

The Corporation of the Municipality of Leamington

By-law 55-22 (Consolidated)

By-law to regulate the size, use, location, construction and alteration of Signs within the Municipality

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

And Whereas section 446 of the Act 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 Act provides that all costs and charges incurred by a municipality for the removal, care and storage of a Sign that is erected or displayed in contravention of a by-law of the municipality are a lien on the Sign 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:

Interpretation and Citation

1. The following schedules are attached hereto and form part of this by-law:
 - a) Schedule A – Requirements for DPADs.
2. If any section, subsection, schedule or part of parts of this by-law are declared by any court of law to be bad, illegal or ultra vires, such section, subsection or part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.
3. Unless otherwise defined, the words and phrases used in this by-law have their normal and ordinary meaning.
4. This by-law is gender-neutral and, accordingly, any reference to one gender includes the other.
5. References to items in the plural include the singular, as applicable, unless used with a number modifying the term.
6. Headings are inserted for convenience of reference purposes only, form no part of this by-law and shall not affect in any way the meaning or interpretation of the provisions of this by-law.

7. Imperial measurements, provided in brackets, are shown for convenience only and do not form part of this by-law.
8. This By-law shall be known and cited as the "Sign By-law."

Intent

9. The purpose of this By-law is to regulate Signs in the Municipality 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;
 - e) are consistent with the planning, urban design, and heritage objectives of the Municipality;
 - f) do not create a distraction or safety hazard for pedestrians or motorists; and
 - g) are regulated in a manner that balances the public's right to expression with the purpose of the By-law.

Definitions

10. 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, to change any one or more external dimensions and/or construction material, but shall not include painting, repainting, cleaning or other normal maintenance and normal repair of a Sign that does not involve structural changes and "Altered" and "Alteration" shall have a corresponding meaning;

"Appeal Committee" means the Appeal Committee created by By-law 64-16 as may be amended from time to time;

"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;

"Banner Sign" 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 has either one (1) or (2) Sign Faces;

"Contractor's Identification Sign" means a Sign identifying the contractor involved in the renovation, construction or demolition of a building or structure;

"Digital and Projected Advertising Displays (or "DPAD")" means a Sign whose content, including any portion of the content, can be changed by means of an electrically energized display matrix, animation or video display;

"Dilapidated Sign" means a Sign that is damaged or in a state of disrepair or ruin.

"Director" means the Municipality's Director of Legal and Legislative or his or her delegate;

"Drive-through" shall mean the use of land a building or a structure to provide or dispense products or services, either wholly or in part, through an attendant or a window or an automated machine, to customers remaining in a motor vehicle that are in a designated stacking lane;

"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 a 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 Sign painted on a Facade and an Awning that is also a 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, which is used for commercial advertisement;

"Garage Sale Sign" means a Sign advertising a garage sale, yard sale or any similar type sale held inside or outside a building that includes the offering for sale of used household items on a Lot other than a Lot lawfully used for commercial purposes or in a Commercial Zone;

"Grade" means the average elevation of the finished surface of the ground where it meets the base of the Sign, 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 the following:

- a) a flag that is not used for commercial advertisement;
- b) a park bench, a mailbox, newspaper box, bus shelter, corner stone, holiday decoration, metal plaque, community gateway;
- c) any Sign which is part of equipment or display on a Lot lawfully used for such purpose;
- d) Signs affixed to or painted on hoarding around a construction site;
- e) a Banner Sign having a maximum material dimension of 5 m (16.4 ft.) by 1 m (3.3 ft.) erected on fencing with the permission of the owner of the Lot upon which the fence is situated; however, such Banner Sign shall not be the Primary Sign;

"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;

(Amended as per By-law 97-25)

~~**"Legal Non-Conforming Sign"** means a Sign that was lawfully erected or displayed prior to this By-law coming into force.~~

"Legal Non-Conforming Sign" means a Sign that was lawfully erected or displayed:

- a) prior to this By-law coming into force;
- b) prior to any amendment to this By-law coming into force, if such amendment causes a Sign that was otherwise lawfully erected or displayed to be in contravention of this By-law.

"Lot" means a parcel or tract of land described in a deed or other document legally capable of conveying land;

(Amended as per By-law 97-25)

"Lot Line" means the legal boundary of a Lot and in the case of a Lot located on a corner, means both such lines produced to their point of intersection;

"Lot Line" means the legal boundary of a Lot when such Lot is abutting another Lot;

"Menu Display Board" means a Sign used in conjunction with a Drive-through, which Sign is used only to display products or services sold or offered on the Lot where the Sign is located;

"Menu Order Board" means a Sign used in conjunction with a Drive-through approved by the Municipality as part of a commercial development, which Sign is used to display and order products or services sold or offered on the Lot where the Sign is located;

"Mural or Panel" means any type of display or artistic endeavour that is applied as paint or film to the Facade 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 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;

"Officer" shall mean a police officer, a provincial offences officer, a municipal law enforcement officer or any other person as may be appointed by Council to enforce this by-law;

"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 Sign or notice conveying information, which may be hand-printed, that is usually 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 a Facade where the Sign Face is not parallel to the Facade to which it is attached;

"Primary Sign" means a Sign that is the sole or most prominent display of a businesses' identity or identification of a commercial establishment.

"Public information Sign" means a Sign required to be erected pursuant an agreement entered into or an application made pursuant to the Planning Act, R.S.O.

1990, c. P.13.

"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;

"Sidewalk Sign" means a free standing Sign located on but not permanently anchored in the ground and includes Signs commonly referred to as A-Frame or sandwich board but shall not include any other Sign defined in this By-law;

(Amended as per By-law 97-25)

"Sight Visibility Triangle" means the triangular space formed by the intersecting Lot Lines;

"Sight Visibility Triangle" means the triangular space included:

- a) in an Agricultural Zone, between Street Lines for a distance of 7 m (22.96 ft) measured along said Street Lines from the point of intersection;
- b) in any other Zone, between Street Lines for a distance of 9 m (29.52 ft) measured along said Street Lines from the point of intersection; or
- c) between:
 - i) the limit of an alley and its intersection with the limit of another alley;
 - ii) the limit of an alley and its intersection with a Street Line;
 - iii) the limit of a driveway and its intersection with the limit of an alley; or
 - iv) the limit of a driveway and its intersection with a Street Line,

for a distance of 4.5 m (14.76 ft) measured along such alley, driveway or Street Line, as the case may be, from the point of intersection;

"Sign" means any device or object, including all of its component parts and supporting structure and framework, erected, located, placed or displayed 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 and includes a Flag and Banner Sign;

"Sign Area" means the area of each Sign Face and 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 Face" means the area comprising the message portion of the Sign, not including

the structure and framework;

"Sign Permit" means a permit issued by the Director pursuant to the provisions of this by-law;

"Sign Permit Fee" means the fee payable upon an application for a Sign Permit as established in the Municipality's Fees and Charges By-law as is in force at the time of application;

"Street" includes a common and public highway, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and shall also include the area of road allowance, including the sidewalk, between the lateral property lines thereof;

(Amended as per By-law 97-25)

"Street Line" shall mean the limit of a street allowance and is the boundary or dividing line between a Street and a Lot;

"Temporary Personal Sign" means a free standing Sign which displays a personal announcement or congratulatory message temporarily and is located on a Lot lawfully used for a residential purposes or in a Residential Zone;

"Vacant Lot" means a Lot that has no building thereon, but does not include any improved land;

"Zone" when used in conjunction with the words Residential, Commercial, Agricultural, or similar words, shall mean such uses as may be permitted in the Zoning By-law;

"Zoning By-law" means By-law 890-09 as amended from time to time.

Signs Not Requiring a Sign Permit

11. 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.
12. Subject to section 13, the following signs are permitted and do not require a Sign Permit, subject to complying with the requirements of this by-law:
 - a) a Public Information Sign;
 - b) a Sign not exceeding 0.4 m² (4.3 sq. ft.) in Sign Area indicating no trespassing, safety, caution, or any other regulatory Sign, including entrance, exit, parking or traffic signs on private property;
 - c) a Sidewalk Sign;

- d) a Sign located in a Residential Zone as identified within the Zoning By-law, not exceeding 0.4 m² (4.3 sq. ft.) in Sign Area that displays only the name and address of the owner or occupant of Lot upon which the Sign is located, or the name of the property or premises or both;
- e) a Sign for any Home Occupation or Farm Occupation where such use complies with the Zoning By-law;
- f) a Sign advertising the sale or lease of a building or property, provided that such Sign is located on private property and is not illuminated;
- g) a Contractor's Identification Sign provided it is not illuminated and is located on the Lot where the work is being performed and only during the period of such work;
- h) a Sign, which may be a Portable Sign, having a maximum Sign Area of 3.8 m² (40 sq. ft.) advertising the sale of seasonal produce from a roadside stand as the same is defined in the Zoning By-law provided that:
 - 1) the roadside stand complies with the Zoning By-law;
 - 2) the Sign is located on the same Lot as the roadside stand,and in the event that the Sign is a Portable Sign, there is not more than one (1) Portable Sign on the Lot;
- i) a Sign, which may be a Portable Sign, having a maximum Sign Area of 3.8 m² (40 sq. ft.) advertising the sale of Christmas trees on a Lot where such use is permitted by the Zoning By-law provided that the Sign is located on the same Lot as such use and, in the event that the Sign is a Portable Sign, there is not more than one (1) Portable Sign on the Lot;
- j) a maximum of one (1) Portable Sign on a Lot upon which the main use is a place of religious worship where such use is permitted by the Zoning By-law;
- k) an Election Sign;
- l) a Sign erected on any construction project after construction has commenced provided that the Sign is removed within six (6) months of the first occupancy of the building under construction;
- m) an Incidental Sign;
- n) a Sign, which may be a Portable Sign, advertising an event for a Non-Profit Organization provided that the Sign is located on the Lot for no more than thirty (30) days;

- o) a Mural or Panel;
- p) a Temporary Personal Sign, which may be a Portable Sign, provided that the Temporary Personal Sign:
 - i) has a Sign Area not greater than 3 m² (32.3 sq. ft.)
 - ii) has one (1) Sign Face;
 - iii) is of a height not greater than 2.5 m (8.2 ft.);
 - iv) is not illuminated; and
 - v) is located on a Lot for no more than three (3) days,

and only one (1) Temporary Personal Sign shall be located on a Lot at any one (1) time.

13. If a Sign as described in section 12 is a Portable Sign, a Sign Permit shall be required, but no Sign Permit Fee shall be payable.

Prohibited Signs

14. Any Sign not expressly permitted by this By-law is prohibited. Without limited the generality of the foregoing, the following Signs are specifically prohibited:

- a) an Abandoned Sign;
- b) a Garage Sale Sign;
- c) an Inflatable Sign;
- d) a Roof Sign;
- e) a Sign located so as to obstruct the view of any pedestrian or motor vehicle driver so as to cause unsafe condition;
- f) a Sign interfering with or obstructing the view of a 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;

(Amended as per By-law 97-25)

~~g) a Sign located within a Sight Visibility Triangle as described within section 4.51 of the Zoning By-law;~~

g) subject to section 25a)iv), a Sign located within a Sight Visibility Triangle;

(Amended as per By-law 97-25)

~~h) a Sign that is not in compliance with the Zoning By-law;~~

h) a Sign that is not in compliance with the Zoning By-law, with the exception of that section of the Zoning By-law related to "Sight Visibility Triangles" if the Sign complies with the provisions of this By-law;

i) a Poster Sign; and

j) a Dilapidated Sign.

Prohibitions

15. No person shall erect a Sign on property owned by the Municipality or within any portion of a Street within the Municipality except as provided herein.
16. No person shall erect a Sign on a utility pole, light standard, or traffic control device.
17. No person shall erect or permit to be erected, or allow to remain on a Lot or a building owned, rented or leased or occupied by the person, any Sign that is not in compliance with the provisions of this by-law.
18. No person shall attach, affix or display any Sign on a vehicle or trailer which is parked or located for the primary purpose of displaying said Sign.
19. 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.
20. No person shall erect an Awning, Sign or light fixture 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 2 m (6.5 ft.) from the Facade to which it is attached and does not extend closer than a point 1 m (3.28 ft.) from a line drawn in a vertical plane from the curb or Street.
21. The erection of a Sign on a Lot lawfully used for residential purposes or in a Residential Zone is prohibited except for Signs specifically permitted under this subsection, or under section 12 of this by-law. Notwithstanding the foregoing, apartment buildings, townhouses or other 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 section 25(a) or 25(b);
22. No person shall permit 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.

23. No person shall affix a Sign to a fence except:

- a) Signs affixed or painted on boarding erected around a construction site; or
- b) A Banner Sign classified as an Incidental Sign in this By-law.

24. No person shall allow the lighting device of a Sign which is illuminated from behind to be left uncovered.

Permitted Signs

25. The following Signs are permitted, subject to complying with the requirements of this by-law:

a) Ground Sign

i) A Ground Sign shall be a maximum height of 8m (26 ft) above Grade and have a maximum Sign Area of 56 m² (602.8 sq. ft.)

ii) No more than one (1) Ground Sign shall be located on any Lot.

(Amended as per By-law 97-25)

iii) Subject to section 25a)iv), a Ground Sign shall be set back at least 3.0 m (9.84 ft) from any Street Line, alley or driveway;

iv) Notwithstanding sections 14h) and 25a)iii), a Ground Sign may be located within a Sight Visibility Triangle or within 3.0m (9.84 ft) from any Street Line, alley or driveway if the Ground Sign:

- 1) has its Sign Face a minimum clear height of 2.5 m (8.2 ft) from the ground;
- 2) is supported by supports having a maximum width of 38 cm (15 in); and
- 3) does not have a base or ornamental features except features that are below a height of 0.6 m (1.97 ft) above the edge of the pavement of the Street, alley or driveway.

b) Fascia Sign

i) A Fascia Sign shall not:

- 1) Project more than 61 cm (24 in.) from the Facade to which it is attached; and

- 2) Extend more than 15 cm (6 in.) above the top of or the end of the Facade to which it is attached.

c) Portable Sign

i) Except as otherwise provided in this By-law:

- 1) no more than one (1) Portable Sign shall be erected on a Vacant Lot;
- 2) where more than one (1) Portable Sign is erected on the same Lot, no Portable Sign shall be erected within 60 m (196.9 ft.) of another Portable Sign on the same Lot;
- 3) the number of days that a Portable Sign is erected or displayed shall be determined from the date indicated on the Sign Permit;
- 4) a Portable Sign shall not have more than two (2) Sign Faces and any one (1) Sign Face shall not exceed 3.8 m² (40 sq. ft.) Sign Area with no one (1) dimension of the Sign being greater than 2.4 m (7.9 ft.);
- 5) no Portable Sign shall be illuminated or employ any flashing or sequential light, or any mechanical or electronic device to provide or simulate motion;
- 6) a Portable Sign shall be erected on a Lot so as not to interfere with pedestrian or vehicular traffic;
- 7) a Portable Sign shall have a maximum height measured from Grade not greater than 2.4 m (7.9 ft.);
- 8) no Portable Sign shall be located closer than 0.3 m (1 ft.) to a Lot Line;
and

(Amended as per By-law 97-25)

- 8.1) within any Agricultural Zone, a Portable Sign shall be set back at least 3.0 m (9.84 ft) from any Street Line, alley or driveway;
- 9) no Portable Sign shall be located in any parking space that is required pursuant to the Zoning By-law.

d) Billboard Sign

- i) a Billboard Sign shall be located only upon a Lot within Agricultural Zones A1 through A4 inclusive.
- ii) No more than one (1) Billboard Sign shall be located on any Lot.

iii) A Billboard Sign shall have a:

- 1) Maximum Sign Area of 60 m² (645.8 sq. ft.)
- 2) Maximum height of 8 m (26 ft);

(Amended as per By-law 97-25)

- ~~3) Minimum setback from any Lot Line or edge of municipal drain of 6 m (19.7 ft); and~~
- 3) Minimum setback from any Lot Line, Street Line or edge of municipal drain of 6 m (19.7 ft); and
- 4) Minimum setback from a Street of 22.9 m (75 ft.).

e) Sidewalk Sign

- i) No Sidewalk Sign shall have a Sign Area greater than 0.7 m (2 ft.) wide and 1.2 m (4 ft.) high.
- ii) No Sidewalk Sign shall be erected in a manner that obstructs pedestrian traffic or creates a hazard for vehicular traffic.
- iii) No Sidewalk Sign shall be attached to or supported by a tree, light standard, utility pole or traffic control device.
- iv) No Sidewalk Sign shall have more than two (2) Sign Faces.
- v) A Sidewalk Sign shall be located only upon a sidewalk directly in front of a commercial establishment within a Commercial Zone and the Sidewalk Sign shall:
 - 1) display content related only to that commercial establishment; and
 - 2) be erected only during the regular business hours of the commercial establishment,

and there shall be no more than one (1) Sidewalk Sign at one (1) time in connection with a commercial establishment.

f) Election Sign

- i) An Election Sign may be erected on a Street within the jurisdiction of the Municipality if the owner of the Lot immediately abutting such Street consents to the location of the Election Sign and the Election Sign:
 - 1) is within the road allowance and not within the travelled portion of the

Street;

- 2) does not create a hazard; and
 - 3) does not block the visibility of legally existing Signs.
- i) An Election Sign shall be removed by every candidate or candidate's agent within three (3) days after election day.
 - ii) Other than as permitted by section 25(f)(i), an Election Sign is not permitted on property owned or occupied by the Municipality without the written permission of the Municipality.

g) Digital and Projected Advertising Displays

- i) The following Signs may include a DPAD:
 - 1) Ground Sign;
 - 2) Facia Sign;
 - 3) Menu Display Board; and
 - 4) Menu Order Board.
- ii) a DPAD shall comply with the requirements contained within Schedule A, except a DPAD in a Menu Display Board or a Menu Order Board which shall comply only with sections 2a), 7a), 8a), 8b), 8c), and 8d) of Schedule A.

h) Projecting Sign

- i) A Projecting Sign shall:
 - 1) have a maximum Sign Area of 1 m²;
 - 1) be located at least 2.45 m (8 ft.) above Grade;
 - 2) not extend more than 1.5 m (5 ft.) from the Facade to which it is attached; and
 - 3) not extend closer than a point 1 m (3.28 ft.) from a line drawn in a vertical plane from the curb or Street.

i) Menu Display Board

- i) No more than one (1) Menu Display Board shall be located within a Drive-through

- ii) A Menu Display Board shall have a:
 - 1) maximum height of 2.5 m (8.2 ft.); and
 - 2) maximum Sign Area of 2 m² (21.5 sq. ft.).

j) Menu Order Board

- i) No more than one (1) Menu Order Board shall be located within a Drive-through
- ii) a Menu Order Board shall have a:
 - 1) Maximum height of 2.5 m (8.2 ft.); and
 - 2) Maximum Sign Area of 4m² (43.1 sq. ft.)

k) Banner Sign

- i) The following Signs may be a Banner Sign, but in such case shall not be the Primary Sign:
 - 1) Facia Sign; and
 - 2) Projection Sign.

Construction Detail

- 26. Every Sign shall be designed, construction 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.
- 27. If a Sign is a DPAD or illuminated or operated electrically, no person shall erect, maintain or Alter a Sign unless such electrical work complies with all regulations of any hydro or electrical authority and all such electrical equipment bears the appropriate approval of such authorities.

Permits and Application

- 28. Except as permitted by Section 12, no person shall install, erect or Alter a Sign unless a Sign Permit has been issued.
- 29. 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) a completed copy of an application in a form as determined by the Director;

b) a site plan showing the following:

(Amended as per By-law 97-25)

- ~~i) the Lot Line and the other boundaries of the property on which the Sign is proposed;~~
 - i) the Lot Line, Street Line and the other boundaries of the property on which the Sign is proposed;
 - ii) the proposed location of the Sign in relation to all other Signs and structures existing or proposed on the Lot; and
 - iii) 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 and 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 which shall include the following:
- i) sufficient data and calculations 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; and where required by the Director, such data and calculations shall bear the stamp of a registered professional engineer; and
 - ii) in the case of DPADs, drawings and specifications necessary for the purpose of determining compliance with Schedule "A" to this By-law;
- d) approval of the Ministry of Transportation of Ontario or the County of Essex, as may be required;
- e) a letter from the owner of the Lot or his/her agent confirming knowledge of and agreement with the Sign Permit application;
- f) Sign Permit Fee.

30. When the Director is satisfied that the application for a Sign Permit is complete and has satisfied the requirements of this by-law and conforms to the intent of this by-law, the Director shall issue a Sign Permit. The Direction may attach to the Sign 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.

31. 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 Sign Permit application.

Applicable Law

32. Nothing in this By-law shall exempt compliance with other applicable law.
33. Where a Sign does not comply with other applicable law, the Director shall refuse to issue a Sign Permit.

Sign Permit Refunds

34. Where a Sign Permit has been issued but has not been acted upon and the holder of the Sign Permit returns it for cancellation prior to the commencement of the project and before such Sign permit has expired or has been revoked, the holder of the Sign Permit shall not be entitled to any refund.
35. Where the applicant for a Sign Permit cancels the application prior to the issuance of the Sign Permit, the Director may retain an amount of not less than one half of the Sign Permit fee payable, as in his/her opinion is appropriate, having regard for the stage to which the application has been processed.

Legal Non-Conforming Sign

36. Notwithstanding any provision within this by-law, a Legal Non-Conforming Sign shall continue to be permitted provided that such Sign is not removed nor Altered nor the Sign Permit issued in connection with such Sign revoked.

Expiry and Renewal

37. A Sign Permit for a Portable Sign shall be issued for a thirty (30) day period but may be extended by the Director to a maximum of five (5) times for a consecutive thirty (30) day period. A Sign Permit, including extensions, for a Portable Sign on the same Lot may not be extended for more than one hundred and eight (180) days in a calendar year.
38. A Sign Permit issued for a Sign other than a Portable Sign is valid for a period of three (3) months provided the work is commenced before the expiry of the three (3) month period and provided the work is carried on at a reasonable rate of completion.
39. A Sign Permit for other than a Portable Sign may be renewed once for a further three (3) month period.
40. 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 (3) month period, the Sign Permit shall automatically expire.

Revocation of Sign Permit

41. The Director may revoke a Sign Permit in the event that:

- a) It was issued on mistaken, false or incorrect information;
- b) Six (6) months after its issuance, the erection of the Sign, other than a Portable Sign, for which the Sign Permit was issued has not, in the opinion of the Director, been seriously commenced;
- c) The erection of the Sign, other than a Portable Sign is, in the opinion of the Director, substantially suspended or discontinued for period of more than one (1) year;
- d) It was issued in error;
- e) the holder of the Sign Permit or the owner of the Lot requests in writing that it be revoked; or
- f) the Sign no longer complies with a provision of this by-law or a condition of the Sign Permit or applicable law.

Appeal

42. In the event that the Director:

- a) Refuses to issue a Sign Permit;
- b) Has not issued a Sign Permit within thirty (30) days of receipt of an application for a Sign Permit; or
- c) Revokes a Sign Permit,

The applicant for or the holder of a Sign Permit, as the case may be, may appeal to the Appeal Committee. The Appeal Committee may deny the appeal or may approve the appeal and direct the Director to issue a Sign Permit. The Appeal Committee may require that such conditions be included within the Sign Permit that the Appeal Committee deems appropriate.

Variance

43. The owner or person in control of a Sign for any reason may apply to the Appeal Committee for a variance from the provisions and regulations of this by-law.

44. The applicant for a variance from this by-law shall provide information to the Appeal Committee that demonstrates that the proposed construction or Alteration of the Sign satisfies the general intent of this by-law; is minor in nature and that a strict application of this by-law would constitute an unreasonable hardship to the applicant.
45. If the information provided by the application in accordance with section 44 of this by-law satisfies the Appeal Committee, the Appeal Committee may authorize the variance from the provisions and regulations of this by-law and may attach any conditions to the variance that the Appeal Committee deems appropriate.

Notice

46. The Director may serve notice to any person who has caused a Sign to be erected, displayed or Altered without first having obtained a Sign Permit to obtain a Sign Permit.
47. The Director may serve notice to any person who has caused a Sign to be erected, displayed or Altered without a Sign Permit or contrary to an issued Sign Permit, to cause such Sign to come into compliance with this by-law or to remove such Sign within any period as directed.
48. Any notice given under this by-law shall be in writing and may be given by ordinary mail to the person to whom any Sign Permit has been issued; the owner of the Sign; or the owner and/or occupant of a Lot upon which or in front of which a Sign is located and service shall be deemed effective three (3) days following the mailing of the notice.

Inspection and Enforcement

49. 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.
50. Any Officer may, at any reasonable time, enter upon lands for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
 - a) This by-law;
 - b) A notice served pursuant to this by-law; or
 - c) An order made under section 431 of the Municipal Act.
51. For the purposes of conducting an inspection pursuant to this by-law, an Officer may:

- a) Require the production for inspection of documents or things, or copies of any document or thing, relevant to the inspection;
 - b) Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - c) Require information from any person concerning a matter related to this inspection; and
 - d) Alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of the inspection.
52. An Officer is hereby authorized to pull down, remove or cause to be removed or cause to be otherwise remediated, 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. The Municipality may, pursuant to section 446 of the Act recover the costs incurred by or on behalf of the Municipality by action or by adding the costs to the tax roll and collecting them in the same manner as taxes. The costs together with interest accruing thereon constitute a lien upon the land upon the registration in the proper land registry office of a notice of lien.
53. All costs and charges incurred by the Municipality for the removal, care and storage of a Sign that is erected or displayed in contravention of a by-law of the Municipality are a lien on the Sign that may be enforced by the Municipality under the Repair and Storage Lien Act, R.S.O. 1990, c. R. 25.

Penalties

54. Every person who contravenes any section of the by-law is guilty of an offence and, upon conviction, is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, c. P.33.
55. Notwithstanding section 55 of this by-law, every person who contravenes any provision of this by-law and every director or officer of a corporation who concurs in such contravention by the corporation is guilty of an offence and on conviction is liable to a fine not exceeding \$25,000.00.
56. Notwithstanding section 54 of this by-law, a corporation that contravenes any provision of this by-law is guilty of an offence and, upon conviction, is liable for a fine not exceeding \$50,000.00.
57. The court in which a conviction has been entered, and any court of competent jurisdiction, thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other remedy and to any penalty imposed on the person

convicted.

58. If the fine remains unpaid the fine shall be deemed to be unpaid taxes for the purposes of section 351 of the Act.

Delegation of Authority

59. 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.

Exemption

60. The Municipality shall be exempt from the requirement to pay the Sign Permit Fee. The federal and provincial government and their respective agencies shall be exempt from the provisions of this by-law.

Repeal

61. By-law 49-21 and any amendments thereto be and is hereby repealed.

Read a first, second and third time and finally enacted this 9th day of August, 2022.

Signature on File
Hilda MacDonald, Mayor

Signature on File
Brenda Percy, Clerk

Schedule "A"

Requirements for DPADs

1. Definitions

For the purpose of this Schedule:

- a) **"Decision-Making Points"** shall include interchanges, intersections, roundabouts, pedestrian crossings, railroad crossings, work zones and similar areas of traffic;
- b) **"Decision Sight Distance (or "DSD")"** means the distance at which drivers can detect a hazard, recognize it, select an appropriate speed or path and perform an action and as is described in Table 9 of the Guidelines;
- c) **"Guidelines"** means the Digital and Projected Advertising Displays, Regulatory and Road Safety Assessment Guidelines of the Transportation Association of Canada;
- d) **"Message Sequencing"** means the use of more than one frame presented on a single DPAD in succession to convey a single message;
- e) **"On Premises Content"** means content related to goods, products or services sold or offered to the public on the Lot where the Sign is located;

2. Location and Placement

A DPAD shall:

- a) display On Premises Content only;
- b) be located more than 60 m (196.85 ft.) from any Residential Zone;
- c) be placed within a ten (10) degree horizontal cone of vision within the DSD and within a fifteen (15) degree vertical cone of vision within the DSD and when the DPAD is visible from multiple roadways, the longest DSD shall be used.

3. Maximum Number per Lot

A Lot shall have a maximum of one (1) DPAD.

4. **Maximum Number Within DSD**

The maximum number, including existing DPAD(s) with a DSD shall be three (3).

5. **Frame Duration**

The minimum frame duration shall be twenty (20) seconds.

6. **Transition Time**

- a) Transition time between frames should be as close to instantaneous as possible and less than 0.25 seconds.
- b) If the transition between frames is not instantaneous, the DPAD shall show a black screen between frames.

7. **Visual Effects**

- a) Animation, flashing, fading, blinking and dissolving shall not be permitted; however, scrolling shall be permitted.
- b) Message Sequencing shall be limited to two (2).

8. **Brightness**

- a) The DPAD shall have a maximum illumination level of 0.3 fc (foot candles) above ambient light conditions;
- b) The DPAD shall have installed an ambient light monitor which shall continuously monitor and automatically adjust the brightness level of the display based on ambient light conditions.
- c) DPAD brightness shall be determined in accordance with the provisions of Appendix C of the Guidelines;
- d) When measuring DPAD brightness, there will be other sources of light that can interfere with the reading. To address this issue, measurements can be taken with the DPAD on and then off. The brightness is the difference in the two (2) measurements.

9. **Proximity to Traffic Control Devices**

- a) DPADS are prohibited near traffic control devices with displays which are illuminated, variable or moving (e.g. traffic signals, pedestrian crossings with flashing beacons, railroad crossings with flashing

beacons, variable message signs, or any other sign with variable messages or flashing beacons);

- b) The area of prohibition shall be determined by the Municipality in accordance with the provisions of Appendix D of the Guidelines based upon the driver's cone of vision and the DSD.

10. Proximity to Decision-Making Points

- a) There shall be a minimum distance between a DPAD and a Decision-Making Point.
- b) The minimum distance shall be a function of the posted speed limit and the type of Decision-Making Point.
- c) The Municipality shall determine the minimum distance based upon the posted speed and the type of Decision-Making Point.
- d) The Municipality shall determine areas based upon the location and type of Decision-Making Point in which the location of a DPAD is prohibited.

11. Traffic Control

The DPAD shall not contain the words or phrases 'stop', 'go', 'slow', 'caution', 'danger', 'warning', 'emergency', 'yield', 'detour', or similar language typical for traffic control or warning or any symbol typical for traffic control or warning.

13. Existing DPAD

An application for a DPAD shall be considered in relation to any DPAD which currently exists and may impact the requirements set out in this Schedule.