

MUNICIPALITY OF CENTRAL ELGIN

BY-LAW NUMBER

**A BY-LAW TO CONTROL AND REGULATE THE SIZE,
USE, LOCATION AND MAINTENANCE OF SIGNS AND
ADVERTISING DEVICES WITHIN THE
MUNICIPALITY OF CENTRAL ELGIN**

WHEREAS the Municipal Act, S.O. 2001, c. 25, Section 8, provides the municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising authority under the Act;

AND WHEREAS the Municipal Act, S.O. 2001, c.25, Section 9, provides that Sections 8 and 11 shall be interpreted broadly so as to confer broad authority on municipalities to:

- (a) enable municipalities to govern their affairs as they consider appropriate and,
- (b) enhance their ability to respond to municipal issues.

AND WHEREAS the Municipal Act, S.O. 2001, C.25, Section 99 sets out rules which apply to a by-law of the municipality respecting advertising devices, including signs;

AND WHEREAS the Municipal Act, S.O. 2001, c.25, Section 150, provides that Council may regulate matters not specifically provided for by this Act or any other Act for the purposes related to the health, safety and well-being of the inhabitants of the municipality;

AND WHEREAS the Municipal Act, S.O. 2001, c.25, Section 425 (2) establishes that any person who contravenes any by-law of the municipality passed under the Act is guilty of an offence;

AND WHEREAS the Municipal Act, S. O. 2001, c.25, Section 446, as amended, provides that where a municipality has the authority by by-law to direct or require that a matter or thing be done, the municipality may, in the same or another by-law, direct that, in default of it being done by the person directed or required to do so, such matter or thing shall be done at the person's expense and the municipality may recover the costs by action or by adding the costs to the tax roll and collecting them in the same manner as taxes;

NOW THEREFORE the Council of the Municipality of Central Elgin enacts the following:

1 SHORT TITLE

This by-law and any amendments may be cited as “The Sign By-law”.

2 DEFINITIONS

In this by-law:

- 2.1 “**Alteration**” means any change to a sign structure or sign face except the changing of copy in compliance with this by-law or the replacement of identical parts for maintenance purposes.
- 2.2 “**Animated**” means a sign depicting action, motion, light or colour changes through electrical or mechanical means. Although technologically similar to flashing signs, the animated sign emphasizes graphics and artistic display.
- 2.3 “**Awning**” means a self-supporting projection, similar to a roof, which projects horizontally from the building face or wall over a window or doorway, and is intended solely to prevent access of direct sunlight into the building through such windows or doorways.
- 2.4 “**Building Code**” means the *Ontario Building Code Act*, O Reg. 332/12, as amended.
- 2.5 “**Building Line**” means the required building line setback from any street for a structure or any required front yard or required side yard abutting a street, all as set out in the applicable Municipal Zoning By-laws.
- 2.6 “**Business days**” means days when the office of the Corporation of the Municipality of Central Elgin is open for regular business.
- 2.7 “**Canopy**” means a projection similar to a roof, which projects horizontally from the building face or wall, extends across part of or all of that building face or wall, and is intended to provide shelter, but is not an awning.
- 2.8 “**Charitable Organization**” means any entity with a registered charity number that is organized and operated exclusively for charitable, philosophical, scientific, testing for public safety, literary or educational purposes, or to foster national or international amateur sports competitions, or for the prevention of cruelty to children or animals, provided that no part of the entity’s net earnings goes to the benefit of any private shareholder or individual.
- 2.9 “**Chief Administrative Officer (CAO) or designate**” means the Chief Administrative Officer of the Corporation of the Municipality of Central Elgin, or his designate.
- 2.10 “**Commercial Message**” means any sign, wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.
- 2.11 “**Copy**” means the wording, symbols and images on a sign.
- 2.12 “**Corner Visibility Triangle**” including “**Daylighting Triangles**” and **Sight Triangles**” means a triangular area free of buildings or structures or other visual obstructions and formed within a corner lot by the intersection street lines or the projections thereof and a straight line connecting them 7.5 metres from their point of intersection. A corner lot is a lot situated at the intersection of and abutting two streets, or parts of the same street, the

adjacent sides of which street or streets (or in the case of a curved corner, the tangents of which) contain an angle of not more than 135 degrees.

- 2.13 **“Council”** means the Council of the Municipality of Central Elgin.
- 2.14 **“County”** means The Corporation of the County of Elgin.
- 2.15 **“Erected”** means attached, altered, built, constructed, reconstructed, enlarged or moved.
- 2.16 **“Frontage”** means the length of a lot line extending along each legally accessible public street or public lane, and shall include lots separated from a street by land owned by the Municipality, Elgin County, or the Province of Ontario, which land is held by such public agency for future road widening purposes or as a 0.3 metre reserve.
- 2.17 **“Grade”** means the elevation of the ground directly beneath and surrounding a sign.
- 2.18 **“Lot”** means a parcel of land, which can be legally conveyed pursuant to Section 50 of the Planning Act, R.S.O. 1990, c. P. 13 as amended.
- 2.19 **“Lot Line”** means the line formed by the boundary of any lot.
- 2.20 **“Maintain”** means to repair or refurbish a sign or sign structure.
- 2.21 *“Municipal Act”* means the *Municipal Act, 2001, S.O. 2001*.
- 2.22 **“Municipal Law Enforcement Officer”** means a by-law enforcement officer appointed by the Municipality.
- 2.23 **“Municipality”** means The Corporation of the Municipality of Central Elgin .
- 2.24 **“Non-accessory advertising”** means a sign, which is displaying advertising for a business, occupancy, or use that is not accessory to a business, occupancy, or use of the property on which the sign is located.
- 2.25 **“Not-For-Profit Group”** means an incorporated organization which exists for educational or charitable reasons, and from which its shareholders or trustees do not benefit financially.
- 2.26 **“Parapet”** means that portion of the wall of a building that rises above the level of the roof.
- 2.27 **“Person”** shall include any individual, association, partnership, corporation, Municipal Corporation, agent or trustee, and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.
- 2.28 **“Plaque”** means a commemorative or identifying inscribed tablet.
- 2.29 **“Plaza Complex”** means a group of business establishments, which is planned, developed, managed and or operated as a unit with shared on-site parking and containing three or more separated spaces for lease and or occupancy.
- 2.30 **“Premises”** means any property occupied by the business or use to which the sign copy refers.

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- 2.31 "**Service club**" is a type of organization where members meet regularly for social outings and to perform charitable works either by direct hands-on efforts or by raising money for other organizations.
- 2.32 "**Sidewalk**" means that part of a road with a surface improved with asphalt, concrete or gravel for the use of pedestrians.
- 2.33 "**Sign**" means any identification, description, illustration or device, which directs attention to, or advertises, any person, business, commodity, service or use. A sign shall be considered a structure for the purpose of this by-law. Without limiting the generality of the above, the definition of a sign includes, but is not limited to, the following types of signs:
- a) "**Abandoned Sign**" means any sign which no longer correctly identifies the business, commodity, service or use presently conducted, sold or offered on the lot. A sign shall not be deemed abandoned until 90 days after such activity is discontinued.
 - b) "**Accessory Sign**" means a sign in which the copy relates to the business upon the lot which the sign is located.
 - c) "**Address Sign**" means a facia or ground sign upon which the maximum of 0.2 square metres contains no commercial message, and is intended solely to indicate a municipal street address and/or name of a private residence.
 - d) "**Automatic Changing Copy Sign**" means a sign upon which different copy is shown on the same lamp bank.
 - e) "**Awning Sign**" means a non-illuminated sign painted on or affixed flat to the surface of an awning, which does not extend vertically or horizontally beyond the limits of such awning, and is used solely for the purpose of identification of the business or use and contains no other commercial message.
 - f) "**Billboard Sign**" means a sign advertising a business, use, product or idea not required to be located on the same lot as the sign is located, and shall include poster panels or other similar surfaces to which temporary sign copy may be attached.
 - g) "**Campaign Sign**" means a sign used to advertise any person or political party participating in an election for public office.
 - h) "**Canopy Sign**" means a sign attached to, or constructed upon a canopy.
 - i) "**Clearance Sign**" means a sign, which has a maximum area of 0.4 square metres, is used solely to advise approaching traffic or imminent height restrictions, and contains no commercial message.
 - j) "**Construction/Development Promotional Sign**" means a sign advertising construction, reconstruction, repair, renovation, and/or development, but shall not include a subdivision sign, and may include the name of the project, the name and address of the contractors, architects, engineers, information and personnel related to the project, and shall be removed upon completion of the project.

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- k) **“Directional Sign”** means an on-site sign that is designed and erected solely for the purposes of directing vehicular and/or pedestrian traffic within that lot.
- l) **“Electronic Sign”** means a sign, which contains an intermittent or flashing light source, or which includes the illusion of light by means of illumination or an externally mounted light source, but shall not include automatic changing copy signs.
- m) **“Fascia Sign”** means a sign attached or erected against a wall of a building with the face horizontally parallel to the building wall.
- n) **“Farm Accessory Sign”** means a sign advertising or providing directions to a farm sale related to any farm activity, product or service produced, manufactured or provided predominantly on the farm in compliance with the Zoning By-law including, but not limited to, ‘pick your own’ operations, tourism activities, and small scale retailing of local farm produce and related goods.
- o) **“Garage Sale Sign”** including **“Yard Sale Sign”** means a sign advertising a current garage sale or yard sale.
- p) **“Ground Sign”** means a free-standing sign which is affixed to or erected on the ground, but shall not mean or include a pylon sign.
- q) **“Job Fair Sign”** means a sign advertising an event for the purposes of connecting prospective job seekers to with one or more business(s), where the business(s) is located and operating in the Municipality of Central Elgin , but is not to advertise product or merchandise.
- r) **“Illuminated Sign”** means a sign illuminated by any artificial light source.
- s) **“Incidental Sign”** means a sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as “telephone”, “private parking”, “entrance”, “washroom”, “loading dock”, “staff only”, or other similar directive.
- t) **“Inflatable Sign”** means a sign designed to be airborne and tethered to the ground or another structure, and would include but not limited to, balloons.
- u) **“Non-Accessory Sign”** means a sign on which the copy does not relate to the lot upon which the sign is located; non-accessory signs are third-party signs, but shall not include signs for Public Use as per Section 4.4 and sponsorship signs within sports or recreational facilities.
- v) **“Plaza Identification Sign”** means a sign used primarily to identify a plaza complex by name or address, but which may contain a changeable copy panel.
- w) **“Port Stanley Community Area”** means the lands shown on Schedule A to this by-law.
- x) **“Poster or Poster Sign”** means a temporary sign which is a printed notice generally made of cardboard, plastic, fibreboard, paper or similar flexible material, conveying

information intended to be displayed for a short period of time and includes, but is not limited, to a bill, handbill, leaflet, notice or placard.

- y) **“Portable Sign”** means a sign which is designed or intended to be moved from one location to another and is not permanently constructed at one place on the ground or permanently attached to any building or structure.
- z) **“Progressive Sign”** means any two or more signs used in a series to convey a cohesive message.
- aa) **“Projecting Sign”** means a sign attached to a wall, whose copy surface is not parallel to that wall.
- bb) **“Pylon (Pole) Sign”** means a free-standing sign, affixed to or erected in the ground, and which has a sign face(s) at least 2.4 metres above finished grade.
- cc) **“Real Estate Sign”** means a sign advertising the sale, rental or leasing of a premises.
- dd) **“Roof Sign”** mean a sign erected upon, or displayed from, against or directly above a roof.
- ee) **“Revolving or Rotating Sign”** means a sign or portion of a sign which is moved mechanically in a revolving or similar manner, but shall not include motionography or other multiple-prism signs or wind-driven signs.
- ff) **“Service and Facility Sign”** means a sign which informs the motorists of services, recreational facilities, tourist attractions, scenic points and other services or facilities that may be essential or of interest to the driving public.
- gg) **“Sidewalk Sign”** means a free-standing sign which is not fixed to the ground or another structure.
- hh) **“Sponsorship Sign”** means a sign displaying the logo or name of a business that has supported a community event or facility associated to that property on which the sign is located.
- ii) **“Subdivision Sign”** means an accessory or non-accessory sign advertising or marketing the development of a Plan of Subdivision and may include the name of the project, the name and address of the contractors, architects, engineers, builders, information and personnel related to the project. The specification of the sign (size, location etc.) is to be included in the Subdivider’s Agreement and approved when Council approves the Subdivider’s Agreement. If the sign is not approved by Council during the Subdivision process, than a Sign Variance is required, as per Section 21 of this by-law.
- jj) **“Temporary Special Event Sign”** means a sign which is not a permanent sign and includes any portable sign, poster, or sign anchored in shallow ground without foundation, and signs that are capable of being easily moved or re-located that are used in conjunction with non-profit events or charitable organization events or garage sales.

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- 2.34 “**Sign Area**” means the smallest square, circle, rectangle, triangle, or combination thereof, that will encompass the extreme limits of the largest silhouette or a sign face visible at any one time, and shall include any writing, representation, emblem, or other display, together with any material or colour forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework or bracing.
- 2.35 “**Sign Clearance**” means the vertical distance from finished grade directly below the sign to the bottom of the lowest attached component of the sign, exclusive of any supporting structure.
- 2.36 “**Sign Face**” means that portion of the sign, excluding the supporting structure, where copy can be placed.
- 2.37 “**Sign Height**” means the vertical distance from the base of the sign at finished grade to the top of the highest attached component of the sign.
- 2.38 “**Sign Structure**” means a structure which is intended to support, or be capable of supporting, any sign and which in turn is supported by the ground, a building or a structure which is not an integral part of the sign.
- 2.39 “**Street**” means the road allowance or the right-of-way of a public road or highway, which affords principal means of access to adjacent lots.
- 2.40 “**Utility**” means services consumed by the public, such as electricity, natural gas, water, sewage, telephone, and internet.
- 2.41 “**Zone**” means those specific land use areas which relate to the Zoning By-laws for the Municipality and those specifically defined areas identified by this by-law.
- 2.42 “**Zoning By-law**” means the Zoning By-laws of the Corporation of the Municipality of Central Elgin .

3 SCOPE AND INTENT**3.1 SCOPE AND INTENT**

The purpose of this By-law is to:

- a) regulate *signs* placed on lands, *buildings*, and other *structures* within the territorial limits of the *Municipality of Central Elgin*; and
- b) implement the policies of the Central Elgin Official Plan and Port Stanley Design Guidelines.

3.2 CONTENTS OF BY-LAW

All references in the By-law to sections, regulations, exceptions, Tables, figures, schedules and maps, refer to those in this By-law unless otherwise indicated.

**3.3 RELATION TO OTHER GOVERNMENT REQUIREMENTS
(COMPLIANCE WITH OTHER REGULATIONS)**

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This By-law shall not be construed so as to reduce or mitigate restrictions or regulations for any *signs* that are lawfully imposed by the *Municipality*, or by any governmental authority having jurisdiction to make such restrictions or regulations. Compliance with this By-law does not relieve a *property owner* from complying with:

- a) the requirements of the Ontario Building Code;
- b) the requirements of any federal, provincial, regional, or *conservation authority* legislation or regulations; or any By-law of the *Municipality*.

4 INTERPRETATION

- 4.1 In this by-law reference to singular shall include plural, and reference to masculine shall include feminine. The converse shall apply.
- 4.2 In this by-law the word “shall” is to be construed as being always mandatory and not discretionary.
- 4.3 References to “zone” or “zones” refers to designations in the Municipality of Central Elgin Zoning By-laws for the Village of Belmont, the Village of Port Stanley, and the Township of Yarmouth.

5 APPLICATION

- 5.1 All signs shall be erected:
 - (a) in compliance with all applicable regulations for each sign, and
 - (b) only in the *Zone* in which such sign is permitted, as provided for in the chart in Section 5.2 below.
- 5.2 Permitted Signs shall only be those noted within which the *Zone* the premises lies being:

<u>Zone</u>	<u>Permitted Signs</u>	<u>Section</u>
Agricultural By-law 1998: OS1, OS2, OS3 By-law 91-21: A1, A2	- Billboard Signs - Directional Signs - Fascia Signs - Farm Accessory Signs - Ground Signs - Incidental Signs - Real Estate Signs - Temporary Special Event Signs	Section 8 Section 10 Section 11 Section 12 Section 13 Section 14 Section 18 Section 23

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<p>Commercial By-law 1998: B1, B2, B3, B4, B5 By-law 1507: B1, B2, B3, B4, B5, B6, B7 By-law 91-21: GC, HC</p>	<ul style="list-style-type: none"> - Awning/Canopy Signs - Business Accessory Signs - Directional Signs - Fascia Signs - Ground Signs - Incidental Signs - Portable Signs - Projecting Signs - Pylon Signs - Real Estate Signs - Sidewalk Signs - Service Station Signs - Temporary Special Event Signs 	<p>Section 7 Section 9 Section 10 Section 11 Section 13 Section 14 Section 15 Section 16 Section 17 Section 18 Section 19 Section 20 Section 23</p>
<p>Industrial By-law 1998: C1, C2, C3, C4, C5 By-law 1507: C1 By-law 91-21: M, MC</p>	<ul style="list-style-type: none"> - Awning/Canopy Signs - Business Accessory Signs - Directional Signs - Fascia Signs - Ground Signs - Incidental Signs - Portable Signs - Projecting Signs - Pylon Signs - Real Estate Signs - Sidewalk Signs - Temporary Special Event Signs 	<p>Section 7 Section 9 Section 10 Section 11 Section 13 Section 14 Section 15 Section 16 Section 17 Section 18 Section 19 Section 23</p>

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<p>Institutional/Open Space By-law 1998: IN By-law 1507: IN By-law 91-21: I, OS, P</p>	<ul style="list-style-type: none"> - Awning/Canopy Signs - Directional Signs - Fascia Signs - Ground Signs - Incidental Signs - Real Estate Signs - Sidewalk Signs - Sponsorship Signs - Temporary Special Event Signs 	<p>Section 7 Section 10 Section 11 Section 13 Section 14 Section 18 Section 19 Section 21 Section 23</p>
<p>Residential By-law 1998: R1, R2, R3 By-law 1507: R1, R2 By-law 91-21: R1, R2, RM1</p>	<ul style="list-style-type: none"> - Directional Signs - Fascia Signs - Ground Signs - Incidental Signs - Real Estate Signs - Subdivision Signs - Temporary Special Event Signs 	<p>Section 10 Section 11 Section 13 Section 14 Section 18 Section 22 Section 23</p>

- 5.3 Where a property has multiple Zones, or within a site specific Zone granting additional uses not permitted in that Zone, the Permitted Signs shall be interpreted to be those that match the site specific permitted use and/or the Zone within which the use being advertised is located.
- 5.4 Signs that are not specifically permitted in this by-law and in the identified zone are prohibited.
- 5.5 This by-law shall not apply to:
 - (a) Signs within an enclosed structure.
 - (b) Signs installed by or on behalf of the Municipality, the County, the Province of Ontario, or the Government of Canada for the purpose of regulating parking or traffic.
 - (c) Signs installed by or on behalf of the Municipality or the County of Elgin for the purpose of informing the public about an application pursuant to the Planning Act or Municipal Act.
 - (d) Plaques placed by historical agencies of the Municipality, the County, the Province of Ontario or the Government of Canada.

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- (e) Election proclamations or notices under any Election Act or any voters list under a statute in that behalf.
- (f) Signs placed by the Municipality, the County, or Utilities used to identify physical plants and facilities.

Public Use

- 5.6 Notwithstanding anything else in this by-law, the Municipality, the County, Utilities, School Boards, the Government of Ontario or the Government of Canada (excluding crown corporations) may, for public service purposes, erect or use any type of sign permitted by this by-law in any zone.

Non-Conforming Signs

- 5.7 Nothing in this by-law shall apply to prevent any sign, except a *Portable Sign*, that is lawfully erected or displayed on the day this by-law comes into force, but does not comply with the provisions of this by-law, so long that such sign continues to be used for such purposes and the size and height of the sign is not altered.

6 GENERAL REGULATIONS

- 6.1 No *person* shall hereafter *erect* or display or cause or permit to be *erected* or displayed a *sign* except in conformity with the provisions of this By-law.
- 6.2 No person shall erect, display, alter, cause or permit to be erected, displayed or altered any sign which does not comply in all respects to the provisions of this by-law. Maintenance and repair of a sign or a change in the message displayed shall not in itself be deemed to constitute an alteration provided such maintenance, repair or change in message continues to comply with this by-law.
- 6.3 No person shall hold the Municipality and its authorized agents liable for any loss, costs, damages, charges or expenses that may be incurred by a person with respect to a sign permitted by this by-law.
- 6.4 No person shall permit a sign to be erected in an unsafe condition or with any defect.
- 6.5 No person shall utilize a stationary tractor-trailer as a sign.
- 6.6 No person shall erect or display any sign upon any property without the consent of the owner.
- 6.7 No person shall place any sign on or projecting over Municipal property, including road allowances, without the consent of the Council of the Municipality of Central Elgin or designate, unless explicitly outlined in this by-law.
- 6.8 No person shall attach or paint a sign onto a fence or board, tree, post or pole, or any structure, when visible from the street unless permitted in this by-law.
- 6.9 No person shall erect or permit to be erected a sign that:
- a) Obstructs pedestrian or vehicular traffic.

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- b) Obscures clear visibility of normal approaching pedestrian or vehicular traffic.
 - c) By nature of the colour or shape or location thereof, could be confused with any traffic control sign, signal, or device, or obscure the visibility or effectiveness of a traffic control sign, signal or device.
 - d) Uses or blocks all or part of a parking space or driveway.
 - e) Conflicts with any snow storage, buildings, structures, sidewalks, landscape plantings and similar elements within an approved site plan entered into in accordance with Section 41 of the Planning Act.
- 6.10 No person shall place lights used to illuminate a sign such as flood lights, spotlights or similar devices to direct light away from adjacent premises and streets and shall not impact on-street traffic.
- 6.11 No person shall install electrical signs without following the regulations of the Electrical Safety Authority. Electrical wires accessory to signs are prohibited on parking lots, driveways, and walkways.
- 6.12 No person shall place signs and sign structures to violate the Building Code Act R.S.O. 1992.
- 6.13 No person shall erect or display any sign in such a manner:
- a) as to contact or interfere with any municipal street lamp, power or telephone wire or their support.
 - b) to interfere with the free use of any fire escape, exit, hydrant or reservoir.
- Signs within:
- (a) 5.0 metres of any electrical or transmission lines shall require approval of Erie Thames Hydro and/or Hydro One; and,
 - (b) 3.0 metres of any fire alarm, telephone, or other transmission line,
- shall require the approval of the authority having jurisdiction over the same.
- 6.14 No person shall erect signs in the controlled area of the Ministry of Transportation without the approval of the Ministry of Transportation of Ontario.
- 6.15 No person shall erect signs in the controlled area of the County of Elgin road allowance without the approval of the County of Elgin.
- 6.16 No person shall display any sign, the copy of which does not clearly relate to an activity presently conducted, or product or services presently available, on the lot where the sign is displayed, except where otherwise specifically provided. Notwithstanding this sub-section the following shall be permitted:
- a) signs displayed for Public Use as per Section 5.6.
 - b) Sponsorship Signs located in a sports or recreational facility **as per Section 23**; and
 - c) Non-accessory advertising for not-for-profit, charitable organizations and community groups, where such advertisement is on a temporary (event by event) basis and

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- incorporating or using an Automatic Changing Copy Sign or similar sign with changeable copy, but not including a portable sign, and where the sign is and remains accessory to the property and the uses thereon.
- 6.17 No person shall erect signs that advertise a business, product, activity or service mounted, painted, placed or displayed on any vehicle where the vehicle is not in weekly operation for transportation, or is parked or located in a manner for longer than 48 hours so as to make the sign visible from a street for the purpose of functioning as an identification, information or advertising.
- 6.18 No person shall erect a sign which conveys offensive, libelous or obscene words or images or a message that contravenes any law of Canada or Ontario.
- 6.19 Automatic Changing Copy Signs and Revolving or Rotating Signs shall be permitted subject to the applicable regulations of the sign that it pertains to, unless prohibited elsewhere in this by-law.
- 6.20 Notwithstanding any provisions of this by-law, a use that is deemed to be legal non-conforming or is permitted through a site-specific amendment to the Zoning By-law, shall conform to the applicable regulations of the general zoning category for which such use would be permitted. Notwithstanding this sub-section, if the site-specific amendment in the Zoning By-law requires the use to conform to the regulations of the underlying zone, then the sign shall also conform to the applicable sign regulations of such underlying zone.

Permitted Signs

- 6.21 Except as otherwise provided herein, the following signs are permitted in all zones:
- 1) *Address signs.*
 - 2) Construction/Development promotional ground signs in compliance with the corresponding regulations for signs in each zone with respect to structure, location, dimensions and sign characteristics in accordance with the regulations for ground signs in Commercial and Industrial Zones noted in Section 11.
 - 3) *Incidental signs.*
 - 4) *Directional signs.*
 - 5) *Real estate signs* having a maximum sign area of 0.84 square metres. Signs exceeding this maximum shall comply with the corresponding regulations for signs in each zone with respect to structure, location, dimensions and sign characteristics. These signs shall not be illuminated.
 - 6) *Subdivision Signs* in accordance with Section 2.27 (ii)
 - 7) Signs painted on the exterior of a commercial or industrial building, or on farm buildings indicating the farmer's name and/or type of farm operation shall conform to the applicable facia sign regulations and shall not require a permit.
 - 8) *Farm Accessory signs* in accordance with Section 12.

7 AWNING SIGNS AND CANOPY SIGNS

Awning

7.1 Awning signs shall be attached to a building structure over a window or doorway.

Canopy

7.2 When attached to the face of a canopy, a *canopy sign* shall have a maximum projection beyond the canopy of 0.35 metres.

7.3 When erected on top of a canopy, a *canopy sign* shall not project beyond the face of the canopy, and shall have a maximum height of 1 metre.

7.4 The minimum *sign clearance* shall be 2.4 metres.

8 BILLBOARD SIGNS

8.1 All applications for a Billboard sign shall designate one individual to act as an agent representing all the businesses on the billboard. At any time if a billboard sign does not have an agent, the Municipality may remove the sign.

8.2 Billboard signs shall not be erected without a permit from the Municipality and the approval of an application by Council.

8.3 Council shall take into consideration the following when making a decision about a billboard sign application:

- (a) Design;
- (b) Location;
- (c) Number of signs in the vicinity;
- (d) Size;
- (e) Need;
- (f) Type of businesses advertising; and,
- (g) Wording of the sign.

8.4 Council, in making a decision, can impose more stringent requirements than those listed in this Section.

8.5 An application to Council, for a billboard sign shall be made by a business association or a group of businesses but not an individual business.

8.6 The number and location of billboard faces shall be limited to the areas as outlined in Schedule "A" attached to this by-law.

8.7 Billboard signs shall not be located within 150.0 metres of any Residential Zone.

8.8 Billboard signs may be accessory signs or non-accessory signs.

8.9 Wall-mounted billboard signs shall:

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- (a) have a maximum projection of 0.35 metres beyond the face of the wall.
 - (b) have a maximum area not exceeding 20% of the area of the portion of the wall to which the sign is attached, but in no case greater than 18.0 square metres.
- 8.10 Free-standing billboard signs shall:
- (a) be located behind the required building line setback.
 - (b) have a maximum height of 7.5 metres.
 - (c) have a maximum area of 25.0 square metres.
- 8.11 A maximum of (1) one billboard sign structure, having a maximum of 2 sign faces, shall be erected on any one lot.
- 8.12 Billboard sign locations shall have a minimum separation of 1,000 metres.
- 8.13 Notwithstanding any provision of this by-law, a billboard sign location on the property outlined in Schedule "B" of this by-law shall be permitted and is exempt from the regulations of this by-law provided it advertises more than 1 business or activity in the Municipality.

9 BUSINESS ACCESSORY SIGNS

- 9.1 The Chief Building Official may require proof of structural adequacy of the sign or supporting building where, in his opinion, such proof is necessary.
- 9.2 No sign, advertising device or canopy shall be attached or displayed in or upon the sidewalk but shall be securely attached to a building or other satisfactory support and it shall be the duty of the owner of the sign to ensure that the same is securely attached to the support and so maintained.
- 9.3 It shall be the responsibility of the owner of the sign to ensure that any sign erected or structurally altered is in accordance with the Building Code, Canadian Standards, and any other applicable regulations.
- 9.4 It shall be the responsibility of the owner of the sign to ensure that any building, parapet wall or other structure, or any part thereof, is adequate to support the sign without reducing the safety factors for all loads to which it may be subjected, including those loads resulting from or caused by the erection of the sign, wind and snow, and is fully capable of safely transferring said loads through its structural members to soil having adequate load-carrying or load-resisting capacity.
- 9.5 Materials subject to wind forces used in the construction of signs shall be of sufficient strength and shall be installed to withstand a designed external pressure as prescribed by law.
- 9.6 Materials subject to thermal forces shall be installed so that their expansion and contraction over the temperature range to which the material is likely to be subjected will not dislodge material from its assigned position.

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- 9.7 Plastic materials used in the construction of sign faces shall comply with the Building Code Act.
- 9.8 No sign, illuminated or operated electrically, shall be erected, maintained or altered, unless such electrical work is in conformity with the Electrical Safety Authority regulations and shall be equipped with such devices as are necessary in order that the sign shall not interfere with radio or television reception.
- 9.9 A sign shall be constructed and erected so that all structural design assumptions used or applicable in its design are valid after the completion of the construction and erection of the sign, and for the life of the sign.

10 DIRECTIONAL SIGNS

- 10.1 *Directional signs* shall be permitted in all zones to direct and regulate traffic and parking on a lot.
- 10.2 One (1) *directional sign* shall be permitted at each point of entrance or exit on a parking lot and, in addition, other directional signs as required to direct traffic may be permitted.
- 10.3 The maximum *sign height* shall be 2.4 metres.
- 10.4 The maximum *sign area* shall be 0.75 square metres in total and may bear the name of the business which owns and operates the parking lot.

11 FASCIA SIGNS

- 11.1 Where permitted, *Fascia Signs* shall be erected in accordance with the applicable regulations in Section 5 and 6 of this by-law, the *Fascia Sign General Regulations* noted in this Section and where noted, the regulations as applicable to the zone within which the building lies. If there is a conflict between the *Fascia Sign General Regulations* and the more detailed regulation by Zone, the zone regulation shall apply.

Fascia Sign General Regulations

- 11.2 The maximum *sign projection* from any wall to which the sign is attached shall be 0.35 metres.
- 11.3 The minimum *sign clearance* shall be:
- (a) 0 metres when projecting over an area not intended for pedestrian or vehicular traffic.
 - (b) 2.4 metres when projecting over an area intended for pedestrian traffic.
 - (c) 4.3 metres within 0.6 metres of an area intended for vehicular traffic.
- 11.4 Advertising copy shall be prohibited on the ends of a *fascia sign*.
- 11.5 *Fascia signs* shall have a maximum *sign area* of 10% of the area of the wall to which the sign is to be attached.

Open Space Zone

SIGN BY-LAW #

11.6 *Fascia signs* within the Open Space Zone shall have a maximum *sign area* of 10% of the area of the wall to which the sign is to be attached but:

- (a) No more than 5.0 square metres when accessory to a farm-related occupation, veterinary clinic, dog kennel, riding stable or riding academy; and,
- (b) Shall have a maximum *sign area* of 0.13 square metres when accessory to a home occupation.

11.7 Within the Open Space Zone the maximum number of *fascia signs* shall be 2 per lot, except for a *home occupation*, which is permitted only one sign for a property.

Institutional Zone

11.8 Within the Institutional Zone, *fascia signs* shall have a maximum sign area of 10% of the area of the wall to which a sign is to be attached but in no case greater than 5.0 square metres and the maximum number shall be 2 per lot.

Residential Zone

11.9 *Fascia signs* within the Residential Zone shall comply with the following regulations:

- (a) Maximum *sign area* of 0.5 square metres when accessory to a tourist home.
- (b) Maximum *sign area* of 0.2 square metres when accessory to hairdresser or barber in a residential dwelling and a maximum area of 0.13 square metres when accessory to a *Home Occupation*.

11.10 *Fascia Signs* within the Residential Zone shall be limited to:

- (a) 1 per lot when accessory to a tourist home and home occupation; a multiple residential dwelling, business office, professional office, studio, clinic, dental or medical laboratory or supplies, day nursery, nursery school, travel agency, or interior decorator.

12 FARM ACCESSORY SIGNS

12.1 *Farm accessory signs* may be placed on a Municipality road allowance in accordance with the following restrictions:

- (a) A minimum setback of 3.0 metres to a roadway if there is no curb and no shoulder;
- (b) A minimum of 0.5 metres to a roadway if there is a curb, shoulder or sidewalk;
- (c) A minimum of 5.0 metres to a driveway other than the farm driveway, measured from the nearest edge of the driveway;
- (d) A minimum of 15.0 metres to an intersecting road, measured from the nearest edge of the shoulder or the roadway if there is no shoulder; and,
- (e) A maximum *sign area* of 1.0 square metre and a maximum *sign height* of 1.2 metre.

13 GROUND SIGNS

13.1 Where permitted, *Ground Signs* shall be erected in accordance with the applicable regulations in Section 5 and 6 of this by-law, the *Ground Sign* General Regulations noted in this Section and, and where noted, the regulations as applicable to the zone within which the building lies. If there is a conflict between the *Ground Sign* General Regulations and the more detailed regulation by *Zone*, the zone regulation shall apply.

Ground Sign General Regulations

13.2 Ground signs are prohibited within 3 metres from any lot line abutting a street and 1 meter to any interior lot line, within the *daylight corner visibility triangle*, or within 15.0 metres of another *ground sign*.

Open Space Zone

13.3 Within the Open Space Zone the following regulations shall apply to ground sign:

- (a) a maximum *sign area* of 4.0 square metres when accessory to a farm related occupation, veterinary clinic, dog kennel, riding stable or riding academy; and,
- (b) a maximum *sign area* of 0.07 square metres and a maximum height of 1.4 metres when accessory to a home occupation.
- (c) the maximum *sign height* shall be 2.5 metres.
- (d) the maximum number of ground signs shall be 2 per lot except for a *Home Occupation* which shall permit only 1 (one) sign for a property.

Commercial Zone

13.4 Within the Commercial Zones the following regulations shall apply to ground signs:

- (a) Permitted for each lot having a minimum continuous street frontage of 15.0 metres.
- (b) Shall have a maximum height of 3.0 meters and a maximum area of 5.0 square meters.
- (c) A maximum of 1 *ground sign* shall be permitted for each main building erected on the lot.

13.5 Within the C-1 and C-2 Zones, ground signs are permitted to have a minimum 0 metre setback, but are prohibited within the *corner visibility triangle* or within 15.0 metres of another ground sign.

Industrial Zone

13.6 Within the Industrial Zones the following regulations shall apply to *ground signs*:

- (a) permitted for each lot having a minimum continuous street frontage of 15.0 metres.
- (b) a maximum sign height of 3.0 metres and a maximum area of 5.0 square metres.
- (c) A maximum of 1 ground sign shall be permitted for each premises.

Institutional Zones

13.7 Within the Institutional Zone the following regulations shall apply to ground signs:

- (a) a maximum sign area of 4.0 square metres, maximum sign height of 2.5 meters.
- (b) prohibited within 3.0 metres of any lot line.
- (c) a maximum of 2 signs on any one lot.

Residential Zone

13.8 Within the Residential Zones the following regulations shall apply:

- (a) Maximum sign area of 3.0 square metres when accessory to a tourist home.
- (b) Maximum sign area of 4.0 square meters when accessory to a multiple residential use, business office, professional office, studio, clinic, dental or medical laboratory or supplies, day nursery, nursery school, travel agency, interior decorator, but shall not include a Home Occupation.
- (c) Maximum sign area of 0.2 square metres when accessory to a hairdresser or barber located in a residential dwelling a ground sign for a Home Occupation is prohibited.
- (d) Maximum sign height of 2.5 meters.
- (e) Prohibited within 3.0 metres of any lot line.
- (f) Revolving and/or Rotating Signs are prohibited.

13.9 Within the Residential Zones the maximum number of ground signs shall be:

- (a) 1 per lot when accessory to a tourist home and Home Occupation.
- (b) 2 per lot when accessory to a multiple residential dwelling business office, professional office, studio, clinic, dental or medical laboratory or supplies, day nursery, nursery school, travel agency, or interior decorator.
- (c) Revolving and/or Rotating Signs are prohibited.

14 INCIDENTAL SIGNS

14.1 No sign with a commercial message that is legible from a position off the lot shall be considered an *incidental sign*.

15 PORTABLE SIGNS

15.1 *Portable signs* are not permitted within the Port Stanley Community Area.

15.2 *Portable signs* shall be accessory to the property on which they are located and comply with Section 6.15 of this by-law.

15.3 A *portable sign* for each business / occupancy on a property may be permitted in accordance with the following:

- (a) Shall be limited to a time period not exceeding a maximum accumulated total of 120 days for each calendar year, issued on a monthly basis

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- (b) No more than 1 portable sign is permitted per property frontage and in accordance with 14.7 below.
 - (c) A portable sign shall not be placed on a multi-unit commercial/industrial property in the same location for more than the maximum time period of 120-days per calendar year.
 - (d) Where the mobile sign is rented/leased from a sign company, the sign shall have the name and telephone number of the sign company affixed to the sign in a clear and visible location.
- 15.4 *Portable signs* erected or displayed in contravention of this by-law may be removed at the expense of the owner upon the Municipality, by its Chief Building Official or designate, providing the owner with 48 hours written notice of the contravention and the need to remove the sign.
- 15.5 A *portable sign* must bear evidence of Canadian Standards Association approval.
- 15.6 All electrical connections made to portable signs shall be made to the satisfaction of the Municipality of Central Elgin and/or where applicable, to Electrical Safety Authority.
- 15.7 *Portable signs* are prohibited within:
- (a) 2 metres of a street;
 - (b) 2 metres to any interior lot line;
 - (c) the corner visibility triangle;
 - (d) 15 metres of a ground sign;
 - (e) 30 metres of another portable sign; and
 - (f) 15 metres from any traffic lights.
- 15.8 A *portable sign* shall:
- (a) have a maximum *sign height* of 3 metres;
 - (b) have a maximum *sign area* of 4 square metres per side, for a total of 8 square metres.
- 15.9 A portable sign shall not be animated, have flashing lights or flashing panels.
- 16 PROJECTING SIGNS**
- 16.1 *Projecting signs* shall be permitted for each lot having a minimum continuous frontage of 7.5 metres.
- 16.2 The maximum projection of a sign shall be 1.0 metre from the building on which it projects.
- 16.3 The minimum *sign clearance* shall be:
- (a) 0 metres when projecting over an area not intended for pedestrian or vehicular traffic.
 - (b) 2.4 metres when projecting over an area intended for pedestrian traffic.

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- (c) 4.3 metres when within 0.6 metres of an area intended for vehicular traffic.
- 16.4 *Projecting signs* shall not extend above the walls on which they are erected, and the supporting structures shall be screened or designed to compliment or form an integral part of the sign.
- 16.5 A maximum of 1 *projecting sign* is permitted for each business or occupancy from the building from which it projects.

17 PYLON SIGNS

- 17.1 *Pylon signs* shall be permitted for each lot having a minimum continuous street frontage of 30.0 metres.
- 17.2 Where a lot at the intersection of two streets does not have a minimum frontage of 30.0 metres on either street, 1 *pylon sign* shall be permitted if the combined continuous frontage is 30.0 metres or greater.
- 17.3 The maximum *sign height* shall be 5.0 metres.
- 17.4 The maximum *sign area* for each sign shall be 10.0 square meters.
- 17.5 The minimum *sign clearance* when located within 0.6 metres of an area intended for vehicular traffic shall be 4.3 metres.
- 17.6 A maximum of 1 *pylon sign* shall be permitted for each main building established on the lot.
- 17.7 Notwithstanding any other regulations in this Section, within Commercial Zones, *pylon signs* shall be permitted in accordance with the following:
- (a) *Pylon signs* in the C-1 or C-2 zone are permitted:
 - i) a minimum 0 metre setback, but are prohibited within a *daylight corner visibility triangle*,
 - ii) within 10.0 metres of another *ground sign*, and
 - iii) 15 metres of another *pylon sign*.
 - (b) *Pylon signs* in any other Commercial Zone, other than a C-1 or C-2 zone, are prohibited:
 - i) within a *daylight corner visibility triangle*,
 - ii) within 3.0 metre from any lot line abutting a street
 - iii) 1.0 meter to any interior lot line
 - iv) within 10.0 metres of another *ground sign*, and
 - v) 15.0 metres of another *pylon sign*

18 REAL ESTATE TEMPORARY OPEN HOUSE SIGNS

- 18.1 No person shall place or permit to be placed a temporary open house sign on a street under the jurisdiction of the Municipality, except for a temporary open house sign that:
- (a) is a moveable or wire-mounted sign;
 - (b) has no part of the sign within:
 - i) 0.5 metres of a roadway if there is a curb and no shoulder;
 - ii) 0.5 metres of a shoulder;
 - iii) 3.0 metres of a roadway if there is no curb and no shoulder;
 - iv) 0.5 metres of a sidewalk
 - v) 5.0 metres of a driveway, measured from the nearest edge of the driveway;
 - vi) 10.0 metres of an intersecting road, measured from the nearest edge of the shoulder or the roadway if there is no shoulder; or
 - vii) 50.0 metres of any other sign dealing with the same open house event.
 - (c) Is equal to or less than 0.9 square metres in *sign area*;
 - (d) Is equal to or less than 0.9 square metres in *sign height*;
 - (e) Is equal to or less than 1 metre in *sign width*;
 - (f) Is placed no earlier than 9:00 a.m. before the event and removed by no later than 6:00 p.m. on the day of the open house;
 - (g) Is 1 of no more than 4 signs dealing with the same temporary open house event placed at any one time; and
 - (h) Is placed within 2 kilometres of the open house property.
- 18.2 Real estate signs which are installed on any property shall be removed within 14 days of the termination of the event for which the signs are erected, by the owner of such signs or the owner of the property on which the signs are erected, failing which the Chief Building Official may have such signs removed and destroyed in any way deemed appropriate.

19 SIDEWALK SIGNS

- 19.1 A maximum of 1 *sidewalk sign* is permitted for any one business / occupancy.
- 19.2 The maximum *sign area* shall be 0.9 square metres.
- 19.3 The maximum *sign height* shall be 0.9 metres, except when a sign is located in the *corner visibility triangle* where the maximum height shall be 0.75 metres.
- 19.4 The maximum *sign width* shall be 1 metre.
- 19.5 *Sidewalk signs* shall not be illuminated, spin or rotate, or be *Revolving or Rotating signs*.
- 19.6 *Sidewalk signs* shall only be permitted during the business's hours of operation, and shall be taken inside at all other times.

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19.7 *Sidewalk signs* shall be located on the same lot as the business or use to which the sign is accessory. Where it is impossible to locate the sign entirely on the premises, the sign may be placed on an abutting Municipal sidewalk provided that:

- (a) The sign is placed as close to the face of the building or curbs as possible, in a way that least impedes the pedestrian and vehicle traffic.
- (b) A minimum unobstructed sidewalk width of 1.2 metres is maintained.
- (c) Signs located on Municipal sidewalks do not need Municipal approval but must be located in accordance with the by-law and/or removed or relocated if requested by the Chief Building Official or designate.

20 SERVICE STATION SIGNS

20.1 Signs located, erected, or displayed at service stations are only allowed in commercial zones. These signs cannot be illuminated. The signs must display products related to the business on the property.

20.2 Service station signs are subject to the following:

- (a) Are permitted for each lot having a minimum continuous street frontage of 15.0 metres.
- (b) Shall have a maximum height of 3.0 meters and a maximum area of 5.0 square meters.
- (c) A maximum of 1 *ground sign* shall be permitted for each main building established on the lot.
- (d) Are prohibited within the *corner visibility triangle*.

21 SPONSORSHIP SIGNS

21.1 *Sponsorship signs* are permitted on any Public Use facility or property, and on private property with a permitted Commercial Recreational use.

21.2 *Sponsorship signs* shall be for the purpose of acknowledging sponsors but not for advertising sponsor's products, and shall be erected by the property owner and/or community organizations provided the *sign area* does not exceed 3 sq. m.;

21.3 *Sponsorship signs* shall be mounted on a sports field enclosure, or sports field structure, where the sign is facing inward towards the sports field,

21.4 *Sponsorship signs* are to be solid uniform color on the outward face;

22 SUBDIVISION SIGNS

22.1 *Subdivision signs* must conform to the subdivision agreement as approved by Council.

23 TEMPORARY SPECIAL EVENT SIGNS

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- 23.1 Temporary special event signs shall be permitted in all zones.
- 23.2 Temporary special event signs will not be permitted on Municipal road right-of-ways unless such sign or signs promote a community event or a fundraising event for a not-for-profit organization, charitable organization, or service club and have the permission of the Municipality.
- 23.3 No temporary special event sign shall be erected for a period exceeding 30 days. Any temporary special event sign as contemplated by this by-law must be removed within 3 days following the termination or completion of the event, whichever is earlier.
- 23.4 Portable signs promoting a qualifying special event must comply with the regulations set out in Section 15.
- 23.5 Other types of temporary special event signs, excluding portable signs, that are used in conjunction with non-profit events and charitable organization events such as weddings, anniversary and birthday celebrations, or concerts may be erected up to a maximum of 7 days prior to the start of the event and shall be removed within 24 hours following the termination or completion of the event, whichever is earlier.
- 23.6 Temporary signs will be approved for 30 days, renewable to a maximum of 120 days per calendar year.
- 23.7 A temporary sign shall:
- (c) have a maximum *sign height* of 3 metres;
- 23.8 have a maximum *sign area* of 4 square metres per side, for a total of 8 square metres.

Garage Sale Signs

- 23.9 Garage sale signs may be erected up to a maximum of 7 days prior to the start of the event and shall be removed within 24 hours following the termination or completion of the event, whichever is earlier.

Job Fair Signs

- 23.10 *Job Fair signs* shall be permitted as *Temporary Special Event signs* in accordance with the following regulations:
- (a) *Job Fair signs* shall be:
 - i) a moveable or wire mounted sign,
 - ii) equal or less than 0.9 metres in *sign area*,
 - iii) equal or less than 0.9 metres in *sign height*, and
 - iv) equal or less than 1 metre in *sign width*.
 - (b) Shall be permitted in all zones.
 - (c) Be for the purposes of advertising a Job Fair for business(s) located within the Municipality of Central Elgin .
 - (d) Shall be separated by 30.0 metres from another *Job Fair Sign*.

- (e) Shall not be within 15.0 metres of an intersection.
 - (f) Shall only be permitted on private property with permission from the property owner.
 - (g) Shall be permitted within the Municipal right of way, only with written permission from the Municipality and placed where no part of the sign is within:
 - i) 0.5 metres of a roadway if there is a curb and no shoulder;
 - ii) 0.5 metres of a shoulder;
 - iii) 3.0 metres of a roadway if there is no curb and no shoulder;
 - iv) 0.5 metres of a sidewalk;
 - v) 5.0 metres of a driveway, measured from the nearest edge of the driveway;
 - vi) 15.0 metres of an intersecting road, measured from the nearest edge of the shoulder or the roadway if there is no shoulder;
 - vii) 3.0 metres of any fire hydrant; and
 - viii) a sight triangle, or 30 metres of a roundabout as measured from the outer edge of any crosswalk on the roundabout and away from the roundabout.
 - (h) Any *Job Fair sign* shall be erected for a period of no longer than 15 days per event, and shall be removed within 24 hours following the termination or completion of the event, whichever is early.
- 21.8 Any *Job Fair sign* shall only be erected with written permission from the Chief Building Official or designate, in response to a request which shall include: the approximate number and location of signs, if signs are on private property or Municipal Road allowance, and the day of the event.

24 PERMITS AND FEES

- 24.1 All signs shall require a permit from the Municipality except the following:
- (a) Address signs.
 - (b) Campaign signs.
 - (c) Directional signs.
 - (d) Incidental signs.
 - (e) Real estate signs, in accordance with Section 18, advertising sale, lease or rental of a property or premises, or announcing an Open House.
 - (f) Sidewalk signs.
 - (g) Farm produce signs.
- 24.2 Signs requiring a building permit shall not require a sign permit.

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24.3 There shall be a fee payable for any permit required by this by-law, which shall be in an amount prescribed by Council in the User Fee By-law.

Revocation of Permits

24.4 In addition to situations mentioned elsewhere in this by-law, the Chief Building Official or the Chief Building Official's designate is authorized and empowered to revoke any permits issued by the Municipality when:

- (a) the sign does not comply with the provisions of this by-law, and
- (b) when the sign permit has been issued on the basis of inaccurate or omitted information.
- (a) when the sign is not erected pursuant to the authorization.

25 MAINTENANCE AND REMOVAL OF SIGNS**Maintenance of Signs**

25.1 Every sign in the Municipality shall be maintained in good structural condition at all times. All signs shall be kept clean and in good repair, including all metal parts and supports.

Removal of Dangerous Signs

25.2 If in the opinion of the Chief Building Official any sign is in such a state so as to constitute an unsafe condition, he is authorized to take any remedial action authorized by the Building Code Act, including immediate removal of the subject sign without notice to any person or entity.

Repair or Removal of Defective and Non-Conforming Signs

25.3 If any sign does not conform in any respect with the provisions of this by-law, or any other by-law, or if any sign is, in his opinion, in a defective condition, the Chief Building Official or designate shall give written notice to the owner thereof to remove or repair the sign. Such notice shall require the repair or the removal of the sign within a period of 48 hours. It shall be the duty of such owner to repair or remove the sign in accordance with the notice given. Where repair is not reasonable or practicable within 48 hours, the Chief Building Official or his designate may extend the compliance date. If the sign is not repaired or removed within the specified time period set by the Chief Building Official or designate, the Chief Building Official or designate will arrange to have the sign repaired or removed. All costs associated with the repair or removal of the sign shall be charged to the owner or the sign or of the lands or premises

Existing Signs

25.4 Notwithstanding the above, and anything else contained in this by-law, where on the day of passing of this By-law a sign was legally permitted, erected, and maintained, nothing shall prevent:

- (a) The continued use of the sign in a manner for which it was originally approved.
- (b) To prevent maintenance of the sign, or

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- (c) To prevent a change in copy on the sign where the sign is not erected pursuant to the authorization.

25.5 Where for any reason a sign permitted pursuant to Section 25.4 is to be replaced or removed, a new sign shall only be erected in conformity with the provisions of this by-law.

Removal of Signs on Public and Municipal Property

25.6 In the case of a sign erected in contravention of this bylaw on public and/or Municipal owned property, the Chief Building Official may arrange for the sign to be removed without notice. A person or organization responsible for the sign may claim the sign within 5 days. If the sign is not claimed, the Chief Building Official may order such sign destroyed or disposed of in any way deemed appropriate.

Non-accessory Signs

25.7 Except where otherwise specifically provided, no person shall display any sign, the copy of which does not relate directly to an activity presently conducted or product or services presently available on the premises where the sign is displayed. When a sign remains in place after the activity, business, product or service the sign had advertised, is no longer conducted or available on the premises on which the sign is located, such sign is considered to have been abandoned. Removal of abandoned signs shall be completed pursuant to the process outlined in Section 25.3 of this by-law.

Removal of Campaign Signs

25.8 Campaign signs which are installed on any property shall be removed within 72 hours of voting day for which the signs are erected, by the owner of such signs or the owner of the property on which the signs are erected, failing which the Chief Building Official may have such signs removed and destroyed or disposed of in any way deemed appropriate.

Cost of Removal and Maintenance

25.9 Any person who places or permits to be placed a sign that does not comply with this by-law is required to remove the sign forthwith. If a person required to remove a sign fails to do so, then the Chief Building Official or designate may remove it. The Municipality may recover the expense for the removal of a sign in like manner as municipal taxes pursuant to the provisions of the Municipal Act.

26 PORT STANLEY COMMUNITY AREA

26.1 In the event that the sign is to be installed on Premises or a building located within the Port Stanley Community Area, in addition to the other requirements, the following regulations apply,

- (a) New signs on existing commercial buildings shall be restricted to traditional locations such as fascia or storefront sign bands, usually above a transom and below the mid-belt cornice or, in the case of lettering, may be applied directly to storefront glass windows;
- (b) New signs should be placed in a manner that does not directly harm or indirectly block the view of architectural features, such as windows and ornamentation;

- (c) Lit signs shall be externally illuminated;
- (d) Traditional retractable canvas awnings with signs on the leading edge will be encouraged;
- (e) Corporate logos, icons, and sign motifs may be permitted on building façades and store fronts, provided that they are appropriately reduced in dimensions to fit within the fascia sign band;
- (f) Corporate logos, icons, and sign motifs and related corporate wall coverings will not be permitted where they cover up heritage building fabric at the front, sides, or rear; and
- (g) Canopy Signs, Portable signs and Pylon signs are not permitted

27 HERITAGE REVIEW

- 27.1 In the case of a building or a property that is listed on the Municipality's Register of properties of Cultural Heritage Value or Interest or Designated as a Property of Cultural Heritage Value or Interest pursuant to the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended,
- (a) Applications for a sign permit are subject to review and approval by the Council of the Municipality;
 - (b) Prior to the issuance of the permit, Council shall consult with its Municipal Heritage Committee respecting any application and prior to making a decision;
 - (c) Every application submitted to Council pursuant to subsection (a) above shall be accompanied by plans drawn to scale clearly showing;
 - (i) The type, character, dimensions and design of the proposed sign including historically appropriate colours of the sign and lettering;
 - (ii) The proposed means of illumination;
 - (iii) Any additional information that Council may prescribe or require.

28 VARIANCES

Approval Authority

- 28.1 Upon the request of the property owner or the property owner's agent, the Chief Administrative Officer, as the delegated authority and at his discretion, may approve minor variances between the requirements a sign pursuant to this By-law and a specific sign erected or to be erected.

Minor Sign Variance Considerations

- 28.2 In considering a minor sign variance application, the Chief Administrative Officer shall have regard to:

- (a) Special circumstances or conditions applying to the property, building, or use referred to in the application;
- (b) whether such special circumstances or conditions are pre-existing and not created by the owner or applicant;
- (c) whether the proposed sign will detrimentally alter the character of the building, property or area; and
- (d) whether the general intent and purpose of the Sign By-law is maintained

Approved Exemptions

28.3 The sign variance approval authority of the Chief Administrative does not apply to the following sections of the Sign By-law:

- (a) Schedule A, Permitted Sign Use/Property Use Table, Signs allowed by property use (Section 5);
- (b) All Sign By-law provisions regarding Portable Signs (Section 15); and
- (c) All provisions regarding Billboard Signs (Section 8).

Variance Applications

28.4 An application for a variance from one or more of the requirements in this Sign By-law shall:

- (a) Describe the land, building or structure on which the proposed sign is or is to be erected, by street name, street number or by other equivalent description;
- (b) State the full names, addresses, and telephone numbers of the owner and any occupant of the premises and the owner and/or lessee of the sign;
- (c) Contain a declaration to be sworn by the applicant as to the truth and accuracy of the application, its contents and the submitted documents including property owner authorization;
- (d) Be accompanied by plans specifications, and drawings in accordance with the following subsection;
- (e) The plans, specifications, and drawings required and referred to above shall:
 - i. Be drawn to scale and be of sufficient detail to establish that the work, when completed, will conform to the provisions of this By-law and all other relevant By- laws of the Corporation;
 - ii. Include information with regard to materials used: message; lighting; colours; dimensions of the sign area; sign face and supporting members; the maximum height; clearance; projection and all other relevant structural information;
 - iii. When applicable include an elevation of the premises upon which the sign is to be erected indicating the location and dimensions of the

proposed sign on the building, vehicular access, doors, windows and other existing signs; and

- iv. When applicable include a site plan of the lands upon which the sign is to be erected indicating the location of the proposed sign on the site, street lines and other boundaries of the property, sight/visibility triangle and the location and dimensions of the building(s) thereon.
- (f) Be made by an owner, or authorized representative of an owner, of both the property on which the sign is to be erected and the sign.
- (g) Be filed with the Municipality for consideration by the Chief Administrative Officer.
- (h) Include a justification of why the provisions of the Sign By-Law cannot be complied with.

Approval and Conditional Approval

28.5 The Chief Administrative Officer may approve or refuse any variance application and may impose conditions upon an approval as deemed appropriate and shall notify the applicant owner(s) of the details of such decision, in writing, within 7 business days of the date upon which the decision was made.

Appeal to Council

28.6 Should the Chief Administrative Office deny a variance application, the property owner or property owner's agent and the owner of the sign may appeal the decision to Council.

29 PENALTY

29.1 Every person who contravenes a 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, R.S.O. 1990, c.P.33, as amended.

30 ADMINISTRATION AND ENFORCEMENT

- 30.1 The Corporate Services Department shall be responsible for the administration of this by-law. This by-law may be enforced by the Chief Building Official or designate.
- 30.2 If any section or sections of this by-law or parts thereof are found by any Court to be unlawful or beyond the power of Council to enact, such section or sections or parts shall be deemed to be severable and all other sections or parts of this by-law shall be deemed to be separate and independent and shall continue in full force.
- 30.3 This by-law shall come into effect on the final passing thereof by the Council of the Corporation of the Municipality of Central Elgin.

MUNICIPALITY OF CENTRAL ELGIN
SIGN BY-LAW #

READ a FIRST and SECOND TIME this day of , 2017.

READY a THIRD TIME and FINALLY PASSED this day of, 2017.

READ A FIRST, SECOND, AND THIRD TIME AND FINALLY PASSED THIS DAY OF 2017.

Donald N. Leitch
CAO/Clerk

David Marr
Mayor

DRAFT