THE CORPORATION OF THE TOWNSHIP OF ADJALA – TOSORONTIO

BY-LAW _____

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 pursuant to section 9 of the Municipal Act, 2001 S.O. 2001, chapter 25 a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS pursuant to section 8. (1) of the Municipal Act, 2001 S.O. 2001, chapter 25 the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS pursuant to section 99. (1) of the Municipal Act, 2001 S.O. 2001, chapter 25 a municipality has the authority to regulate advertising devices, including signs;

AND WHEREAS it is deemed expedient that the Corporation of the Township of Adjala – Tosorontio enact a By-law to regulate the placement and erection of signs.

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

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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. "Campaign sign" means an outdoor sign or other outdoor advertising device which by the use of words, pictures or graphics or any combination thereof is intended to influence persons
      a) to give or to refrain from giving their votes to a candidate at an election held in accordance with the Canada Elections Act, The Elections Act (Ontario), or the Municipal Elections Act, 1996;
      b) to vote in favour of or against any question or by-law submitted to the electors under section 8 of the Municipal Elections Act, 1996;

   4. "Canopy Sign" shall mean a Sign attached to any structure and projecting from an exterior building wall that may afford protection from the weather;

   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 to traffic for specific locations on site or in buildings;

8. "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;

9. "Illuminated Sign" shall mean a Sign that is lit from within or by an external light source focused chiefly on the Sign;

10. "Legal Non-Conforming Use" shall mean an advertising devise, including signs that is lawfully erected or displayed on the day the by-law came into force if the advertising device is not substantially altered, and the maintenance and repair of the advertising device or a change in the message or contents displayed is deemed not in itself to constitute a substantial alteration.

11. "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;

12. "Memorial Sign" shall mean a sign which commemorates a significant event, person, building or place;

13. "Municipality" shall mean the Corporation of the Township of Adjala – Tosorontio and its officers and/or employees appointed to administer this By-law;

14. "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 property on which the Sign is displayed;

15. "Official Sign" shall mean a Sign required by Legislation or government regulations;

16. "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;

17. "Person" shall mean an individual, corporation, partnership or sole proprietorship;

18. "Portable Sign" shall mean any Sign which is designated to be readily moved from one location to another;

19. "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;

20. "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;

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21. "Real Estate Sign" shall mean a Sign advertising the sale or lease of property;

22. "Repair" shall mean to significantly reconstruct a sign, but does not include the maintenance of a sign or a change in the message;

23. "Sign" shall mean any surface upon which there is printed, projected or attached any announcement, declaration or insignia used for attracting attention, direction, information, identifications, advertisement, business promotion or promotion of products, activities or services;

24. "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;

25. "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;

26. "Sign Permit" shall mean a Municipal 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;

27. "Special Events Sign" shall mean a Sign erected for a period of less than 30 days to advertise a special event or sale;

28. "Street" shall mean a public highway as defined by the Highway Traffic Act and street line means the boundary of the street;

29. "Temporary Sign" shall mean a Sign erected for a period of less than 120 days ;

30. "Wall Sign" shall mean a sign attached to, and not projecting above the eaves or more than 0.3 metres from the face of the wall.

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3. GENERAL PROVISIONS

3.1 Effect of By-law

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

3.2 Signs Requiring a Permit

1) Except as provided in Section 3.3, a Sign Permit shall be obtained for the erection, posting, display, or alteration of any Sign.

2) Where such Sign falls within the authority of the Ontario Building Code as determined by the Chief Building Official, a Building Permit shall also be required to ensure compliance with such items as Structural Integrity and Combustibility.

3.3 Signs Permitted Without a Permit

Although not exempt from compliance with Section 3.4 of this By-Law, no Sign Permit is required where:

1) Directional Signs not exceeding 0.3 square metres are erected;

2) Legal Non-Conforming Use Signs exist;

3) Memorial Signs unrelated to advertising, that are attached to the wall of a building or structure are erected;

4) National, Provincial or Civic flags or the flag(s) of any other organization including educational, philanthropic or religious organization are erected;

5) "No Trespassing" Signs or other caution Signs regulating the use of property not exceeding 0.3 square metres are erected;

6) Official Signs are erected;

7) Public Information Signs are erected;

8) Real Estate Signs are erected;

9) Signs for public safety or traffic control are erected;

10) Signs related to any government, religious, charitable or fraternal organization are erected;

11) Special Event Signs less than 0.3 square metres are erected;

12) Wall Signs less than 2.0 square metres in area and not considered Projecting Signs are erected;

13) 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; and

14) Campaign Signs in compliance with the "Election Campaign Sign" By-Law are erected.

3.4 Prohibited Signs

The following provisions shall apply to all Signs, whether or not a Sign Permit is required:

1) A Non-accessory Sign shall not be located on lands other than the owners lands;

2) A Sign shall not incorporate flashing lights, moving or mechanized parts, or illumination of varying intensities;

3) A Sign shall not contain string lights, pennants, spinners or streamers, other than for temporary holiday decorations;

4) A Sign shall not be located within a sight triangle; (By-law 03-57, as amended);

5) A Sign shall not impede or hinder the view of a public highway;

6) A Sign shall not be placed or fastened to any municipal utility pole, light standard or road sign;

7) A Sign shall not be fastened to any tree located within a Municipal road allowance;

8) A Sign shall not encroach onto a required fire route;

9) A Sign shall not obstruct any exits, windows, doors, fire escapes, access to a building by a firefighter or ventilation equipment;

10) A 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;

11) A Sign shall not make use of words or logos that may mislead or confuse traffic;

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12) A Sign shall not contain offensive language, violence, sexually explicit conduct, racist messages or propaganda.

4 SIGN REQUIREMENTS

4.1 Temporary and Portable Signs

1) Except as provided in Section 3.3, no Temporary or Portable Signs shall be erected in the Municipality without first obtaining a permit;

2) Temporary Signs shall have a maximum use not to exceed 60 days plus 1 renewal of 60 days 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 or Portable 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 section 3.2 (3) – (7).

4.2 Canopy and Projection Signs

A canopy or projecting sign shall have no portion be less than 2.4 metres above the finished grade or 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.

4.3 Commercial and Industrial Area Signs

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 Free Standing Signs intended for multiple business advertising devices in commercial or business plazas.

4.4 Illuminated Signs

Light from illuminated signs shall be directed away from traffic flow and residential development. Such light shall only be directed entirely within the property the Sign is situated.

5 ADMINISTRATION

1) This By-law shall be administered by the Municipal Chief Building Official, or his/her designate;

2) The Chief Building Official may issue a Sign Permit where the Application complies with the provisions of this By-law and any other applicable regulations;

3) Where a Sign Permit has been issued pursuant to this By-Law, no person shall erect, display, post or alter or cause or permit to be erected, displayed, posted or altered any Signs except in accordance with the plans, documents and information provided with the Sign Permit Application, the basis in which the Sign Permit was issued;

4) The Municipality may revoke a sign permit where the Sign does not conform to this By-law or any other associated regulation, or where the

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Permit has been issued based on false or misleading information or undertakings, or if the Sign Permit was issued in error;

6 APPLICATION REQUIREMENTS

1) 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, structures, parking lots, streets and driveways from the proposed sign location;

b) Sign schematics and specifications detailing sign design and construction including dimensions, sign elevation, method of construction, and Sign wording;

c) Sign location and relationship to doors and windows and other openings where Sign is attached to a building;

d) Approval from County of Simcoe or Ministry of Transportation where such Sign is proposed within 400 m of a respective County Road or Provincial Highway; and

e) Completed application forms as approved by the Municipality;

2) Every Application to be submitted shall be accompanied by the payment of a Fee in accordance with Section 7.

7 FEES

1) Except as provided in Sentence 2), nonrefundable Sign Permit Fees shall be based on Sign / Construction value whereas the following schedule applies:

SIGN / CONSTRUCTION VALUE	PERMIT FEE
Less than $100	$75
$100 - $1000	$125
Over $1000	$250

2) A nonrefundable Sign Permit Fee for a Temporary Sign shall be $50 per sign or renewal of a Temporary Sign Permit.

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 within 24 hours, or in accordance with Section 10 if the Sign is not deemed dangerous to public safety.

3) Upon receipt of notice given under this section, the Owner shall proceed to repair or to remove the sign within the established time. If

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the owner fails to make good on the repairs or removal, the removal or repairs of said sign will be subject to section 10 of this By-law

9 EXEMPTION

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

2) Council may authorize a variance to this By-Law if in the opinion of Council the general intent and purpose of this By-Law is maintained.

10 PENALTY

1) THAT whenever a contravention of this By-law is apparent, for other than Signs deemed dangerous, the property owner or permit holder shall be given 14 calendar days notice to correct the contravention. If the contravention has not been rectified within the established time, 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;

11 SEVERABILITY

1) 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;

2) 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;

12 THAT By-laws 06-01 and 05-55 is hereby repealed;

13 THAT this By-law shall come into force and take effect on and from the date of passage hereof;

14 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 day of 2010.

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MAYOR TOM WALSH

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CLERK BARBARA KANE

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