

THE CORPORATION OF THE TOWNSHIP OF ADJALA – TOSORONTIO

BY-LAW 06 – 01

A BY-LAW FOR THE CONTROL AND/OR REGULATION OF SIGNS AND OTHER ADVERTISING DEVICES IN THE TOWNSHIP OF ADJALA – TOSORONTIO

Sign By-law

WHEREAS under Section 11 (1) of the Municipal Act, R.S.O. 2001, paragraph 7 as amended, By-laws may be passed by the Councils of local municipalities respecting matters within the sphere of jurisdiction of structures including fences and signs;

AND WHEREAS a By-law passed under Section 99 of the Municipal Act sets out rules which apply to a By-law of the municipality respecting advertising devices, including signs.

AND WHEREAS under section 59 of the Municipal Act, an upper-tier municipality may prohibit or regulate the placing or erecting of any sign, notice or advertising device within 400 metres of any limit of an upper-tier highway. 2001, c. 25, s. 59., in which case By-law No. 4630 of the Corporation of the County of Simcoe, a By-law to prohibit and regulate the displaying of signs within 400 metres of any limits of a County Road applies;

NOW THEREFORE, the Council of the Corporation of the Township of Adjala – Tosorontio enacts as follows:

1. **SHORT TITLE**

This By-law may be cited as the “Sign By-law”.

2. **DEFINITIONS**

In this By-law the following definitions shall apply:

1. **“Advertising Device”** shall mean any device or object creating a design, or erected, located or affixed, or intended to be erected, located or affixed, on any property for advertising purposes, or for identifying any business including a flag, a pennant, a banner, a light, or other similar object;
2. **“Alteration”** shall mean a change made in, or to, a sign including a change of location or size, and change of construction material, but does not include sign maintenance;
3. **“Canopy Sign”** shall mean a Sign attached to any structure and projecting from an exterior building wall that may afford protection from the weather;
4. **“Construction Sign”** shall mean any Temporary Sign that is incidental to a construction project or land development;
5. **“Council”** shall mean the Municipal Council of the Township of Adjala – Tosorontio;
6. **“County”** shall mean the Corporation of the County of Simcoe;
7. **“Directional Sign”** shall mean a Sign for public safety or convenience, regulating on premises traffic to specific locations on site or in buildings;

8. **“Election Sign”** shall mean a Sign to identify Persons who are running for office in any Federal, Provincial or Municipal election governed by the Election Act;
9. **“Free Standing Sign”** shall mean a Sign not attached to a building or structure but supported independently by posts, poles or braces or fixed to a structural base placed in or on the ground;
10. **“Illuminated Sign”** shall mean a Sign that is lit from within or by an external light source focused chiefly on the Sign;
11. **“Legal Non-Conforming Use”** shall mean a legal use as described by the Planning Act, which does not comply with the provisions of any By-laws of the Township of Adjala – Tosorontio as of the date of final passing thereof;
12. **“Lot”** means a parcel of land fronting onto an opened publicly maintained Road Allowance, whether or not the Lot is occupied by a building or structure;
13. **“Memorial Sign”** shall mean a sign which commemorates a significant event, person, building or place;
14. **“MTO”** shall mean the Ontario Ministry of Transportation;
15. **“Municipality”** shall mean the Corporation of the Township of Adjala – Tosorontio and its officers and/or employees appointed to administer this By-law;
16. **“Non-Accessory Sign”** shall mean a Sign erected and maintained by a person for the purpose of advertising goods or services not available on the premises on which the Sign is displayed;
17. **“Official Sign”** shall mean a Sign required by Legislation or government regulations;
18. **“Owner”** shall mean any person, firm, partnership, corporation, institution, religious or philanthropic organization, government or governmental agency controlling, maintaining or occupying the lands upon which a sign is, or will be erected and displayed and includes a mortgage, lessee, tenant, occupant, person entitled to a limited estate or interest, and the guardian, executor, administrator or trustee in whom land or any interest therein is vested;
19. **“Permit”** shall mean a permit issued by the Township of Adjala – Tosorontio for the erection, placement and repairs of a sign pursuant to the provisions of this By-law;
20. **“Person”** shall mean an individual, corporation, partnership or sole proprietorship;
21. **“Portable Sign”** shall mean any Sign which is designated to be readily moved from one location to another;
22. **“Premises”** shall mean the area or part of a building and/or land, or part thereof in a residential area, occupied or used by a business. In a multiple tenancy building, each business shall be considered a separate premises;
23. **“Projecting Sign”** shall mean a Sign mounted onto the wall of a building projecting more than 0.3 metres from the face of a building;

24. **“Public Information Sign”** shall mean any of the following Signs:
- a. Signs erected by or under the direction of a government agency;
 - b. Signs designating public facilities and schools and other public government use of public projects;
 - c. Signs erected as accessory uses to public recreation provided the Signs are not for the purpose of advertising;
25. **“Real Estate Sign”** shall mean a Sign advertising the sale or lease of property;
26. **“Repair”** shall mean to significantly reconstruct a sign, but does not include the maintenance of a sign or a change in the message;
27. **“Sign”** shall mean any advertising device or notice and any medium including its structure and other component parts, which is used or capable of being used to attract attention to a specific subject matter;
28. **“Sign Area”** shall mean the total surface area of the face of the Sign or the sum total of the areas of the Sign faces assembled, measured in square metres;
29. **“Sign Elevation”** shall mean the vertical distance between the average elevation of the ground below the Sign and the lowest point of the surface area of the Sign face;
30. **“Special Events Sign”** shall mean a Sign erected for a period of less than 4 weeks to advertise a special event or sale;
31. **“Street”** shall mean a public highway as defined by the Highway Traffic Act and street line means the boundary of the street;
32. **“Temporary Sign”** shall mean a sign erected for a period of less than 6 months where the purpose is to advertise:
- a. The future use of the lot on which it is located;
 - b. A project on a construction site;
 - c. A community or special service project
33. **“Wall Sign”** shall mean a sign attached to, and not projecting more than 0.3 metres from the wall or above the eaves.

3. GENERAL PROVISIONS

3.1 Effect of By-law

No person shall erect, display, repair or alter, or cause or permit to be erected, displayed, repaired or altered, a sign, including a temporary sign, on any lands or buildings or structures within the Township of Adjala – Tosorontio except in accordance with the provisions of this By-law.

3.2 Scope

1. This By-law shall apply to all signs and other advertising devices within the limits of the Corporation of the Township of Adjala - Tosorontio except as otherwise provided in this By-law.
2. This By-law shall not apply to signs erected in the interior of any building except for such signs that are placed on the interior of windows or other building openings that are intended strictly for exterior advertising.

3. This By-law shall not apply to signs that display municipal addresses or 911 property identifications.

3.3 Signs Requiring a Permit

No person shall erect post, display or alter any Temporary Sign or Portable Sign (not illuminated) without first receiving a permit.

3.4 Signs Permitted Without a Permit

No person shall erect, display, repair or alter, or cause or permit to be erected, displayed, repaired or altered, a sign unless:

1. A permit has first been issued by the Municipality if required;
2. Notwithstanding the provisions of section 3.4(1), no permit is required where:
 - a. Advertising devices are erected, save and except for signs requiring a permit;
 - b. Construction Signs are erected other than temporary signs;
 - c. Directional Signs not exceeding 0.3 square metres are erected;
 - d. Illuminated Signs are erected other than those subject to section 3.3;
 - e. Legal Non-Conforming Signs exist;
 - f. Memorial Signs unrelated to advertising, that are attached to the wall of a building or structure are erected;
 - g. National, Provincial or Civic flags or the flag(s) of any other organization including educational, philanthropic or religious organization are erected;
 - h. "No Trespassing" Signs or other caution Signs regulating the use of property not exceeding 0.3 square metres are erected;
 - i. Official Signs are erected;
 - j. Public Information Signs are erected;
 - k. Real Estate Signs are erected;
 - l. Signs for public safety or traffic control are erected;
 - m. Signs related to any government, religious, charitable or fraternal organization are erected;
 - n. Special Event Signs less than 0.3 square metres are erected;
 - o. Wall Signs projecting less than 0.3 metres from the building face and not projecting above the eaves of the building are erected; and
 - p. A change is made to the message displayed on a Sign, provided it still relates to the premises on which the Sign is located and does not constitute an alteration that would require a permit.
3. The sign is not located within a sight triangle; (By-law 03-57);
4. The sign does not impede or hinder the view of a public highway. Signs located adjacent to a Street are subject to section 5(2) of this By-law;
5. The sign does not obstruct any exits, windows, doors, fire escapes, access to a building by a firefighter or ventilation equipment;
6. The sign does not impede or hinder or prevent parking by vehicles on private or public lands, or on a public highway, and does not eliminate a public parking space required by law. The sign shall also not make use of words or logos that may mislead or confuse traffic;
7. The sign does not contain offensive language, racist messages and propaganda.

3.5 Election Signs

1. No permit is required for the erection or display of an Election Sign in connection with any federal, provincial or municipal election;
2. The sign shall not be located within a sight triangle: (By-law 03-57);
3. The sign shall not impede or hinder the view of a public highway. Signs located adjacent to a Street are subject to section 5(2) of this By-law;
4. The sign shall not obstruct any exits, windows, doors, fire escapes, access to a building by a firefighter or ventilation equipment;
5. The sign shall not impede or hinder or prevent parking by vehicles on private or public lands, or on a public highway, and does not eliminate a public parking space required by law. The sign shall also not make use of words or logos that may mislead or confuse traffic;
6. The sign shall not contain offensive language, racist messages and propaganda;
7. The sign shall not be erected more than 6 weeks prior to the day of the election and must be removed within 72 hours after the day of the election;

3.6 Signs Prohibited

1. Non-accessory signs located on lands other than the owner are prohibited;
2. Signs which incorporate flashing lights, moving or mechanized parts, or illumination of varying intensities are prohibited.
3. A Series of Signs carrying separate parts of a single message are prohibited;
4. String lights, pennants, spinners, banners and streamers other than temporary holiday decorations and temporary sales promotions are prohibited.

3.7 Application Requirements

1. This By-law shall be administered by the Chief Building Official or By-law Enforcement Officers of the Municipality;
2. Except for signs permitted under section 3.4(2) and 3.5 of this By-law, no signs or advertising devices shall be erected or displayed, unless a permit has been approved and issued by the Municipality;
3. The property owner applying for a permit to erect a sign in accordance with this By-law shall provide the Municipality the following information:
 - a. Site plan of proposed sign location detailing all measurements to lot lines and structures from the proposed sign location;
 - b. Building schematics and specifications detailing sign design and construction including dimensions, sign elevation, method of construction, location and relationship to parking, streets, driveways, doors and windows and other openings on and adjacent to, the Premises;

- c. Any and all approval forms and permits as required from other agencies (County or MTO); and
 - d. Completed application forms, signed as required by the Planning and Building Departments of the Municipality;
4. The Chief Building Official may refuse to issue a permit that does not comply with the provisions of this By-law or other government regulations in force at that time;
 5. Every permit issued pursuant to this By-law shall expire 6 months from the date of issuance. Any permit may be renewed by reapplying before the expiry date together with application and payment of required fees, providing the Sign conforms to all By-laws and other governmental regulations at the time of application for renewal. No sign permit shall be renewed more than once;
 6. The Municipality may revoke the sign permit where the Sign does not conform to this By-law or any other associated regulation, or where the Permit has been issued based on false or misleading information or undertakings;
 7. Permit fees for applications shall be in accordance with Schedule "A" to this By-law.

3.8 Liability

1. The provisions of this By-law shall not be construed as relieving or limiting the responsibility or liability of any person erecting or owning any sign for personal injury or property damage resulting from the placing or erecting of such sign or resulting from negligence or willful acts of such person, or his/her agents or employees in the construction, erection, maintenance, repair or removal of any sign erected in accordance with a sign permit issued hereunder, nor shall it be construed as imposing upon the Municipality or its officers or employees any responsibility or liability by reason of the approval of any sign, materials or devices under provisions of this by-law.
2. Where any Sign is determined to be illegal, dangerous or defective, the Chief Building Official may notify the Owner, by registered mail or serving personally to remove or repair the Sign at once
3. Upon receipt of notice given under this section, the Owner shall proceed forthwith to repair or to remove the sign. If the owner fails to make good on the repairs or removal, the removal or repairs of said sign will be subject to section 5(1) of this By-law.

4. TEMPORARY AND PORTABLE SIGNS

1. No temporary or portable signs shall be erected in the Municipality without first obtaining a permit pursuant to section 3.6;
2. Temporary signs must have a maximum use not to exceed 6 months plus 1 renewal of 6 months if so desired by the permit holder;
3. Temporary and portable signs must not be larger than 3.0 square metres of face area, and shall not have a height which exceeds 3.0 metres, and must not be illuminated;
4. No person shall erect any temporary sign in a location which obstructs or interferes with the normal flow of pedestrians or vehicular traffic, or in a manner which does not comply with the sections 3.3(3) – 3.3(7).

5. GENERAL

1. A canopy or projecting sign shall have no portion be less than 2.5 metres above the finished grade of floor level immediately below such sign. A canopy or projecting sign shall not exceed 2.0 square metres in area per sign face and shall not be internally illuminated.
2. Free standing or wall signs mounted in commercial and industrial areas shall not exceed a maximum height of 7.4 metres above level grade and shall not have a surface area of more than 10 square metres. Where a freestanding sign is to be placed, said sign shall not be located within 10.0 metres of a traffic light or intersection of two streets, and said sign shall not be erected if the distance between a structure and the Street Line is less than 5.0 metres. This shall apply to self-standing signs intended for multiple business advertising devices in commercial or business plazas.
3. Light from illuminated signs shall be directed away from traffic flow and residential development.

6. PENALTY

1. THAT whenever a contravention of this By-law is apparent, the property or permit holder owner shall be given 14 calendar days notice to correct the contravention. If after 14 days the contravention has not been rectified, Council may authorize the removal of said sign at the property owner's expense. The expense thereof shall be recoverable by action or distress, and in the case of non-payment, such expense may be collected in the like way as to Municipal taxes.
2. THAT any 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 in the Provincial Offences Act and each day that a separate breach of this By-law occurs shall constitute a separate offence;

7. SECURITY DEPOSITS

THAT the applicant shall deposit security in the amount of \$100.00 which shall be refundable upon verification that the Portable or Temporary sign has been removed at the end of the licensed period. The Township may remove the Sign at the end of the licensed period if the applicant of the Sign fails to do so and the provisions of this By-law shall apply and the deposit referred to herein shall be forfeited.

8. SEVERABILITY

- a. THAT should any section of this By-law be declared by a Court of competent jurisdiction as ultra vires or illegal for any reason, the remaining parts shall nevertheless remain valid and binding and shall be read as if the offending section or part had been struck out;
- b. THAT should the provisions of this By-law be found to conflict with the provisions of any other By-law of the Township the provisions of this By-law shall prevail;

9. MUNICIPAL EXEMPTION

The provisions of this By-law shall not apply to the Corporation of the Township of Adjala – Tosorontio for the purpose of public service.

10. **THAT** By-law 99-48 is hereby repealed;
11. **THAT** this By-law shall come into force and take effect on and from the date of passage hereof;
12. **THAT**, notwithstanding anything contrary to the rules of procedure, this By-law be introduced and read a first and second time and be considered read a third time and finally passed this 9th day of January, 2006.

“D. Little”
DEPUTY MAYOR DOUG LITTLE

“B. Kane”
CLERK BARB KANE