor has been obtained.
- 8.4** Election signs where permitted on a street shall not be located closer than 1 metre (3.3 feet) to the curb or the edge of the travelled portion of a street where there is no curb, and shall not exceed 1.2 square meters (12.9 square feet) in display area and shall not obstruct sight lines at intersections and driveway entrances.
- 8.5** Election candidates shall be responsible for compliance with the signage by-laws and regulations of The Regional Municipality of Niagara and Province of Ontario (including the Ministry of Transportation) as the case may be.
- 8.6** Election signs shall not be erected or displayed on utility poles, light standards, or traffic signal standards.
- 8.7** Election signs shall not be erected or displayed on property upon which an election polling station is located.
- 8.8** Vehicles displaying election signs shall not be parked or driven on the property of a polling station, nor be parked on the street abutting a polling station throughout Election Day or during an advance poll.

**8.9** Election signs or vehicles displaying election signs in violation of this Section 8.0 may be caused to be removed by the Designated Official, without notice to the candidate or his/her representative.

**8.10** Election signs caused to be removed by the Designated Official as provided in Subsection 8.9 shall be stored by the Town for a period of not less than thirty (30) days. The owner shall be notified by the Designated Official that the sign(s) is being stored and may be retrieved without fee or charge. If within the thirty (30) day period, the owner does not retrieve the sign(s) from the Town, the sign(s) shall be disposed of by the Town without any further notice and without liability to the Town.

**8.11** In the event of a municipal Ward by-election, election signs shall not be erected or displayed outside the boundary of the Ward.

**9.0 ELECTRONIC SIGNS**

**9.1** Electronic signs shall comply with the following requirements:

- (a) Illumination shall be maintained at a consistent level;
- (b) Electronic signs shall be programmed to dim the intensity of illumination between dusk and dawn;
- (c) The electronic display area shall not exceed 3.0 square metres (32.3 square feet);
- (d) The display of any visible effects during the message transition, including motion, fading, flashing animation or the pulsating or variable intensity of the message, is prohibited;
- (e) Only electronic static copy with a minimum eight (8) second message duration and maximum one (1) second transition with no visible effects, shall be permitted, with the exception of read-o-graph signs.
- (f) The minimum distance of an electronic sign erected on a commercial use lot from a solely residential use lot shall be 25 metres (82 feet).

**10.0 FASCIA SIGNS**

**10.1** The maximum area of a fascia sign shall not exceed the lesser of 10 square metres (108 square feet) or fifteen (15%) percent of the façade measured from grade to the uppermost portion of the wall measured along the frontage of the ground floor unit.

**10.2** Where a fascia sign encroaches onto public property a Sign Encroachment Permit shall be required, subject to Subsections 5.3 (e) and 14.5.1.

**11.0 GROUND SIGNS**

- 11.1 A ground sign shall not exceed a face area of 9.3 square metres (100 square feet), and if double-sided, a total sign area of 18.6 square metres (200 square feet).
- 11.2 A ground sign shall not exceed 3 metres (9.8 feet) in height.
- 11.3 Ground signs which exceed a face area of 5.57 square metres (60 square feet) shall be designed by and constructed under the supervision of a Professional Engineer.
- 11.4 No more than two ground signs shall be located on any lot and shall not be located closer than 45 metres (147.6 feet) to each other.
- 11.5 For the purpose of applying the maximum sign area per face for a “V” shaped ground sign having two faces, the ground sign shall be considered as having one face if the interior angle of the “V” exceeds ninety (90) degrees.
- 11.6 A ground sign shall not be erected within 5 metres (16.4 feet) of a lot having a solely residential use.
- 11.7 Subject to Subsection 11.6, ground signs shall not be located closer than 1.0 metre (3.3 feet) to a lot line on a non-residential use lot.
- 11.8 A ground sign may be illuminated.

**12.0 PORTABLE SIGNS**

- 12.1 Where a business is located on a lot occupied by two or more businesses, a Sign Permit shall not be issued if another business on the lot has been issued a Sign Permit for a portable sign that has not expired or has been renewed.
- 12.2 Portable signs shall not have more than two sign faces and any one sign face shall not exceed 3.7 square metres (39.8 square feet) in area or have a dimension greater than 2.4 metres (7.9 feet).
- 12.3 Portable signs shall not have a maximum height greater than 2.5 metres (8.2 feet) measured from grade.
- 12.4 Portable signs shall not be located within 20 metres (65.6 feet) from a ground sign located on the same lot or premises.
- 12.5 Portable signs shall not be located closer than 1.5 metres (4.9 feet) to a street line.
- 12.6 Portable signs shall not be located closer than 30 metres (98.4 feet) from the lot line of an abutting property used solely for residential purposes.

- 12.7 Portable signs shall not be erected or displayed on a lot where it interferes with pedestrian or vehicular traffic.
- 12.8 Portable signs shall not be located in any required parking space under the Zoning By-law.
- 12.9 Portable signs which are special event signs (which do not require a Sign Permit pursuant to Subsection 4.2(k)), shall not be erected or displayed more than fourteen (14) days before the event and shall be removed within five (5) days after the event.

**13. POLE SIGNS**

- 13.1 A pole sign shall not exceed a face area of 18.6 square metres (200 square feet), and if double sided, a total sign area of 37.2 square metres (400 square feet).
- 13.2 A pole sign shall not exceed 8.0 metres (26.2 feet) in height.
- 13.3 A maximum of two (2) pole signs shall be permitted on a lot, provided that a distance of at least 45 metres (147.6 feet) between the pole signs.
- 13.4 For the purpose of applying the maximum sign area per face for a “V” shaped pole sign having two faces, the pole sign shall be considered as having one face if the interior angle of the “V” exceeds ninety (90) degrees.
- 13.5 Pole signs shall not be located closer than 5.0 metres (16.4 feet) to a lot line.
- 13.6 A pole sign shall have a minimum setback of 1 metre (3.3 feet) from the street line.
- 13.7 A pole sign shall not be erected within 8 metres (26.2 feet) of a lot having a solely residential use.
- 13.8 Pole signs shall be designed by and constructed under the supervision of a Professional Engineer.
- 13.9 A pole sign may be illuminated.

**14.0 PROJECTING SIGNS**

- 14.1 One projecting sign is permitted for each business in the Commercial and Core Mixed Use Zones of the Zoning By-law in Business Improvement Areas.
- 14.2 Projecting signs shall:
  - (a) have a ground clearance of not less than 2.5 metres (8.2 feet) and not greater than 4.0 metres (13.1 feet);

- (b) have a maximum area of not more than 1.0 square metres (10.7 square feet) per side;
- (c) have not more than 2 (two) sides;
- (d) not be closer than 3.0 metres (9.8 feet) to another projecting sign; and
- (e) the structural and anchorage system shall be designed and certified by a licensed Professional Engineer.

**14.3** An awning sign attached to or erected or displayed in or on an awning shall not extend horizontally beyond the limits of the awning.

**14.4** Where a projecting sign encroaches onto public property a Sign Encroachment Permit shall be required, subject to Subsection 14.5.1.

**14.5 Sign Encroachments**

**14.5.1** Notwithstanding Subsection 5.3 (e), a fascia, awning or projecting sign may encroach over public property provided a Sign Encroachment Permit is issued by the Chief Building Official in his/her sole discretion, prior to the issuance of a Sign Permit, except for a fascia, awning or projecting sign which does not project more than four (4) inches.

**14.5.2** A Sign Encroachment Permit shall be renewed every 5 years, provided the structural integrity and anchorage system of the sign is re-certified by a licensed professional engineer, and the sign complies in all other respects with this Section 14.0.

**14.5.3** In addition to Subsections 14.2 and 14.3, signs subject to a Sign Encroachment Permit shall:

- a) Not be closer than 0.8 metres (2.6 feet) to a street curb or the shoulder of a street where shoulders exist;
- b) Have a minimum clearance of 2.5 metres (8.2 feet) above the ground or a height determined by the Designated Official;
- c) Be removed upon 30 days written notice given by the Chief Building Official, failing which the Chief Building Official may cause the sign to be removed at the owners sole expense without further notice; and
- d) Not have exterior forms of lighting that encroach more than 0.61 metres (2.0 feet) beyond the face of a wall.

**15.0 SIDEWALK SIGNS**

- 15.1** Only one (1) sidewalk sign shall be permitted in relation to a lot in a Commercial Zone associated with a commercial use; and
- (a) shall not be located on a sidewalk unless there is a minimum 1.22 metre (4.0 foot) clearance for pedestrian traffic on at least one (1) side of the sidewalk sign. Where the minimum clearance cannot be achieved, the sidewalk sign may be located at the building face or street curb subject to Subsection 15.1 (e);
  - (b) shall not have more than two (2) faces;
  - (c) shall not have a sign area greater than 1.0 square metre (10.7 square feet) per face and no one (1) dimension greater than 1 metre (3.3 feet);
  - (d) shall not be illuminated;
  - (e) shall not obstruct pedestrian traffic or vehicular use; and
  - (f) shall not be displayed other than during the business hours of the related commercial use.

**16.0 MINOR VARIANCES**

- 16.1** The Director is hereby delegated authority to approve applications for minor variances to this by-law.
- 16.2** The Director is further delegated authority to develop and implement procedures for the administration of applications for minor variances to this by-law.
- 16.3** An application for a minor variance from the provisions of this by-law shall be made to the Director on the prescribed form together with payment of the fee established in By-law No. 40-09.
- 16.4** Notice of the application shall be given to the applicant, the owner(s) of the lot and all property owners according to the assessment rolls within 60 metres of the subject lot, and to any applicable agencies or authorities.
- 16.5** The notice referred to in Subsection 16.4 shall identify the subject property, state the date scheduled for the decision, provide a description of the proposed minor variance and information as to how to make representations to the Director prior to his/her decision.
- 16.6** In the event that the applicant wishes to submit additional information for the consideration of the Director the applicant may request a deferral of the decision by submitting a written request by 4:30 P.M of the day before the date the decision is to be made.

**16.7** In considering an application for a minor variance, the Director shall have regard for:

- (a) special circumstances or conditions applying to the lot, building, or use;
- (b) whether strict application of the provisions of this by-law in the context of the special circumstances applying to the lot, building, or use, would result in practical difficulties or unnecessary and unusual hardship for the applicant of a type and nature inconsistent with the general intent and purpose of this by-law and the Official Plan;
- (c) whether special circumstances or conditions are pre-existing and not created by the owner or applicant;
- (d) whether the sign will alter the essential character of the area in which it is located; and
- (e) comments received.

**16.8** The Director may authorize a minor variance from the provisions of this by-law, with or without conditions, if, in the opinion of the Director:

- (a) the variance is desirable;
- (b) the variance is minor in nature; and
- (c) the general intent and purpose of this by-law is maintained.

**16.9** The applicant, and any person who made representations to the Director, may appeal the Director's decision to Council by delivering written notice of appeal to the Director on the prescribed form together with the fee established by By-law No. 40-09 within ten (10) days of the date of notice of decision.

**16.10** In the event the Director does not receive written notice of appeal in accordance with Subsection 16.9, the decision of the Director shall be final.

**16.11** In the event the Director receives written notice of appeal in accordance with Subsection 16.9, the Director shall submit a report to Council. The applicant shall be notified in advance of the meeting at which Council will consider the report and shall be given an opportunity to address Council prior to Council's decision. The decision of Council shall be final.

**17.0 NOTICE**

**17.1** Any notice required to be given to an owner of a sign under this by-law may be hand delivered, posted on the lot, or may be given by facsimile transmission, email, or by ordinary mail to the last known address of the owner of the sign. In

the case of notice by ordinary mail, notice shall be deemed to be received five (five) calendar days from the date of mailing.

**18. ENFORCEMENT**

- 18.1** This by-law may be enforced by the Designated Official.
- 18.2** The Designated Official is authorized to enter on a lot at any reasonable time for the purpose of carrying out an inspection to determine whether this by-law is being complied with.
- 18.3** Where a sign is erected or displayed on public property in contravention of this by-law, the Designated Official may cause such sign to be removed, without notice to the owner, and at the owner's sole expense.
- 18.4** Where an owner fails to comply with any provision of this by-law, an Order may be issued to the owner, providing:
  - (a) the details of non-compliance;
  - (b) the time permitted to comply with the Order or make an application for a minor variance; and
  - (c) notice that if the Order is not complied with or a minor variance applied for within the prescribed time, the owner is guilty of an offence and the Designated Official may cause the Order to be carried out at the owners expense.
- 18.4.1** Every owner shall comply with an Order.
- 18.5** Where an Order has been issued and not complied with, the Town's employees, agents, contractors or other persons acting on its behalf, may enter upon the lot to take the required steps to effect compliance.
- 18.6** Where a sign is deemed by the Designated Official to be in a condition or in a location that it is or may be dangerous to the public, the Designated Official may:
  - (a) issue an Order to the owner to repair or remove the sign, as applicable; or
  - (b) notwithstanding Subsection 18.4, cause such sign to be removed without giving notice to the owner, at the owner's expense.
- 18.7** Any sign removed pursuant to Subsection 18.3, 18.5 and 18.6 may be deposited elsewhere on the lot on which it was located. The Town is not responsible for any damages during removal.
- 18.8** Any sign caused to be removed by the Designated Official shall be stored by the Town or an independent contractor for a period of not less than thirty (30) days. Within the said thirty (30) day period, the owner may recover the sign after completing a signed Acknowledgement and Release on the prescribed



form, and upon payment of the prescribed Fees and Charges established by By-law No. 40-09, and all additional costs incurred by the Town.

- 18.9** The costs of removal of a sign shall be payable by the owner, whether or not the sign is recovered by the owner, and the said costs may be added to the municipal tax roll of the property owner and be collected in the same manner and with the same priorities as municipal taxes. The owner shall not be entitled to any compensation of any kind for removal of the sign, including its disposal if not recovered within the thirty (30) day period provided for in Subsection 18.8.
- 18.10** No person shall hinder or obstruct, or attempt to hinder or obstruct, the Designated Official from carrying out an inspection of the sign, nor shall any person obstruct the Town, its employees, agents or contractors from carrying out work specified in an Order.
- 18.11** This Section 18 shall not apply to election signs.