

THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON

BY-LAW 110-11

Being a by-law to regulate the size, use, location, construction and maintenance of signs within the Municipality of Leamington.

WHEREAS subsection 11(3), paragraph 7 of the *Municipal Act, 2001*, S.O. 2001, c.25, authorizes municipalities to pass by-laws respecting signs;

AND WHEREAS Section 446 of the *Municipal Act, 2001* S.O. 2001, c.25 provides that where a council has the authority to direct or require by By-law or otherwise that any matter or thing be done, the council may by the same or by another By-law direct that, in default of its being done by the person directed or required to do it, such matter or thing shall be done at the person's expense, and the Municipality may recover the expense incurred in doing it by action or the same be recovered in like manner as municipal taxes;

AND WHEREAS Section 99 (2) of the *Municipal Act, 2001*, provides that all costs and charges incurred by a municipality for the removal, care and storage of an advertising device that is erected or displayed in contravention of a by-law of the municipality are a lien on the advertising device that may be enforced by the municipality under the *Repair and Storage Liens Act*,

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON ENACTS AS FOLLOWS:

1. **CITATION**

This By-law shall be known and cited as "The Municipality of Leamington Sign By-law."

2. **INTENT**

The purpose of this By-law is to regulate signs in the Municipality of Leamington with the intent of authorizing signs that:

- (a) are appropriate in size, number, and location to the type of activity or use to which they pertain;
- (b) provide reasonable and appropriate means for the public to locate and identify facilities, businesses, and services without difficulty or confusion;
- (c) are compatible with their surroundings;
- (d) protect and enhance the aesthetic qualities and visual character of the Municipality of Leamington;
- (e) are consistent with the planning, urban design, and heritage objectives of the Municipality of Leamington;
- (f) do not create a distraction or safety hazard for pedestrians or motorists;
- (g) are regulated in a manner that balances the public's right to expression with the purpose of the By-law.

3. DEFINITIONS

In this by-law,

“abandoned sign” means a sign which pertains to a time, event or purpose that has past or pertains to a business which no longer exists at that location;

“alter” 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;

“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 signs, flags, banners, pennants, and lights;

“awning” means a space frame system, moveable 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;

“awning sign” means an awning that is also used as a sign;

“banner” means a sign composed of lightweight, flexible material such as cloth, plastic, canvas or other similar material;

“billboard sign” means a ground sign that advertises goods, products, or services not sold or offered on the property where the sign is located, and the sign is either single faced or double faced;

“contractor’s identification sign” means a sign identifying the contractor involved in the renovation, construction or demolition of a building or structure;

“Director” means the Municipality’s Director of Corporate Services and/or designate;

“election sign” means a sign advertising or promoting the election of a political party or a candidate for public office in a federal, provincial or municipal election;

“facade” means the entire building wall including a parapet;

“farm occupation” means the use of part of a main or accessory building for an occupation for gain or support that is clearly secondary and subordinate to the agricultural uses being carried out on the farm;

“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. A fascia sign shall not include any other sign defined in this By-law unless otherwise stated;

“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;

“frontage” means the length of the property line dividing any property from any abutting street;

“garage sale” includes a yard sale and means any sale held inside or outside a building which includes the offering for sale of used household items within any zone other than a commercial zone as designated in the zoning by-law;

“garage sale sign” means a sign advertising a garage sale;

“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;

“ground sign” means a sign supported by uprights or braces embedded in a foundation or embedded directly in the ground;

“home occupation” means the use of part of a dwelling unit or accessory building for an occupation which provides gain or support, for at least one of the permanent residents of such dwelling unit and which is clearly secondary and subordinate to the main use of the dwelling unit as a private residence;

“incidental sign” means a sign of minor consequence and size and without limiting the foregoing, shall include a flag, park bench, mailbox, newspaper box, bus shelter sign, corner stone, holiday decoration, metal plaque, community gateway sign, any sign which is part of equipment or display, signs affixed to or painted on hoarding around a construction site, or a banner sign advertising a special event having a maximum material dimension of 5 m (16.4 ft.) by 1 m (3.3 ft.) erected on fencing adjacent to a street by a charitable organization and having permission of the property owner on which the fence is situated;

“inflatable sign” means an advertising device designed to be inflated with air, helium or other gas and which is tethered to the ground, a building, structure, vehicle, or similar support and includes a hot air balloon;

“lot line” means the legal boundary of a parcel of land that can be conveyed;

“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;

“Municipality” means The Corporation of the Municipality of Leamington;

“non-profit/charitable organization” means an organization constituted exclusively for charitable or benevolent purposes where no part of the income is payable to or otherwise available for the personal benefit of any proprietor, member or shareholder;

“plaza” means a shopping centre;

“portable 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 a mobile sign;

“poster sign” 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;

“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;

“property line” means the legal boundary of a property between the property and the street and in the case of a corner property, means both such lines produced to their point of intersection;

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

- (a) Signs erected on municipal buildings, in public parks, stadia or playgrounds and used for park identification or regulatory purposes in accordance with Municipality guidelines;
- (b) Signs required to be erected by a public authority pursuant to a subdivision agreement or in connection with an application made pursuant to the Planning Act.

“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;

“residential” means any lands designated as Residential in the zoning by-law;

“road allowance” means a street;

“road side stand” means a structure used to sell fruits, vegetables or flowers, is accessory to the agricultural use of the site and a minimum of sixty percent (60%) of the goods and materials for sale are grown or produced on site;

“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;

“shopping centre” includes a plaza and means more than one commercial establishment located on the same lot of record;

“sidewalk sign” means a free standing sign located on but not permanently anchored in the ground. Without limiting the generality of the foregoing, this definition shall include signs commonly referred to as A-Frame or sandwich board but shall not include any other sign defined in this By-law;

“sign” means any device, including all of its component parts and supporting structure, erected or placed to convey information and to attract the attention of the public by means of letters, numerals, symbols, characters, logos, lights, colours, designs, textures or objects;

“sign area” means the entire area of the surface of a sign. Where a sign is not bounded or enclosed within a distinct area or frame, the sign area shall be that of a rectangle, circle or other simple geometric shape containing all letters, symbols and devices on the sign;

“sign permit” means a permit issued by the Director pursuant to the provisions of this By-law;

“sign structure” means the supports, uprights, bracing and/or framework of a sign;

“street” has the same meaning as “highway” as defined in the *Highway Traffic Act*, R.S.O 1990, Chap. H. 8 and includes a common and public highway or street and includes the area between the lateral property lines thereof;

“temporary personal sign” means a free standing temporary sign or advertising device which displays a personal announcement or congratulatory message and is located on a property used for residential use;

“use” when used in conjunction with the words zone, residential, employment, industrial, commercial, institutional, agricultural, open space, or similar words, shall mean such uses as may be permitted in the zoning by-law;

“vacant lot” means a parcel of land separately assessed that has no building thereon, but does not include any improved land;

“visibility triangle” shall have the same meaning and shall be calculated in the same manner as provided in the zoning by-law;

“zoning by-law” means Municipality of Leamington By-law 890-09 as amended from time to time.

4. SIGNS NOT REQUIRING PERMITS

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 other legislation, regulations or by-laws.

4.2 Subject to Section 4.3, the following signs do not require a sign permit but shall comply with the requirements of this by-law:

- (a) a sign erected by the Municipality, the County of Essex or any federal or provincial government agency;
- (b) a public information sign;
- (c) a sign not exceeding 0.4 m² (4.3 sq. ft.) in area per face indicating no trespassing, safety, caution, or any other regulatory sign, including entrance, exit, parking or traffic signs on private property;
- (d) a sidewalk sign;
- (e) a sign located in a residential zone, not exceeding 0.4 m² (4.3 sq. ft.) in area per face that displays only the name and address of the owner or occupant of the premises where the sign is located, or the name of the property or premises or both;
- (f) a sign for any home occupation or farm occupation where such use of the property complies with the zoning by-law;
- (g) a non-illuminated real estate sale sign advertising the sale or lease of a building or property, provided that such sign is located on private property;
- (h) a contractor’s identification sign provided it is not illuminated and is located on the property where the work is being performed and only during the period of such work;

- (i) a sign having a maximum sign area of 3.8 m² (40 sq. ft.) per face advertising the sale of seasonal produce from a roadside stand provided the use of the property complies with the zoning by-law. The sign must be located on the same property as the roadside stand. Such sign may be a portable sign provided that no more than one portable sign may be permitted on the property;
- (j) a sign having a maximum sign area of 3.8 m² (40 sq. ft.) per face advertising the sale of Christmas trees on lands where permitted by the zoning by-law. The sign must be located on the same property. Such sign may be a portable sign provided that no more than one portable sign may be permitted on the property;
- (k) a maximum of one portable sign on a property upon which the main use is a place of religious worship provided the use complies with the zoning by-law;
- (l) an election sign;
- (m) a sign erected on any construction project after construction has commenced provided that the sign shall be removed within six (6) months of the first occupancy of the building under construction;
- (n) an incidental sign;
- (o) a sign advertising an event of a non-profit charitable organization provided that the sign is located on the property for no more than thirty (30) days;
- (p) mural or panel sign;
- (q) a temporary personal sign having an area not greater than 3 m² (32.3 sq.ft.) per face on a single sign board; a height not greater than 2.5 m (8.2 ft.) and is not illuminated. A temporary personal sign shall be located on the property for no more than three (3) days. Only one (1) temporary personal sign shall be located on a property at any given time.

4.3 To remain exempt from requiring a sign permit, the signs referred to in Section 4.2 cannot be a portable sign except for those signs referred to in sections 4.2 (a), (i), (j), (k), (o) and (q). For those exceptions, if a portable sign is utilized then an application for a sign permit must be filed with the director but no fee is payable.

5. PROHIBITIONS

5.1 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 sign;
- (b) a banner other than a banner located within a public road allowance and approved by the Municipality or a banner classified as an incidental sign in this By-law;
- (c) projection sign;
- (d) roof sign;

- (e) a sign located so as to obstruct the view of any pedestrian or motor vehicle driver so as to cause an unsafe condition;
 - (f) a 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;
 - (g) a sign located within a visibility triangle;
 - (h) a sign that is not in compliance with the zoning by-law.
- 5.2 No person shall erect a sign on municipally owned property or within any portion of a street within the Municipality except as provided herein.
- 5.3 No person shall erect a sign or poster sign on a utility pole, light standard, or traffic control device.
- 5.4 No person shall erect or permit to be erected, or allow to remain on lands or buildings owned, rented or leased or occupied by the person, any sign that is not in compliance with the provisions of this By-law.
- 5.5 No person shall attach, affix or display any sign or advertisement on a vehicle or trailer which is parked or located for the primary purpose of displaying said sign or advertisement.
- 5.6 No person shall locate a sign that obstructs or impedes any fire escape, fire exit, door, window, scuttle, skylight, flue, air intake or exhaust so as to prevent or impede the free access of emergency personnel to any part of a building.
- 5.7 No person shall erect a sign, light fixture, awning or other advertising device which projects more than 203 mm (8 inches) over a sidewalk or other pedestrian walkway unless it is located at least 2.45 m (8 ft.) above the surface of the sidewalk, does not extend more than two metres (6.5 feet) from the facade to which it is attached and does not extend closer than a point one metre (3.28 feet) from a line drawn in a vertical plane from the curb or any roadway.
- 5.8 The erection of signs on lands used or zoned for residential purposes is prohibited except for signs specifically permitted under this subsection, or under Section 4 of this By-law.
- (a) Apartment buildings, townhouses or other approved multiple residential complexes may have a sign identifying the building or complex provided the sign has a maximum sign area of 3 m² (32.3 sq. ft.) and is erected in accordance with Sections 6.1 and 6.2.
- 5.9 No person shall allow a public information sign to remain on lands or buildings the person owns, rents, leases or occupies or on adjacent lands, after the application to which the sign refers has been finally disposed of and all relevant appeal periods have elapsed.

- 5.10 No person shall affix a sign to a fence on private property except for:
- (a) signs affixed or painted on boarding erected around a construction site.
 - (b) a banner classified as an incidental sign in this By-law.

6. SIZE, TYPE AND LOCATION OF SIGNS

6.1 GROUND SIGNS

- 6.1.1 A ground sign shall be permitted a maximum height of 8 metres (26 ft.) above grade level and a maximum sign area of 56 m² (602.8 sq. ft.).
- 6.1.2 No more than one ground sign shall be located on any property.

6.2 FASCIA SIGNS

- 6.2.1 No part of any fascia sign shall project more than 610 mm (24 inches) from the building facade to which it is attached.
- 6.2.2 No fascia sign shall extend more than 15 cm. (6 inches) above the top of or the end of the building facade to which it is attached.

6.3 PORTABLE SIGNS

- 6.3.1 Except as otherwise provided in this by-law:
- (a) No person shall permit or locate a portable sign on a lot without first obtaining a permit from the Director;
 - (b) A permit for a portable sign shall be issued for a thirty (30) day period. A permit for a portable sign may be extended by the Director a maximum of five (5) times each for consecutive thirty day periods. A permit, including extensions, for a portable sign on the same property may not be issued for more than one hundred and eighty (180) days in a calendar year;
 - (c) No more than one portable sign shall be erected on a vacant lot;
 - (d) Where more than one portable sign is erected on the same property, no portable sign shall be erected within 60 m (196.9 ft.) of another portable sign on the same property;
 - (e) The number of days that a portable sign is erected or displayed shall be determined from the date indicated on the permit;
 - (f) A portable sign shall not have more than two sign faces and any one sign face shall not exceed 3.8 m² (40 sq. ft.) area with no one dimension of the sign being greater than 2.4 m (7.9 ft.);
 - (g) No portable sign shall be illuminated or employ any flashing or sequential light, or any mechanical or electronic device to provide or simulate motion;

- (h) A portable sign shall be erected on a property so as not to interfere with pedestrian or vehicular traffic;
- (i) A portable sign shall in all cases be located entirely on private property;
- (j) A portable sign shall have a maximum height measured from grade not greater than 2.4 m. (7.9 ft.);
- (k) No portable sign shall be located closer than 0.3 m (1 ft.) to a property line;
- (l) No portable sign shall be located in any parking space that is required pursuant to the zoning by-law.

6.4 BILLBOARD SIGNS

6.4.1 A billboard sign shall only be permitted on lands designated Agricultural zone one through four (A1- A4) inclusive subject to the following provisions:

- a) maximum of one billboard sign per lot;
- b) maximum sign area of 60 m² (645.8 sq. ft.);
- c) maximum height permitted is 8 m. (26 ft.);
- d) minimum setback from any lot line or edge of municipal drain is 6 metres (19.7 ft.);
- e) minimum setback from a street is 22.9 m (75 ft.).

6.5 SIDEWALK SIGNS

6.5.1 A sidewalk sign used by commercial establishments may be erected on the sidewalk portion of the road allowance in front of any property designated as commercial zone one (C1) subject to the following provisions:

- (a) No sign shall have a sign greater than 0.7 m (2 ft.) wide and 1.2 m (4 ft.) high;
- (b) No sidewalk sign shall be erected in a manner that obstructs pedestrian traffic;
- (c) No sidewalk sign shall be attached to or supported by a tree, light standard, utility pole or traffic control device;
- (d) No sidewalk sign shall have more than two (2) faces;
- (e) A sidewalk sign shall be displayed only directly in front of the establishment to which it applies and only during the regular business hours of the establishment. No more than one (1) sidewalk sign is permitted at one time.

6.6 ELECTION SIGNS

6.6.1 Election signs are permitted on municipal road allowances subject to the following conditions:

- (a) The election sign does not create a hazard;
- (b) The election sign does not block the visibility of legally existing signs;
- (c) The property owner immediately abutting the road allowance where the sign is located does not object to the location of the election sign.

6.6.2 Except for municipal road allowances, elections signs are not permitted on municipal property without the written permission of the Municipality.

6.6.3 Election signs shall be removed by every candidate or candidate's agent within three (3) days after election day.

7. CONSTRUCTION DETAIL

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

7.2 No sign illuminated or operated electrically shall be erected, maintained or altered unless such electrical work is in conformity with all regulations of Ontario Hydro and all such electrical equipment bears the appropriate approval of the Canadian Standards Association.

8. ADMINISTRATION, ENFORCEMENT AND PENALTIES

8.1 APPLICABLE LAW

Nothing in this By-law shall exempt compliance with other applicable law.

8.2 PERMITS AND APPLICATION

8.2.1 Subject to Section 4.2, no person shall erect or alter a sign unless a sign permit has been issued by the Director.

8.2.2 The application and plans for a sign permit shall provide all information related to dimensions, height, distance and area in metric and shall include the following:

- (a) One completed copy of the application form as prescribed by the Director;
- (b) A site plan showing: the property line and the other boundaries of the property on which the sign is proposed; the proposed location of the sign in relation to all other signs and structures existing or proposed on such property; all other information as may be necessary, including the area of each existing sign to enable the compliance with all pertinent requirements of this By-law to be determined. If required by the Director, such plans and information shall be certified by a registered Ontario Land Surveyor;

- (c) Complete working drawings and specifications satisfactory to the Director covering the construction and/or alteration of the sign, including any supporting frame work. Where the sign is proposed to be or is located on a building or other structure, sufficient data shall be shown to determine that such building or structure can safely carry the additional loads and stresses imposed thereon by the erection or alteration of such sign. Where required by the Director, such drawings shall include calculations bearing the stamp of a registered professional engineer;
- (d) Approval of the Ministry of Transportation of Ontario or the County of Essex, as required;
- (e) An application for a sign permit for all signs shall include a letter from the property owner or his/her agent confirming knowledge of and agreement with the permit application;
- (f) Permit fee.

8.3 PERMIT FEE

The fee payable upon application for a sign permit pursuant to this By-law shall be established in the Municipality's fees by-law.

8.4 When the Director is satisfied that the application for a sign permit is complete and has satisfied all of the provisions of Sections 7, 8.1 and 8.2, then the Director shall issue a permit. The Director may attach to the permit any conditions that the Director deems necessary for the safety of the public or to ensure compliance with the provisions of this by-law.

8.5 If the Director is not satisfied that an application is in conformity with all provisions of this by-law, then the Director may deny the permit application.

8.6 If the Director denies an application or if after thirty (30) days of filing the application the Director refuses to issue a permit, then the Applicant may appeal to the Municipal Council. The Council may deny the appeal or may approve the appeal and direct the Director to issue a permit. Council may attach any conditions to the permit that Council deems reasonable.

8.7 PERMIT REFUNDS

8.7.1 Where a permit has been issued but has not been acted upon and the holder of the permit returns it for cancellation prior to the commencement of the project and before such permit has expired or has been revoked, the holder of the permit shall not be entitled to any refund.

8.7.2 Where the applicant for a permit cancels the application prior to the issuance of the permit, the Director may retain an amount of not less than one half of the permit fee payable, as in his/her opinion is appropriate, having regard for the stage to which the application has been processed.

8.8 LEGAL NON-CONFORMING

8.8.1 Where a sign has been lawfully erected prior to this By-law coming into force, such sign shall continue to be permitted provided it is not removed, enlarged or structurally altered.

8.8.2 Legal non-conforming means a sign or advertising device that is lawfully erected or displayed on the day this By-law comes into force, provided the sign or advertising device is not in any way substantially altered. The maintenance and repair of the sign or advertising device or a change in the message displayed shall in themselves, be deemed not to constitute an alteration.

8.9 EXPIRY, RENEWAL AND REVOCATION

EXPIRY

8.9.1 A sign permit issued for other than a portable sign pursuant to this By-law shall be valid for a period of three (3) months from date of issue and shall remain valid provided the work covered by the permit is commenced before the expiry of the three (3) month period and provided the work is carried on at a reasonable rate to completion.

RENEWAL

8.9.2 A sign permit for other than a portable sign may be renewed once for a further three (3) month period without re-submitting the documents referred to in paragraph 8.2.2 (a), (b) and (c).

8.9.3 Where no written request for renewal is submitted to the Director before the expiry of the three (3) month period or where a sign permit has been renewed once and work did not commence before the expiry of the second three month period, the sign permit shall automatically lapse and a new application shall be required along with the fees applicable at that time.

REVOCATION

8.9.4 The Director may revoke a permit issued under this By-law:

- (a) where it was issued on mistaken, false or incorrect information;
- (b) where six (6) months after its issuance, the erection of the sign, other than a portable sign, for which the permit was issued has not, in the opinion of the Director, been seriously commenced;
- (c) where erection of the sign, other than a portable sign is, in the opinion of the Director, substantially suspended or discontinued for a period of more than one (1) year;
- (d) where it was issued in error, or
- (e) where the permit holder or property owner or his agent requests in writing that it be revoked.

8.10 REMOVAL

- 8.10.1 Any sign removed as provided for in this section shall be stored by the Municipality or an independent contractor for a period of not less than thirty (30) days. During this period the sign owner or his/her agent may redeem the sign after completing a signed acknowledgement and release on the prescribed form and after making payment satisfactory to the Municipality.
- 8.10.3 The Director may direct any person who has caused a sign or other advertising device to be erected, displayed, altered or repaired without first having obtained a permit to obtain a permit.
- 8.10.4 The Director may direct any person who has obtained a permit or has caused a sign or other advertising device to be erected, displayed, altered or repaired contrary to the approved permit plans in respect of which the permit was issued, to make such sign or other advertising device comply with this By-law or, to remove such sign or other advertising device within any period as directed.
- 8.10.5 Where a sign or sign structure is deemed by the Director to be in such a condition that it is or may be dangerous to the public, the Director may, in his/her discretion, either serve written notice to the owner or tenant of the property on which, or in front of which, such sign is located, to remove such sign or make the same safe, or without giving notice to the owner or tenant of the property on which such sign is located, cause such sign or structure to be removed.
- 8.10.6 Any sign removed by the Director pursuant to this section may be deposited elsewhere on the property on which it was located. Service shall be deemed complete three (3) days after the service is mailed.
- 8.10.7 Any notice given under this By-law may be given by ordinary mail to the person making application for permit to erect a sign, or where such sign is existing, by ordinary mail to the owner or tenant, according to the last revised Assessment Roll of the Municipality, of the property on which or in front of which the sign is located.

8.11 INSPECTIONS

- 8.11.1 The person to whom any sign permit has been issued, shall notify the Director of the commencement of the erection of a sign, in order to arrange an inspection.
- 8.11.2 The Director may enter upon any land at any reasonable time without a warrant for the purpose of:
- (a) inspecting the land, building, or structure with respect of which a permit is issued or an application for a permit is made, or
 - (b) determining if a permit is required to be issued.

8.12 LIABILITY

- 8.12.1 Any persons erecting or maintaining any sign or sign structure or on whose property a sign or sign structure is located, shall be liable for such sign or sign structure. The municipality 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, sign structure, or part thereof.
- 8.12.2 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.

8.13 PENALTY FOR NON-COMPLIANCE

- 8.13.1 Every person who contravenes any provision of this by-law is guilty of an offence and liable, upon conviction, to a fine pursuant to the Provincial Offences Act, R.S.O. 1990 Chapter P.33
- 8.13.2 The Director is responsible for the enforcement of this By-law. The Director is hereby authorized to pull down, remove or cause to be removed at the expense of the owner of the sign, any sign that is erected or displayed in contravention of this By-law, the zoning by-law or any sign that constitutes a safety hazard. Any expenses incurred by the municipality pursuant to his section may, pursuant to Section 446 of the *Municipal Act, 2001*, recover the expenses by action or recovered in like manner as taxes.
- 8.13.3 All costs and charges incurred by a municipality for the removal, care and storage of an advertising device that is erected or displayed in contravention of a by-law of the municipality are a lien on the advertising device that may be enforced by the municipality under the *Repair and Storage Liens Act*,
- 8.13.4 Where a person has been convicted of an offence under this By-law the Court may in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted, directed toward the continuation or repetition of the offence.

9. VARIANCES

- 9.1 The owner or person in control of a sign for any reason may apply to the Council of the Municipality for a variance from the provisions and regulations of this By-law.
- 9.2 The applicant for a variance from this By-law shall provide information that demonstrates how the variance requested satisfies the intent of this By-law or how compliance with this By-law would create unreasonable hardship for the applicant.
- 9.3 The Council of the Municipality may authorize variances from the provisions and regulations of this By-law and may attach any conditions to the variance that Council deems appropriate.

10. **SEVERABILITY**

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.

11. **METRIC MEASUREMENT**

Imperial measurements, provided in brackets, are shown for convenience only and do not form part of this by-law.

12. **DELEGATION OF AUTHORITY**

The Director may delegate all or part of any authority given to the Director by this by-law to any municipal employee who is supervised by the Director.

13. **REPEAL**

Leamington By-law 3470 and Mersea By-law 3874 are hereby repealed.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY ENACTED THIS 7th DAY OF MARCH, 2011.

THE CORPORATION OF THE
MUNICIPALITY OF LEAMINGTON



JOHN PATERSON, Mayor



BRIAN R. SWEET, Clerk