



CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2009-79

A BY-LAW TO REPEAL BY-LAW 2006-92 BEING A BY-LAW TO REGULATE THE ERECTION AND MAINTENANCE OF SIGNS AND OTHER ADVERTISING DEVICES IN THE TOWN OF NEWMARKET.

WHEREAS it is deemed advisable to prohibit and regulate signs and other advertising devices on buildings or vacant lots in the Town of Newmarket, that are not covered by the *Building Code Act* or Rep - 3.14. O.B.C.;

WHEREAS it is deemed advisable to prohibit and regulate signs and other advertising devices on buildings or vacant lots in the Town of Newmarket, that are not covered by the *Municipal Act*, Sections 11(1)7, 11(2) and 99;

AND WHEREAS the Corporation of the Town of Newmarket deems it advisable to make this By-law applicable to the whole of the Town;

AND WHEREAS the Municipal Council of the Corporation of the Town of Newmarket enacted By-law 2006-92 on June 12, 2006;

AND WHEREAS it is deemed necessary to repeal By-law 2006-92.

THEREFORE BE IT ENACTED by the Municipal Council of the Corporation of the Town of Newmarket as follows:

1.0 **DEFINITIONS:**

The following words shall have the following meanings in this By-law:

"ADVERTISING DEVICE" shall mean any designed device or object creating a design and intended to be erected or located or affixed on any property; this shall include flags, *banners*, pennants, lights, *inflatable devices*, or any object intended for advertising purposes, but shall not include any *sign* or device as set out above having an area of less than .37 m² (4 sq. ft.);

"A-FRAME PORTABLE SIGN" shall mean a non-*illuminated sign*, which is designed to be readily moved from one location to another and shall be finished on all sides with paint or finished with *materials* resistant to the effects of the environment, be hinged at the top, be securely fastened between each face and shall be constructed so as to be stable when placed in location;

"ALTER" means any change to the *sign structure* or the *sign face* with the exception of the re-arrangement of numerals, letters or copy applied directly to the face of a *sign* and specifically designed and intended to be periodically rearranged, the repair and maintenance of a *sign*, and a change in *sign copy*;

"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 of structure and includes a canopy;

"BANNER" means a *sign* or *advertising device* made from cloth, plastic or a similar lightweight non-rigid material;

"BILLBOARD SIGN" means an outdoor *sign* that advertises goods, products, or services that are not sold or offered on the property where the *sign* is located, and is either single sided or double sided and shall allow for one rotating side;

"BUILDER" means a person or corporation proposing to undertake or undertaking the construction of new homes within the Town of Newmarket;

"BUILDING CODE" means regulations made under Section 34 of the *Ontario Building Code Act*, S.O. 1992, c.23;

"BUSINESS" means a *commercial* or *industrial* activity carried on or permitted under the *Zoning By-laws*;

"BUSINESS PREMISES" means any property from which one or more *commercial* or *industrial* activities are carried on or are permitted under *Zoning By-laws*;

"COMMERCIAL" means a *Commercial zone* as defined in the *Town of Newmarket Zoning By-law*;

"DEVELOPMENT SIGN" means a sign that advertises only the development in which the sign is located and not the sale of lots elsewhere or the realtor's, developer's or *Owner's* business in general.

"DIRECTIONAL SIGN" means any on premises *sign*, which gives directions or instructions for the control of vehicular or pedestrian traffic and shall include both entry and exit signage;

"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;

"FASCIA SIGN" means a *sign*, which projects no more than 20.32 cm. (8 inches) from the face of the wall, 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 and having the exposed face thereof on a plane approximately parallel to the plane of such wall and includes a painted wall *sign* and an *awning sign*. A *Fascia sign* shall not include any other *sign* defined in this By-law unless otherwise stated;

"FRONTAGE" means the length of the property line of any one lot parallel to and along each legally accessible public *street*, except for corner lots shall mean the total length of the property lines on all legally accessible public *streets*;

"GROUND SIGN" means a *sign* directly supported by the ground without the aid of any other building or structure, which *sign* includes the names of *Owner(s)* and address and/or advertising goods, products, services or events that are sold, offered, or provided on the premises on which the *sign* is located;

"ILLUMINATED SIGN" means a *sign* that provides artificial light directly, or through any transparent or translucent material, from a source of light connected with such *sign*, or a *sign illuminated* by a light focused upon or chiefly directed at the surface of the *sign*;

"INDUSTRIAL" means an *Industrial zone* as defined in the *Town of Newmarket Zoning By-law*;

"INSPECTOR" means the By-law Enforcement Officer appointed by the *Town of Newmarket* or such person designated by the municipality;

"INFLATABLE SIGN" means a *sign* or *advertising device* designed to be airborne and tethered to the ground, a vehicle or any other structure and shall include balloons and any other *inflatable* devices. Classification of *Inflatable Sign* shall not relieve it from any other *sign* classification of this by-law;

"INSTITUTIONAL" means an *Institutional zone* as defined in the *Town of Newmarket Zoning By-law*;

"MATERIALS" means the products and assemblies that individually or as an assembly constitute the *sign* or portion thereof;

"MOBILE SIGN" means a non-illuminated sign which does not contain any mechanical or electronic devices to simulate motion and which is designed to be readily moved from one location to another, and is not permanently installed or affixed to the ground and which does not rely on any building or fixed structure for support. Such signs shall have a maximum of two faces, a maximum area of 2.97 m² (32 square feet) per face and no face shall exceed 2.44 m (8 feet) in width or 1.22 m (4 feet) in height. The maximum height, measured from the grade for such signs, including supporting structure, shall not exceed 1.52 m (5 feet). Such signs shall be comprised of a black background, within a black frame and all letters or other writings or markings thereon shall be white.

"MURAL SIGN" means any type of display or artistic endeavour painted on or otherwise affixed directly to any side(s) of a building or structure;

"NEW HOME DEVELOPMENT" means a new residential project, which is the subject of a development agreement and which may be comprised of one or more registered plans of subdivision;

"NEW HOME DEVELOPMENT SIGN" means a non-illuminated sign, which is not permanently installed or affixed to the ground and where the purpose of the sign is to direct attention to the sale of new homes;

"OWNER" means the Owner, authorized agent, lessee, or occupier of the lands or structure upon which a sign or advertising device is located;

"PARKING LOT" means a lot or lots or portion thereof provided for the parking of motor vehicles accessory or incidental to uses in Commercial or Industrial zones;

"PROJECTING SIGN" means a sign attached to a building or structure, which projects horizontally from the building/structure;

"REAL ESTATE SIGN" means a temporary non-illuminated sign installed, erected or displayed for the notification that a building, premises or portion thereof is available for or offered for sale, rent or lease.

"RESIDENTIAL" means a Residential zone as defined in the Town of Newmarket Zoning By-law;

"ROOF SIGN" means a sign supported entirely or partly by the roof of a building or structure and which projects above the roof;

"SHOPPING CENTRE" means a group of Commercial establishments, whether or not under one Ownership, having a common parking area;

"SIGHT TRIANGLE" means in the case of a corner lot, the triangular space formed by the street lines and a line drawn from a point in one street line to a point in the other street line, each such point being 6 metres (19.69 feet) measured along the street from the point of intersection of the street lines, or any other sight triangle that is set out in a relevant section of the Zoning By-laws, or in a development agreement, or a sight triangle otherwise approved by the Town or Region;

"SIGN" means any surface, structure and other component parts, which are used or capable of being used as a visual medium to attract attention to a specific subject matter for identification, information or advertising purposes and includes an advertising device, but shall not include any sign or device as set out above having an area of less than .37 m² (4 sq. ft.);

"SIGN FACE" means that portion of a sign, excluding the sign structure, upon which, as part of, against or through which the message of the sign is displayed. The sign face is an area composed of individually installed letters, numerals, or shapes, the sign face shall mean the area enclosing the letters, numerals, or shapes;

"SIGN STRUCTURE" means anything used to support or brace a sign face and which is attached to the ground or a building or structure;

"STREET" means any highway;

"STREET LINE" means the limit of the *street* allowance and the dividing line between a lot and a *street*;

"TOWN" means the Corporation of the *Town* of Newmarket;

"ZONE" means the area of a defined land use in the *Town's Zoning By-law* passed under the *Planning Act*, as amended, from time to time;

"ZONING BY-LAW" means the *Zoning By-law* of the *Town* of Newmarket passed under the *Planning Act*, as amended, from time to time.

2.0 **ADMINISTRATION:**

2.1 **Interpretation:**

- a) A word interpreted in the singular number has a corresponding meaning when used in the plural.
 - b) The imperial measurements found in this By-law in brackets are provided for information only and are intended to be an approximate conversion of the metric measurements. The metric or SI measurements shall be deemed to be the standards established by this By-law and, wherever there is a variance between the metric or SI measurements and the imperial measurements, the metric or SI measurements shall apply.
- 2.2 Administration of the O.B.C. 3.14, is administered by a Building Inspector as appointed by Council.
 - 2.3 This by-law shall be administered by the *Inspector* of the *Town* of Newmarket.
 - 2.4 Where any *sign* proposed to be erected may be considered as more than one form of *sign* permitted by this by-law or as a combination of forms of *sign* permitted by this by-law, such *sign* shall conform to the most restrictive provisions of this by-law.
 - 2.5 No *sign* other than a *Fascia sign* and those permitted under **Section 19.1.4** shall be permitted within 10.67 metres (35 feet) of a traffic light.
 - 2.6 *Illuminated signs* shall be designed, erected and operated so that the light from such *signs* is deflected away from any adjacent *residential* premises and *streets*.
 - 2.7 Rotating *signs* or *advertising devices* shall be subject to the following regulations:
 - 2.7.1 Such *signs* shall be erected in a manner so as not to be visible from a contiguous *residential zone*.
 - 2.7.2 No sound may be projected therefrom.
 - 2.7.3 No such *sign* shall be located within 22.86 metres (75 feet) of a *street* intersection or traffic light.
 - 2.7.4 No stoplight red shall be used on a sign.
 - 2.7.5 Electric illumination only is permitted and shall be installed in accordance with the requirements of Newmarket Hydro.
 - 2.8 Flashing, animated or noise emitting signs of any size are strictly prohibited.

3.0 RESPONSIBILITY FOR COMPLIANCE WITH THIS BY-LAW:

3.1 Neither the granting of a permit nor the approval of the plans and specifications nor inspections made by the *Town* shall in any way relieve the *Owner* or any other person from full responsibility for carrying out work or having the work carried out in complete accordance with the requirements of this by-law or any other by-law applicable to the *sign*. For the purposes of this by-law the *Owner* or lessee may be an individual, corporation, sole proprietorship or partnership.

4.0 GENERAL PROVISIONS:

4.1 No person shall erect, install, post, display, keep or maintain on a premises within the *Town* any *signs* or *advertising device* except such *signs* as are permitted by this by-law.

4.2 Unless otherwise expressly provided in this by-law, no person engaged in a *business* shall erect, install, post, display, keep or maintain or cause to be erected, installed, posted, displayed, kept or maintained any *sign* on any *business premises* except on the *business premises* upon which such *business* is located and provided the written consent of the registered *Owner* of the property is obtained.

4.3 No person shall make application for a *sign* permit who is not the *Owner* of the property on which the work is to be performed, nor shall any person submit false or misleading information or documents or make omissions that may mislead in connection with any application for a *sign* permit, detail of construction or revision thereto.

4.4 The *Owner* shall be responsible to comply with this by-law and the approved plans and specifications, and to be satisfied that each set of plans and specifications approved by the *Town* is identical in every respect. Failure to do so shall not relieve the *Owner* of the responsibility for complying with every requirement of the by-law should any discrepancies become apparent.

4.5 Revisions may be made to the application or approved documents provided they do not require significant additional work by the *Town*. An administration fee as set out on **Schedule "A"** of this by-law will be charged for all revisions.

5.0 REQUIREMENT FOR PERMIT:

5.1 No person shall erect, install, post, display, keep or maintain on a premises within the *Town* any *sign* or *advertising device* for which a permit is required and has not been obtained.

5.2 A change in the message displayed by a *sign* or other *advertising device* does constitute an *alteration* so as to require a permit.

5.3 Notwithstanding **Section 5.1**, a *sign* permit is not required for the following *signs*, but such *signs* shall comply with all other requirements of this By-law:

- a) official *signs* or *signs* pertaining exclusively to public safety;
- b) election *signs*, erected in accordance with **Section 25.0**;
- c) a non-illuminated trespassing, safety or other warning *sign* not exceeding 0.5 m² (5.38 sq. ft.) in *sign* area;
- d) an address *sign* not exceeding 0.2 m² (2.15 sq. ft.) in *sign* area unless otherwise provided for in this by-law;
- e) flags of corporations, educational, or religious organizations provided that not more than three (3) flags are located at one (1) premises;
- f) emblems or insignia of patriotic, civic, educational, or religious organizations;
- g) commemorative plaque or corner stone of a non-advertising nature;
- h) a *directional sign* in accordance with **Section 18.5 c) and d)**;
- i) a construction site *sign* on a construction site in accordance with **Section 22.4**;
- j) a *sign* other than an on-premises *Ground* or *Fascia sign*, erected displayed or stored on the *business premises* of a *sign* manufacturer or contractor;
- k) a *real estate sign* in accordance with **Section 31.0**;
- l) a garage sale *sign*;

- m) an open house *directional sign*;
- n) a *sign* for a contractor undertaking landscaping, home repairs or renovations, provided such *sign* is erected no more than seven (7) days prior to the commencement of the project and is removed from the property immediately after the project is completed;
- o) a fund raising *sign*, for a charitable or non-profit organization provided only one (1) *sign* is erected per *street frontage* and the *sign* is erected only for the duration of the event and is located on the property of the organization;
- p) public transit shelter advertising or any advertising on *street* furniture and fixtures approved by the *Town* or Region.

6.0 **APPLICATIONS FOR PERMITS:**

6.1 All *signs* shall comply with all other applicable *Town* by-laws and all other applicable law. All *signs* shall be erected and designed in accordance with the requirement of the *Building Code*, as amended.

6.2 Every applicant for a *sign* permit shall complete a *sign* permit application provided by the Building Division of Legal and Development Services, submit all necessary plans and drawings, and pay all applicable fees as set out on **Schedule "A"** of this by-law.

6.3 Where the *sign* permit application meets all the requirements of this by-law and any other applicable laws, a *sign* permit shall be issued.

6.4 *Sign* Permit Information

6.4.1 All plans and drawings accompanying a *sign* permit application for *signage* shall be provided in duplicate and shall contain the following information:

- a) a site plan survey showing the location of the proposed *sign* is to be located at the nearest major intersection;
- b) a plan of the premises drawn to scale showing all measurements in metric;
- c) the municipal address and legal description of the premises;
- d) the existing or proposed use of the premises;
- e) the zoning category of the premises;
- f) the location of all existing buildings and their entrances;
- g) the location and dimensions of the *frontage* and all boundaries of the premises on which the *sign* is proposed to be erected;
- h) the location and size of existing and proposed *signage* on the premises;
- i) details of the *sign* drawn to scale, including dimensions, *sign* area and any other information as may be required to determine compliance with this by-law;
- j) other information as determined by the *Inspector* with respect to the building including architectural and structural drawings as may be necessary to determine if the building is structurally capable, under the *Building Code*, of supporting the *sign* or *advertising device*; and
- k) authorization of the *Owner* of the premises on which the *sign* is to be erected or displayed.

6.5 An application for a *sign* permit shall be deemed to have been abandoned six (6) months after the date of filing, unless such application has been diligently pursued or a permit has been issued.

7.0 **EXPIRATION OF PERMIT:**

7.1 Every permit issued by the *Town* shall expire six (6) months from the date of issuance unless the *sign* is erected or displayed for its intended purpose and the permit shall become null and void upon the removal of the *sign*.

8.0 RENEWAL OR TRANSFER OF PERMIT:

- 8.1 Where a permit has been issued and before it has expired, an application may be made to extend the permit for a further six (6) months and the provisions of **Section 6.0** do not apply, except the provisions requiring compliance with the *Building Code*.
- 8.2 The *Town* may renew the permit after payment of the prescribed application fee where the *sign* conforms with this by-law.

9.0 REVOCAION OF PERMIT:

- 9.1 A permit may be revoked by the *Town* under the following circumstances:
- 9.1.1 where the *sign* does not conform to this by-law and amendments thereto; or
- 9.1.2 where the *sign* does not conform to any regulation, law or requirements of any governmental authority having jurisdiction over the area where the *sign* is situated; or
- 9.1.3 where the permit has been issued as the result of false, mistaken, incorrect, or misleading statements, or undertakings in the application; or
- 9.1.4 where the permit has been issued in error by the *Town*.
- 9.1.5 in the event of revocation of a permit, by the *Town*, then **Section 34.1** shall apply.

10.0 MAINTENANCE:

- 10.1 The *Owner* of the premises upon which any *sign* or *advertising device* is located shall maintain, or cause to be maintained such *sign* or *advertising device* in a proper state of repair so that such *sign* or *advertising device* shall conform with any approved plans therefore and does not become unsafe, unsightly or dangerous and so that any *sign* shall be fully operative at all times.
- 10.2 Maintenance or repairs using material identical to the *materials* of the component being maintained or repaired does not constitute an *alteration* so as to require a permit to be issued.

11.0 LOCATION:

- 11.1 No *sign* or *advertising device* shall be erected, placed, or permitted to stand on or overhang public property, including sidewalks or boulevards, except as hereinafter expressly provided in **Section 20.0** and **30.0**.
- 11.2 Notwithstanding any of the provisions of this by-law, no person shall post any *sign* or any other *advertising device* on any tree, post, pole or fence, or erect any *sign* on any property owned by or under the jurisdiction of the Corporation of the *Town* of Newmarket, without the prior written consent of the *Town*.

12.0 PARAPET WALLS:

- 12.1 No *sign* or *advertising device*, other than a *Fascia sign*, shall be erected upon or supported by a parapet.

13.0 FIREWALLS:

- 13.1 No *sign* or *advertising device*, other than a *Fascia sign*, shall be erected upon or supported by a firewall or its parapet.

14.0 CLEARANCES:

No *sign* or *advertising device* shall be so located upon any building as to obstruct any window, door, roof access hatch, skylight or fire escape so as to prevent the free access of fireighers to any part of the building at any time.

15.0 STRENGTH OF BUILDINGS:

No *sign* or *advertising device* shall be erected on any building unless such building has been designed by an engineer to carry the additional dead and wind loads due to the erection of such *sign* or *advertising device*.

16.0 SUPPORTS AND ATTACHMENTS:

Every *sign* and *advertising device* attached to the exterior wall of a building shall be safely and securely anchored thereto by means of approved metal anchors, bolts, chains, wires ropes, or steel rods. No wooden blocks or anchorage with wood used in connection with screws or nails shall be considered proper anchorage except in the case of *signs* attached to buildings with walls of wood. Staples, nails or holdfasts driven into masonry walls shall not be considered proper support or anchorage for *signs*. No *sign* shall be supported in any manner by an unbraced parapet wall, except as provided for in **Section 12.0** of this By-law.

17.0 USE OF APPROVED PLASTICS:

17.1 Notwithstanding any other provisions of this By-law, approved plastics may be used as facing material and as letters and decorations on *signs* or *advertising devices* subject to the following limitations and regulations:

17.1.1 All parts of the *sign* other than the letters and decorations shall be made from non-combustible *materials*, the area of the display surface or facing which may be occupied or covered by letters and decorations may be made from or faced with approved plastics.

17.1.2 If plastics are employed in any part of a *sign* the finished plastic unit shall be identified either with the material manufacturer's trade name, or with the common name of the plastic material.

18.0 GROUND SIGNS:

18.1 Except as provided in **Section 18.4** of this By-law, all *Ground signs* and *Ground signs* and their structural members shall be constructed entirely of metal or other non-combustible *materials*.

18.2 *Signs* or *advertising devices* supported directly from the ground may be erected, provided each such *sign* or *advertising device* shall have a clear space of at least .91 metres (3 feet) between the bottom thereof and the ground.

18.3 No *Ground sign* or *advertising device* shall exceed a height of 7.62 metres (25 feet), and such height shall be ascertained by measuring the distance from the level of the ground immediately below such *sign* to the highest point thereof, provided that in the event the level of the *street* or sidewalk adjacent to such *sign* is erected is higher than the level of the ground upon which the *sign* is erected, the height shall be measured from the level of such *street* or sidewalk.

18.4 Notwithstanding **Section 18.1** hereof, *Ground signs*, other than those of a ground type, constructed wholly or partly of combustible *materials* may be erected provided that such *signs* shall not exceed a height of 3.66 metres (12 feet), measured from the level of the ground immediately below such *sign* to the highest point thereof.

18.5 The following *Ground signs* shall be permitted in a *Commercial* or *Industrial zone*:

a) On undeveloped land, *Ground signs* indicating the future use of the land upon which such *sign* is constructed having a maximum

aggregate area of 27.87 m² (300 sq. ft.), and if *illuminated* they shall be so constructed and located as to deflect the light away from public *streets* and *Residential Zones*.

- b) Subject to subparagraph (c) hereof one *sign* only is permitted upon a paid *Parking lot*, and such *sign* shall bear no wording except the name of the operator and words indicating the use of the property, the fee for parking and such *sign* shall not exceed 1.11 m² (12 sq. ft.) in area.
- c) In all *Commercial Parking lots* one *directional sign* at each point of ingress and egress may be erected, such *sign* not to exceed 1.86 m² (20 sq. ft.).
- d) No advertising *sign* shall be erected upon a *Parking lot* except one *Ground sign* indicating the name of the bona fide *businesses* or services carried on adjacent to the *Parking lot*, such *sign* to have a maximum advertising area of 27.87 m² (300 sq. ft.) and a maximum height of 7.62 metres (25 feet), provided however, that in the case of *Parking lots* of *Shopping Centres* having *street lines* totalling not less than 243.84 metres (800 feet) in length, two such *Ground signs* may be permitted, and such *signs* may have a maximum aggregate advertising area of 46.45 m² (500 sq. ft.) per *sign* and a maximum height of 10.67 metres (35 feet). One *directional sign* at each point of ingress and egress to and from a parking area may be erected, such *sign* not to exceed 1.11 m² (12 sq. ft.).
- e) *Ground signs* which are incidental to the use carried on therein having an aggregate area not exceeding 9.29 m² (100 sq. ft.) may be erected in the case of *business* or professional office buildings.

19.0 **FASCIA SIGNS:**

19.1 Every *Fascia sign* erected or installed pursuant to this By-law shall:

- 19.1.1 Except as provided in **Section 30.0** of this By-law all *Fascia Signs* and their structural members shall be constructed entirely of metal or other non-combustible *materials*.
- 19.1.2 *Fascia signs* shall not be erected to extend above the top of the wall nor extend beyond the ends of the wall to which they are attached.
- 19.1.3 When no portion of a *Fascia sign* located over private property projects more than 20 cm. (8 inches) from the face of the wall, such *sign* may be erected at a minimum height of 2.44 metres (8 feet) above the adjoining grade.
- 19.1.4 *Fascia signs* may be erected on the exterior walls in a *Commercial* or *Industrial zone* of buildings which face a *street*, advertising a bona fide *business* or service conducted, or product sold within the building, or upon the premises, provided:
 - a) that there shall be *signage*, not exceeding 23.22 m² (250 sq. ft.), for each *business* or service conducted, within the building provided that on a corner building (**Schedule "B" attached**) an additional *Fascia sign* having a maximum area of 4.65 m² (50 sq. ft.) is permitted.
 - b) *Fascia signs* which are incidental to the use carried on therein having an aggregate area not exceeding 9.29 m² (100 sq. ft.) may be erected in the case of *business* or professional office buildings.

20.0 PROJECTING SIGNS:

20.1 Every *Projecting sign* shall:

20.1.1 be constructed entirely of metal or other non-combustible *materials*.

20.1.2 have a minimum clearance of 2.44 metres (8 feet) above adjacent grade.

20.1.3 be erected in a *Commercial* or *Industrial Zone* on the exterior walls of buildings which face a *street*, advertising a bona fide *business* or service conducted, or product sold within the building, or upon the premises, provided:

a) that such *signs* shall not project above the roof level in *Shopping Centres*;

b) that there shall be only one such *sign*, not exceeding 23.23 m² (250 sq. ft.), for each bona fide *business* or service conducted, within the building.

21.0 A-FRAME PORTABLE, MOBILE PORTABLE and BANNER SIGNS:

21.1 *A-Frame portable signs* and *Mobile portable signs* are permitted in *Commercial*, and *Industrial Zones*, subject to the following regulations:

a) Each *business premises* shall be restricted to the number of *A-Frame portable signs* or *Mobile portable signs* calculated in accordance with the following:

Lineal Feet of Street Frontage per business premises	Number of A-Frame/Mobile portable signs
.3 - 60.96 metres (1-200 feet)	6
61.26 - 152.4 metres (201-500 feet)	9
152.7 - 304.8 metres (501-1000 feet)	12
304.8 or more metres (1000 or more feet)	15

Businesses permitted the use of *Mobile portable signs* under this by-law shall be permitted, within the calendar year, the use of such *signs* for a maximum of three (3), twenty-one (21) consecutive day occasions computed from the date of permit issuance provided such occasions shall be separated by a minimum of forty-five (45) days, for each *business* located within the *business premises*.

b) Each *sign* shall not exceed 1.22 metres (4 feet) in height or .91 metres (3 feet) in width measured from grade.

c) Within the limits provided in **Section 21.1 a)** hereof, each *business* shall be restricted to the use of either one *A-Frame portable sign* or one *Mobile portable sign* per *business premises* on which the *business* is located at any one time.

d) *A-Frame portable signs* and *Mobile portable signs* shall not be located closer than 4.57 metres (15 feet) from the intersection of a driveway with a *street line* or the intersection of two *street lines* or .91 metres (3 feet) from any municipal sidewalk provided that where the lot abuts a regional road or provincial highway, the *sign* shall be set back such distance from such road or highway as determined by the appropriate road authority provided such distance is not less than 4.57 metres (15 feet);

e) *A-Frame portable signs* and *Mobile portable signs* shall not be located closer than 4.57 metres (15 feet) from the limits of a driveway entrance as delineated by pavement markings, driveway islands or driveway curbs or any combination thereof;

- f) *A-Frame portable signs* and *Mobile portable signs* shall not occupy a parking space within a *parking lot* used for *commercial* or *industrial* purposes;
- g) *A-Frame portable signs* shall not be placed earlier than one hour before the posted hour for the opening of the *business* to which it is related and shall be removed within one hour after the posted hour of the close of *business* to which it is related each day.
- h) *A-Frame portable signs* and *Mobile portable signs* shall not be placed so as to impair or obstruct the movement of vehicular or pedestrian traffic, or the visibility of warning devices, railway, traffic and municipal *street signs*.
- i) *A-Frame portable signs* and *Mobile portable signs* shall have affixed thereto, so as to be plainly visible on the top right corner of the *sign*, evidence that the necessary permit therefor has been obtained in the form prescribed by the *Chief Building Official* from time to time.

21.2 **BANNERS:** One Promotional *Banner* shall be permitted for a period of one (1) month to announce a new *business*.

22.0 SIGNS INCIDENTAL TO CONSTRUCTION:

22.1 A *development sign* shall be located within the development it advertises.

22.2 No two *development signs* shall be located within a development closer than 100 metres (328.08 feet) to each other.

22.3 A *development sign* shall not exceed a maximum area of 10.0 m² (107.64 sq. ft.).

22.4 In addition to a *development sign*, a maximum of two (2) *Ground signs* having a maximum individual *sign* area of 10.0 m² (107.64 sq. ft.), shall be permitted outside the development adjacent to each of the two (2) *arterial streets* nearest to the development being advertised on the *Ground sign*, and shall only be permitted with the consent of the registered *Owner* of the land on which they are located.

22.5 A *development sign* shall be removed when one hundred per cent (100%) of the units being advertised have been sold.

22.6 A *development sign* shall not be erected until the development being advertised has been draft approved.

23.0 TEMPORARY SIGNS IN COMMERCIAL AND INDUSTRIAL ZONES:

23.1 Where in any *commercial zone* a *Ground sign* is permitted which is not yet erected, an *Owner* may erect one non-illuminated *Ground sign*, with a maximum accumulative area of 4.65 m² (50 sq. ft.), for a period not exceeding three (3) months or until the *Ground sign* is erected, whichever shall first occur:

24.0 NEW HOME DEVELOPMENT SIGNS:

A *new home development sign* placed on a *street* under the jurisdiction of the *Town*, shall comply with the following requirements:

24.1.1 each *builder* within a *new home development* shall be limited to ten (10) *new home development signs* per project.

24.1.2 *new home development signs* shall be limited to two corners of a *street* intersection and a maximum of five (5) in total for each corner of the two corners of the *street* intersection;

24.1.3 each *builder* shall be limited to two (2) *signs* in total for each *street* intersection.

- 24.2 A new home development sign shall:
- 24.2.1 contain no more than two (2) sign faces, each sign face having a maximum area of 1.5 m² (16 sq. ft.);
 - 24.2.2 be a maximum height of 1.2 metres (4 feet).
- 24.3 No person shall place or locate a new home development sign:
- 24.3.1 within a sight triangle, on a median or any other location on a street that obstructs a sight line or otherwise interferes with street maintenance, or impedes the movement of pedestrian or vehicular traffic, or otherwise creates a hazard;
 - 24.3.2 closer than 10 metres (33 feet) to a transit stop;
 - 24.3.3 closer than 5 metres (16.5 feet) to a driveway intersection with a street line;
 - 24.3.4 within 1 metre (3.2 feet) of any municipal sidewalk.
- 24.4 No person shall place or locate a new home development sign on a street before 5:00 p.m. on a Friday and all such signs shall be removed no later than 7:00 a.m. of the immediately following Monday, provided that where a Friday or Monday is a statutory holiday, the hours shall be extended only to the extent necessary to include the statutory holiday.
- 24.5 Before issuing a permit for a new home development sign, the builder or Owner shall provide confirmation to the Town that a minimum of \$3,000,000.00 of valid comprehensive general liability insurance is in effect and that the Town is named as an additional insured.
- 24.6 Where a new home development sign has been affixed, erected or otherwise displayed in contravention of any provision of this By-law, the By-law Enforcement Officer may:
- (a) notify or order the Owner to:
 - i) repair the new home development sign;
 - ii) pull down or remove the new home development sign;
 - iii) make the new home development sign comply with the provisions of this By-law.
 - (b) pull down or remove such sign and charge the Owner of the sign, a fee in accordance with the penalty section (**Section 34.4**).
- 24.7 Where a builder has erected a sales office or a model home(s) within a new home development, such builder may place one new home development sign or one (1) Ground sign, not exceeding 1.12 m² (12 sq. ft.), on each residential lot or proposed residential lot intended for private Ownership, upon which such model home or sales office is located. For greater certainty, no such new home development sign or Ground sign may be located on any lands which are to be conveyed to the Town or which may form part of a municipal road allowance.

25.0 **ELECTION SIGNS**

- 25.1 An election sign erected or displayed shall be located a minimum of 3.0 metres (10 feet) away from the face of the curb or edge of pavement and not within 0.6 metres (2 feet) of a sidewalk. In addition, such signs shall not:
- a) be located within a sight triangle;
 - b) be located so as to create an unsafe obstruction or visual impairment for pedestrian or vehicle traffic; and /or

- c) be located so as to obstruct the visibility of any traffic sign or device.
- 25.2 No person shall affix, erect or otherwise display an election *sign* or permit an election *sign* to be affixed, erected or otherwise displayed:
- a) on a tree, utility pole or light standard;
 - b) on the property of any premise used as a polling place or voting location on any election voting day, including those days when advance election voting is held;
 - c) in or on a vehicle that is parked on the property of any premise used as a polling place or voting location on any election voting day, including those days when advance election voting is held, if the sign is visible.
- 25.3 No person shall at any time place an election sign or cause an election sign to be erected or displayed in any public park or on any road allowance abutting Town owned land or facility or any local board. Election signs must be placed only on or adjacent to private property.
- 25.4 No person shall affix, erect or otherwise display an election *sign* or permit an election *sign* to be erected, affixed, or otherwise displayed prior to the issuance of writs for a provincial or federal election or thirty (30) days immediately preceding the day of a municipal election.
- 25.5 An election *sign* which is a *fascia sign* may be affixed to the face of the building or building unit which is used as a candidate's campaign headquarters provided such *fascia sign* complies with the provisions of this *by-law* for a *fascia sign*.
- 25.6 Notwithstanding Sections 25.4 and 25.5 election signs related to a municipal election may be erected as fascia signs on campaign offices once the candidate has filed his or her nomination paper and paid the required filing fee.
- 25.7 An election *sign* shall not exceed a maximum *sign* area of 2.97 m² (32 sq.ft.) with the exception of those placed on billboard *signs*.
- 25.8 An election *sign* shall be removed within forty-eight (48) hours immediately following 11:59 p.m. of the day of the election.
- 25.9 Where an election *sign* has been affixed, erected or otherwise displayed in contravention of any provision of this *by-law*, the *Chief Building Official* or his designate may:
- a) notify or order the *Owner*, candidate or their agent to:
 - i) repair the election *sign*;
 - ii) pull down or remove the election *sign*;
 - iii) make the election *sign* comply with the provisions of this *by-law*.
 - b) pull down or remove such sign and charge the *Owner* of the sign, a fee in accordance with **Section 34.4**.
- 26.0 **INFLATABLE SIGNS:**
- 26.1 *Inflatable signs* are permitted in *Commercial* and *Industrial zones* upon receipt of a permit.
- 26.2 No person shall erect an *inflatable sign* without a permit and an *inflatable sign* shall be erected in the specific location as shown on a plan approved for such purposes by the *Town* and under no circumstances shall be allowed on a roof.
- 26.3 Where premises are occupied by more than one *Owner*, only one permit shall be issued for the same period of time.
- 26.4 An *inflatable sign* shall only be permitted on a property with a minimum frontage of 15 metres (49 feet).
- 26.5 An *inflatable sign* shall be located:

- a) a minimum of 3.0 metres (9.8 feet) from any property line;
 - b) a minimum of 3.0 metres (9.8 feet) from any driveway entrance and exit;
 - c) a minimum of 10 metres (32.8 feet) from any ground or portable sign on the same property or abutting property; and
 - d) a minimum of 92 metres (301 feet) measured in a straight line from a residential property;
 - e) a minimum of 50 metres (164 feet) from a traffic light standard.
- 26.6 An *inflatable sign* shall have a maximum height of 7.0 metres (22.96 feet) and a maximum width of 6.0 metres (19.68 feet).
- 26.7 One *inflatable sign* shall be permitted for each property at any one time.
- 26.8 *Sign permits to erect or display inflatable signs* shall be issued for periods of a maximum of twenty-one (21) consecutive days. No more than three (3) permits shall be issued for a single business on the property on which the *sign* is to be displayed, in a calendar year.
- 26.9 No business shall be issued a permit or erect or display an *inflatable sign* unless a minimum of forty-five (45) consecutive days has passed since the expiry date endorsed on a previous *inflatable sign* permit issued on the same property.
- 26.10 *Sign permits for inflatable signs* shall be issued only for businesses or uses currently on the property on which the sign is to be displayed.
- 26.11 All *inflatable signs* shall be properly secured to the satisfaction of the *Town*.
- 26.12 Before being issued a sign permit for an *inflatable sign*, the applicant shall provide confirmation to the *Town* that a minimum of \$2,000,000.00 of valid comprehensive general insurance is in effect.
- 26.13 Where an *inflatable sign* has been affixed, erected or otherwise displayed in contravention of any provision of this by-law, the *Town* may:
- a) notify or order the *Owner* to:
 - i) repair the *inflatable sign*;
 - ii) pull down or remove the *inflatable sign*; or
 - iii) make the *inflatable sign* comply with the provisions of this by-law; and
 - b) pull down or remove such sign and charge the *Owner* of the sign a fee in accordance with the penalty section (**Section 34.4**).
- 26.14 Power cords and/or supporting devices for *inflatable signs* shall not be placed on or over parking areas or pedestrian areas.

27.0 WASTE RECEPTACLE & BENCH ADVERTISING - INTERNAL SIDEWALKS:

- 27.1 Waste Receptacles and Benches, which contain advertising, shall be permitted in *Commercial* and *Industrial zones*, provided that each such waste receptacle or bench;
- a) Shall be placed only on internal private sidewalks of the *business premises*;
 - b) Shall not obstruct vehicular or pedestrian traffic;
 - c) Shall not interfere with transit advertising or other forms of permitted advertising;
 - d) Is maintained in a clean and safe condition by the *Owner* of the *business premises* upon which it is located;
 - e) Is located a minimum distance of 32 metres (150 feet) from the nearest waste receptacle or bench to a maximum number, in the aggregate, of ten (10) waste receptacles and benches per *business premises*; and

- f) In the case of a waste receptacle, shall contain not more than .56 m² (6 sq. ft.) of advertising on a maximum of two sides; and
 - g) In the case of a bench, shall not exceed 1.12 m² (12 sq. ft.) of advertising.
- 27.2 When a waste receptacle or bench is erected, displayed, *altered*, repaired, or is not maintained, in contravention of the provisions of this by-law, such waste receptacle or bench may be removed at the discretion of the *Town*, without notice, at the expense of the *Owner* of the *business premises*.
- 27.3 Where the number of waste receptacles and benches erected or displayed on any *business premises* exceeds the maximum number of waste receptacles and benches permitted for such *business premises*, every such waste receptacle and bench erected or displayed on such *business premises* may be removed at the direction of the *Town* at the expense of the *Owner* of the *business premises*.

28.0 SIGNS IN RESIDENTIAL, AGRICULTURE AND OPEN SPACE ZONES:

- 28.1 No person shall erect or display or cause to be erected or displayed, or permit the erection or display of a *sign* in a *residential*, agriculture and open space zone save and except the following:
- a) One (1) Non-*illuminated* trespassing *sign* not exceeding .19 m² (2 sq. ft.) in area for every 15.24 metres (50 feet) of *frontage*.
 - b) One (1) *sign* not exceeding .19 m² (2 sq. ft.) in area, indicating the name and profession of a doctor, dentist or drugless practitioner.
 - c) Where a farm is located in an Agricultural Zone, one (1) *sign* not exceeding 1.12 m² (12 sq. ft.) in area advertising the farm products raised or produced on the premises.
 - d) Where a *business* is located and permitted in an Agricultural Zone, all *signs* shall conform to **Section 28.0** One (1) *sign* per service will be permitted up to a maximum of four (4) *signs*.
 - e) No *sign* in a Multiple-Family Dwelling Zone shall be located closer than 3.05 metres (10 feet) to the nearest *street line*.
 - f) One (1) identification *sign* having a maximum area of 13.94 m² (150 sq. ft.) is permitted for a golf course or any open space area.
 - g) Identification *signs* for apartment buildings consisting of individually mounted letters shall be permitted. One (1) identification *Ground sign* not exceeding 2.32 m² (25 sq. ft.) for an apartment development, except where such development abuts on more than one (1) *street*, two (2) such *signs* are permitted. One (1) *directional sign* at each point of ingress and egress to and from a parking area of an apartment development, such *signs* not to exceed .28 metres (3 sq. ft.).

29.0 INSTITUTIONAL:

- 29.1 One (1) identification *sign*, not exceeding 2.32 m² (25 sq. ft.) on the property zoned *Institutional* under the *Town Zoning By-law*.
- 29.2 *Ground* or *Fascia signs*, not exceeding 2.32 m² (25 sq. ft.) each, and required for the direction of traffic or pedestrians on the property of a private hospital, home for the aged, children's home, sanatorium, church or other similar *Institutional* establishment. One *directional sign* at each point of ingress and egress to and from a parking area of an apartment development, such *signs* not to exceed .28 m² (3 sq. ft.).

30.0 HISTORIC DOWNTOWN CENTRE:

30.1 For the purposes of this section, the Historic Downtown Centre shall mean the area outlined in the Official Plan.

30.2 Subject to the express provisions of this section of this by-law, no person shall erect, install, post, display, keep or maintain or cause to be erected, installed, posted, displayed, kept or maintained, any *sign* which encroaches on public lands, including *streets* or sidewalks, within the Historic Downtown Centre.

30.3 *Fascia signs* constructed of combustible material may be erected except when such *signs* or *advertising devices* are located within .61 metres (2 feet) of any window above the first storey or within .91 metres (3 feet) of any fire escape or exit.

30.4 Notwithstanding **Section 30.2:**

- a) *signs* placed parallel to *Main Street* and fixed on the wall of a building which faces *Main Street* shall be permitted to encroach to a maximum of .61 metres (2 feet) beyond the main walls of building facing *Main Street* at a height of not less than 2.44 metres (8 feet) above the grade of the sidewalk;
- b) one *A-Frame portable sign* per *business premises* located within the Historic Downtown Centre may be placed on the municipal sidewalk in front of such *business* provided.
 - i) the maximum area of such *signs* shall be .56 m² (6 sq. ft.) per face, shall not exceed .91 metres (3 feet) in height or .61 metres (2 feet) in width measured from grade, and
 - ii) that the building within which the *business* operates abuts the municipal sidewalk;
 - iii) that such sign shall be permitted to encroach a maximum of .61 metres (2 feet) from the main wall of the building facing the street;
 - iv) all of the requirements described in **Section 21.0** have been met save and except **Section 21.1 a)** and **e)**.
 - v) Such *sign* shall be at least 3.05 metres (10 feet) from the intersection of a *street*, lane or driveway with another *street*, lane or driveway measured from the curb of the flanking *street*, or the delineation of the flanking lane or driveway.
- c) External lighting shall be limited to the following:
 - i) open hooded spotlights, which are a traditional form of lighting;
 - ii) lighting recessed in an architectural feature adjacent to the sign;
 - iii) lights concealed behind relief lettering that illuminates individual letters in silhouettes against the background panel;
 - iv) spot lighting positioned below the sign and shining upward; and
 - v) in all cases lamps should be designed as discreetly as possible.

31.0 REAL ESTATE:

31.1 One (1) real estate sign shall be permitted for each street line of the property on which the sign is erected.

31.2 The sign face of a real estate sign shall not exceed 1.0 m² (10.7 sq. ft.) if erected on a property zoned *residential* and shall not exceed 4.0 m² (43 sq. ft.) if erected on a property zoned *agricultural, industrial or commercial*.

- 31.3 Where a real estate sign has been affixed, erected or otherwise displayed in contravention of any provision of this By-law, the *Chief Building Official* may:
- a) notify or order the owner to:
 - i) repair the real estate sign;
 - ii) pull down or remove the real estate sign;
 - iii) make the real estate sign comply with the provisions of this By-law.
 - b) pull down or remove such sign and charge the owner of the sign a fee in accordance with the penalty section (**Section 34.4**).

32.0 EXEMPTIONS:

- 32.1 This By-law shall not apply to any *sign* or any other *advertising device* erected by the *Town* or by the Regional Municipality of York or by any Provincial or Federal governmental authority or by the York Regional Police or for the control of traffic or Southlake Regional Health Centre on its own lands.

33.0 FEES (SCHEDULE "A"):

- 33.1 Fees shall be paid upon submission of an application for a *sign* permit as set out on **Schedule "A"** of this by-law.

34.0 REMOVAL OF SIGNS AND ENFORCEMENT:

- 34.1 When a *sign* is erected, displayed, *altered*, repaired, or is not maintained, in contravention of the provisions of this by-law, such *sign* shall be removed immediately, by the *Town*, without notice, if located on, over, partly on, or partly over, property owned by or under the jurisdiction of the *Town* at the expense of the *Owner* and under Section 427 of the *Municipal Act*, we may recover the costs by adding the cost to the tax roll and collecting in the same as taxes.
- 34.2 When an *A-Frame portable sign* or *Mobile portable sign* is erected, displayed, *altered*, repaired, or is not maintained, in contravention of the provisions of this by-law, such *sign* shall be removed at the direction of the *Town* without notice, at the expense of the *Owner* of the *business* to which such *signs* relates.
- 34.3 Where the number of *A-Frame portable signs* or *Mobile portable signs* erected or displayed on any *business premises* exceeds the maximum number of *A-Frame business premises*, every *A-Frame portable sign* or *Mobile portable sign* erected or displayed on such *business premises* shall be removed at the direction of the *Town* at the expense of the *Owner* of the *businesses* to which such *signs* relate.
- 34.4 Where a *sign* has been removed pursuant to this by-law, the *Owner* is liable to a minimum charge of \$75.00 per *sign* or the actual cost of removing such *sign*, which ever is greater. *Signs* so removed shall be stored by the *Town* for a period of thirty (30) days, during which time the *Owner(s)* are entitled to redeem such *sign* upon payment to the *Town* of a storage fee of \$5.00 per day after which time the *sign* will be disposed of or destroyed.
- 34.5 Where a *sign* has been removed by the *Town* and stored for a period of thirty (30) days and has not been redeemed, such *sign* may be forthwith destroyed or otherwise disposed of by the *Town*.

35.0 PENALTY PROVISION:

- 35.1 Every person who contravenes a provision of this by-law, including an Order issued under this by-law, is guilty of an offence.
- 35.2 If a sign has been constructed in contravention of any provision of this by-law, and the contravention has not been corrected, the contravention of the provision shall be deemed to be a continuing offence for each day or part of a day that the contravention remains uncorrected.

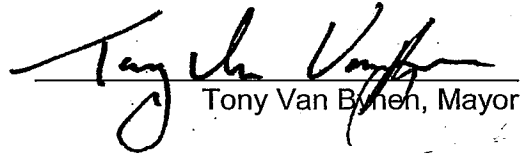
- 35.3 If an Order has been issued under this by-law, and the Order has not been complied with, the contravention of the Order shall be deemed to be a continuing offence for each day or part of a day that the Order is not complied with.
- 35.4 Every person who is guilty of an offence under this by-law shall be subject to the following penalties:
- a) Upon a first conviction, the minimum fine shall be \$350.00 and the maximum fine shall be \$100,000.00;
 - b) Upon a second or subsequent conviction for the same offence, a fine shall be a minimum of \$500.00 and the maximum fine shall be \$100,000.00;
 - c) Upon conviction for a continuing offence, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00 for each day or part of a day that the offence continues;
 - d) Upon conviction of a multiple offence, for each offence included in the multiple offence, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00.
- 35.5 For the purposes of this by-law, "multiple offences" means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of a provision of this by-law.
- 35.6 For the purposes of this by-law, an offence is a second or subsequent offence if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence.

36 VARIANCES:

- 36.2 The Fence & Sign By-law Variance Committee of the *Town* may, upon the written application of any person, authorize *sign* variances from the provisions of this by-law, provided that in the opinion of the Committee, the general intent and purpose of the by-law are maintained.
- 36.3 For the purpose of this paragraph, an application for *sign* variance shall be in writing and shall be made in the form prescribed for an application for *sign* permit.
- 36.4 Without limiting the generality of **Section 36.2** and for greater certainty, an application for *sign* variance may include an application to permit a *sign* not otherwise permitted by this by-law.
- 36.5 NOTWITHSTANDING anything contained in this by-law, the Fence & Sign By-law Variance Committee of the *Town* may, upon application therefor, authorize such *sign* variances to the provisions of this by-law upon such terms as it sees fit.
- 36.6 If a written application is made by an *Owner* of land under **Section 36.5** and provided the exemption requested is for no more than a twenty-five per cent (25%) increase in the sign area of a permanent sign or for no more than a 2.13 metres (7 feet) increase in the height of a permanent pylon sign then the *Chief Building Official* or in his/her absence the *Deputy Chief Building Official* may grant an exemption provided all of the Policies and Procedures for variances to this by-law as established by resolution of Council are followed.
- 36.7 Council may appoint a Committee to hear applications for exemption to the by-law made under **Section 36.5** herein.

- 37 IN ADDITION to any other party who commits the offence, the *Owner* of any property upon which a *sign* is constructed other than in accordance with the provisions of this by-law, with respect to which an offence against this by-law is committed, shall be deemed to commit the offence.
- 38 By-law 2006-92 of the *Town* is hereby repealed.

ENACTED THIS 21ST DAY OF SEPTEMBER, 2009.


Tony Van Bynen, Mayor


Anita Moore, Town Clerk

SCHEDULE 'A'

MOBILE SIGNS	80.00
A-FRAME SIGNS	80.00
GROUND SIGNS	150.00
FASCIA SIGNS	150.00
INFLATABLE SIGNS	150.00
NEW DEVELOPMENT SIGNS	150.00
TENT	150.00
IMPOUNDED SIGNS	75.00/5.00 PER DAY