

The Corporation of the Town of Shelburne Sign by-law 30-1999

A by-law to regulate the size, use, location and maintenance of signs within the Corporation of the Town of Shelburne pursuant to the Municipal Act, R.S.O. 1990, Chapter M 45, as amended or replaced.

Section One

Purpose & Scope

Section 1.01 Purpose

The purpose of this By-law shall be to coordinate the type, placement, and scale of signs within the different land-use zones to recognize the commercial communication requirements of all sectors of the business community. In so doing, this By-law shall encourage the innovative use of design; shall encourage signs, which are compatible to the heritage of its downtown buildings. Shall promote both renovation and proper maintenance; and shall guarantee equal treatment under the law through accurate record keeping and consistent enforcement. These shall be accomplished by regulation of the size, shape, display, erection, use, and maintenance of signs. The use of signs is regulated according to zone. No sign shall be permitted as a main or accessory use except in accordance with the provisions of this By-law.

Section 1.02 Scope

This By-law shall not relate to building design. Nor shall the By-law regulate official traffic or government signs; the copy and message of signs; signs not intended to be viewed from a public right-of-way; window displays; product dispensers and points of purchase displays; scoreboards on athletic fields; flags of any nation, governmental or non-commercial organization; gravestones; religious symbols; commemorative plaques; the display of street numbers; or any display or construction not defined herein as a sign.

Thus, the primary intent of this By-law shall be to regulate signs of a commercial nature intended to be viewed from any vehicular or pedestrian public right-of-way.

Section Two

Definitions

Section 2.01 – Definitions

For the purposes of this By-law, the following words or phrases shall mean:

Abandoned sign - a sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity, and/or for which no legal owner can be found.

Advertising device - any fancifully designed device, object or any means of identification visible from any public street creating a design and intended to be erected or located or affixed on any land, building or structure which directs attention to any land, building or structure and includes flags, banners, pennants, lights or any object intended for advertising purposes. For the purpose of this By-law, an advertising device shall mean a sign.

Alteration - any change to a sign structure or sign face including the addition, deletion or re-arrangement of parts, excepting the changing of the message displayed by the sign, or the replacement of identical parts for maintenance purposes.

Animated Sign - any sign, which includes action or motion or colour change of any or all of the sign, but does not include a "clock" or "thermometer". Animated signs include the following:

(1) Naturally Energized: Signs whose motion is activated by wind or other atmospheric impingement. Wind-driven signs include flags, banners, pennants, streamers, spinners, metallic discs, or other similar devices designed to move in the wind.

(2) Mechanically Energized: Signs manifesting a repetitious pre-programmed physical movement or rotation in either one or a series of planes activated by means of mechanically based drives.

(3) Electrically Energized: Illuminated signs whose motion or visual impression of motion is activated primarily by electrical means. Electrically animated signs are of two types:

(a) Flashing Signs: Illuminated signs exhibiting a pre-programmed repetitious cyclical interruption of illumination from one or more sources in which the duration of the period of illumination (on phase) is either the same as or less than the duration of the period of darkness (off phase), and in which the intensity

of illumination varies from zero (off) to one hundred percent (on) during the programming cycle.

(b) **Illusionary Movement Signs:** Illuminated signs exhibiting the illusion of movements by means of a pre-programmed repetitious sequential switching action in which illuminated elements of the sign are turned on or off to visually simulate the impression of motion characteristic of chasing, running, blinking, oscillating, twinkling, scintillating, or expanding and contracting light patterns.

Architectural Feature - any individual feature or detail which constitutes or contributes to the character, design or style of a structure.

Awning - a temporary shelter or roof-like projection consisting entirely of non-rigid materials such as cloth canvas, except for supporting framework. An awning must be retractable.

Awning Sign - a non-illuminated identification sign painted to or affixed flat to the surface of any awning which does not extend vertically or horizontally beyond the limits of such awning.

Banner Sign - a sign that is generally made of a canvas or similar non rigid type of material which is normally hung from an object or structure using rope or some other device.

Billboard Sign - a sign which advertises goods, products, services or facilities not available at the premises upon which the sign is located or which directs persons to a different location from that upon which the sign is located.

Building Face or Wall - all window and wall areas of a building in one plane or elevation.

Canopy - a permanent roof-like projection which extends from part or all of the building face or wall and is constructed of metal, glass, plastic, cloth etc.

Canopy Sign - a sign attached to or constructed in or on the canopy.

Central Commercial Zones - those zones designated as CBD1, C1, C2, C3 and C4 of the comprehensive Zoning By-law 16-1992, as amended of the Town of Shelburne and any other commercial designation within By-law 16-1992, as amended.

Council - the Council of The Corporation of the Town of Shelburne.

Copy - The graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic, or alphabetic form.

Directional sign - An on-premise sign giving directions, instructions, or facility information and which may contain the name or logo of an establishment but no advertising copy, e.g., parking or exit and entrance signs.

Display Area - the area of all surfaces of a sign upon, against or through which the message is displayed or illuminated. In the case of individually installed letters or similar individually mounted logo or like sign components, display area shall be calculated as being the total surface area within the outermost perimeter bounding the limit of all of the individual components.

Fascia Sign - a sign which is attached to, erected, or placed approximately parallel to and flat against a wall or other surface, whether forming part of a building or not. A portion of the permitted fascia sign may be a manual changeable copy sign.

Flashing Sign - a sign, which contains a light source varying in intensity or colour, or a sign, which is illuminated by a light source varying in intensity or colour, but does not include a "clock" or "thermometer".

Frontage - The length of the property line of any one premise along a public right-of-way on which it borders.

Frontage - business - The length of an outside building wall of a business on a public street or right of way. Where a building or a combination of building structures are located on two intersecting public streets, each business located on the property shall have a business frontage on one street. However, only that business which is closest to the second street shall be entitled to a second business frontage on the second street and therefore shall be entitled to a second sign.

Grade - the overall average elevation of the finished surface of the ground where the said ground is in contact with any building or other structure.

Ground Sign - a sign supported by one or more uprights, poles, braces or located on a structurebase placed in or upon the ground.

Height of Sign - the vertical distance measured from the highest point of the sign to the nearest finished grade and includes any support structure.

Illuminated Sign - any sign, which is lighted by an internal or external light source.

Incidental Sign - a sign of minor consequence and size whose use is incidental to another use and which therefore does not require detailed regulation by this By-law. Without limiting the generality of the foregoing, incidental signs normally include numerical street numbers or a sign, which is an integral part of equipment or of the packaging of a product or of a display.

Internal Sign - any sign visible to persons only when they are located on or within the premises upon which the sign is located.

Lot - a parcel or tract of land described in a deed or other legal document which is legally capable of conveying title, and

(1) is a whole lot described in accordance with and is within a Registered Plan of Subdivision, other than a Registered Plan of Subdivision which has been deemed by the Town not to be a Registered Plan of Subdivision under a By-law passed pursuant to the Planning Act, as amended from time to time; or

(2) is a legally separated parcel of land without any adjoining or abutting land being owned by the same owner or owners as of the date of passing of this By-law; or

(3) the description of which is the same as in a deed which has been given consent pursuant to the Planning Act, as amended from time to time; or

(4) is the whole remnant remaining to an owner or owners after a conveyance is made with consent pursuant to the Planning Act, as amended from time to time, but for the purposes of this paragraph, no parcel or tract of land ceases to be a lot by reason only of the fact that a part or parts of it have been conveyed to or acquired by the Town of Shelburne, County of Dufferin, Province of Ontario, Dominion of Canada or Public Authority; or

(5) is ordered by the Minister of Municipal Affairs & Housing to have not been created by a contravention of the Planning Act pursuant to the authority of the Planning Act, as amended from time to time.

Manual Changeable Copy Sign - a sign on which the copy can be changed manually through the use of attachable letters, numerals and pictorial panels.

Marquee - a permanent roof structure projecting horizontally from the face of the building.

Mobile Sign - a sign that is designed so as to be capable of being readily moved from one location to another, and is usually built on a trailer or other solid framework with wheels and may include a double-faced readograph type sign.

Occupant - the person in physical possession of the premises and includes all persons who have the responsibility for and control over the condition of the premises or the activities there carried on notwithstanding that there may be more than one occupant of the same premises.

Official Sign - a sign required or erected due to any law or required or erected at the direction of any Government or governmental authority, agency, department or commission.

Other Zones - all zones within the comprehensive Zoning By-law 16-1992, as amended of the Town of Shelburne except those areas designated and defined herein as Residential Zones and Central Commercial Zones, or as amended from time to time.

Owner - a person having a legal or equitable title to the land, building or structure upon which a sign is located and includes all persons having a legal right to obtain physical possession of the premises.

Permit - a written document issued by the Town of Shelburne indicating that he has considered a specific application referred to therein and has granted permission of the Town to erect, display, structurally alter or relocate a sign in accordance with specifications and conditions referred to therein.

Person - an individual, firm, corporation, association or partnership or similarly defined interest.

Portable Sign - a sign that is not affixed to the ground but is constructed on wood or other hard surface and includes signs commonly known as sandwich boards or A-frame signs.

Poster Sign - any type of advertising device that is generally made of cardboard, plastic, fibreboard, paper or similar flexible material and designed to be attached to the surface of a structure, building or post.

Premises - that portion of a lot on which is carried on a business or undertaking and which is located within a building or structure erected upon such lot.

Projecting or Vertical Sign - a sign, either double or single faced, which projects out from a wall at the top of the first storey and which the sign face or faces are approximately perpendicular to the plane of the wall to which the sign is attached. For the purposes of this By-law, a projecting or vertical sign shall include an overhanging sign.

Property Line - any boundary of a lot or the vertical projection thereof.

Readograph - a sign composed of interchangeable letters and intended to convey a temporary message and is designed or constructed so that the message thereon may be easily re-arranged or changed.

Real Estate Signs - A temporary sign advertising the real estate upon which the sign is located as being for rent, sale, or lease.

Residential Zone - those areas given Residential or Environmental Protection zoning designations in the comprehensive Zoning By-law 16-1992, as amended of the Town of Shelburne.

Reverse Graphics - means graphics on an internally illuminated sign having translucent or transparent advertising copy on a background which is either opaque or substantially darker in colour than the colour of the advertising copy.

Roof Line - the horizontal line made by the intersection of the wall of the building with the roof of the building.

Roof Sign - a sign which is located entirely on or above the main roof of a building or located entirely on the top of or above the parapet of a building.

Sign - any visual medium, including its structure and other component parts, which is used or capable of being used to attract attention to a specific subject matter, other than itself, for identification, information, advertising, service, activity, person, business or product.

Sign Area - the entire area of a sign on which copy could be placed, including any frame or border, which forms an integral part of the display. In the case of a double-faced or multi-faced sign only one-half of the total area of the sign face shall be used in the calculation of the sign area. The area of individual letter signs or logos shall be calculated on the basis of small squares or rectangles, which enclose the individual letters or figures of the sign.

Sign Face - that portion of the sign, excluding the sign structure, upon which, as a part of, against or through which the message of the sign is displayed.

Special Event Sign - temporary street decorations, banners, paper signs, cloth signs, posters, handbills or any other temporary advertising device installed for various civic celebrations and/or other festivals and/or special events, which are non-profit in nature.

Storey - that portion of a building above finished grade which is located between a floor and the floor, ceiling or roof next above it.

Street - a street, highway, road or other public right of way but does not include a private lane.

Temporary Sign - a commercial sign which is temporarily installed or affixed to any sign structure or building, and which conveys a message applicable for a definable and specific limited time and relates to the use of the building/property on which it is located. For the purposes of this By-law, a temporary sign shall not mean or include a mobile or portable sign.

Town - The Corporation of the Town of Shelburne.

Section Three

General Provisions

It shall hereafter be unlawful for any person to erect, place or maintain a sign in the Town of Shelburne except in accordance with the provisions of this Bylaw.

Section 3.01 - Signs Prohibited

The following types of signs are prohibited in all districts:

- (1) Abandoned signs
- (2) Animated signs
- (3) Billboard signs
- (4) Roof signs
- (5) Signs on marquees
- (6) Posters on public property except at a designated sign kiosk approved by Council for such use
- (7) Signs which are on, or project over, property owned by the Town of Shelburne are prohibited with the exception of official directional signs and as specifically permitted elsewhere in this By-law.
- (8) Pennants, spinners, streamers, twirling signs and string lights other than for holiday decorations
- (9) Signs attached to or located on a vehicle or trailer which is parked on a street or private property and which is visible from a street for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same or nearby property or any other premises. This does not prohibit lettering on licenced motor vehicles that are not in derelict condition.
- (10) Signs painted directly on the exterior face of any building or structure except within the permitted sign area.
- (11) The tacking, pasting or otherwise affixing of signs of a miscellaneous character, visible from a street located on the walls of buildings, sheds, trees, poles, posts, fences or other structures.
- (12) Signs which interfere with any electrical light, power, telephone wires or their supports.

(13) Signs which by reason of their size, location, movement, message, colouring, or manner of illumination, may be confused with or construed as an official traffic control sign, signal, or device, or the light of an emergency or road equipment vehicle, or which hides from view any traffic or street sign or traffic signal or device.

(14) Signs which are located so as to interfere in any way with the free use of any fire escape, fire exit, door, window, skylight flue, air intake or exhaust, or parking space.

(15) Moving, swinging, revolving, and rotating signs, except as specifically permitted elsewhere.

(16) Signs which include more than one trademark or emblem other than a trademark or emblem registered or copyrighted in the name of the applicant. No trademark or emblem shall exceed twenty five percent (25%) of the sign face.

Section 3.02 - Permits Required

Unless otherwise provided by this By-law, all signs shall require permits and payments of fees as prescribed in Section Seven of this By-law. No permit is required for the maintenance of a sign or for a change of copy on painted, printed or changeable copy sign.

Section 3.03 - Permit Time Period

A sign which has been approved and for which a permit has been issued pursuant to this By-law, may stand or be displayed for a time period which shall expire upon the earliest of the following events:

- (1) the passing of twenty (20) years from the date of the permit;
- (2) the closing of the business identified on the sign for a period of thirty (30) days; or
- (3) the sale or transfer of the business identified on the sign where there is a change of the name of the successor business.

Any sign or advertising device which continues to stand or be displayed after one of the above events shall be removed by the owner, provided that nothing herein shall prevent the owner from applying for a new permit for the sign. A new permit shall be issued if the sign complies with this By-law as amended from time to time or any successor By-law.

Section 3.04 - Signs Not Requiring Permits

The following types of signs are exempted from permit requirements but must be in conformance with all other requirements of this By-law:

- (1) Special Event Signs

Nothing herein shall be deemed to prevent temporary street decorations, or other temporary advertising devices installed for various civic celebrations and/or other

festivals and/or special events, which are not for profit in nature. All such signs shall be removed within forty-eight (48) hours of the termination of the event for which they are being used.

(2) Real Estate Signs

One non-illuminated real estate sign may be erected on the property to be sold or leased not closer than 3.0 metres to any street line and shall not exceed 0.8 square metres in area per each side of a double-faced sign within residential zones and 2.0 square metres in all other zones. If a building exists on the lot closer than 3.0 metres to the street line, such sign shall then be attached flat to the face of the building. Such sign shall be removed within thirty (30) days after the sale or leasing of the property. (See s. 4. 01 (b) for subdivision development signs).

(3) Election Signs

Nothing herein shall be deemed to prevent the posting of any election proclamation or notice under any Municipal Elections Act or any Elections Act or any Voter's List under the Statute in that behalf, nor the display of elections signs on private property during any election. Such signs shall be erected in accordance with the following provisions:

- (a) Election signs shall not be erected on private property without the owner's consent.
- (b) All election signs shall be set back in accordance with the provisions of this By-law
- (c) Election signs shall have a maximum size of 3.0 square metres in area.
- (d) All election signs must be removed within seven (7) days after the date of the election by the candidate, or the candidate's representative

(4) Official Signs

Nothing herein shall be deemed to prevent official signs including the erection of federal, provincial or municipal signs on any property, or any lawful sign or signal by the municipality or other road authority for the direction or control of traffic.

(5) Interior Signs

Nothing herein shall be deemed to prevent signs painted or posted on the interior surface of any window or door glass in any building, or in the installation of any sign or advertising device in the interior of a building.

(6) Time and Temperature Displays

Nothing herein shall be deemed to prevent time and/or temperature displays incorporated into any permitted sign.

(7) Yard sale signs

Notwithstanding anything in this bylaw to the contrary, signs advertising yard sales, garage sales and/or open houses shall be permitted on private property only for a period not to exceed forty-eight (48) consecutive hours provided that such signs do not obstruct

or interfere with the vision of vehicular drivers. Such signs shall not be greater than 0.4 square metres in area on each side. Each sign shall indicate the date of the sale.

(8) **Incidental Sign**

Nothing herein shall be deemed to prevent the installation of a sign of minor consequence and size whose use is incidental to another use. Without limiting the generality of the foregoing, incidental signs shall include numerical street numbers; signs which are an integral part of the equipment or of the packaging of a product or of a display; and those which are not advertising signs

Section 3.05 – Maintenance

All signs shall be properly maintained. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced. The Chief Building Official shall have the right under Section 7.09 to order the repair or removal of any sign which is defective, damaged, or substantially deteriorated, as defined in the Building Code.

Section 3.06 – Lighting

(1) Except as expressly permitted herein or expressly prohibited herein, all approved signs may be illuminated only by an external light source.

(2) External light sources shall be shielded so that the light source is not visible off the property on which the sign is located.

(3) Where backlighting is expressly permitted within this By-law, this use of backlighting is restricted to: individual incised plastic or glass letters or symbols mounted on a solid opaque sign face; individual halo-lit or channel lettering or symbols mounted on a solid opaque background; or canopy/awning signs where only the letters or symbols are lit.

(4) The use of neon tubing except as a concealed light source forming part of an approved back-lit sign is prohibited.

(5) Where possible all wiring and conduits to electric signs and lighting sources shall be placed within the building walls, located underground or otherwise concealed from view.

Section 3.07 - Changeable Copy

Unless otherwise specified by this By-law, any sign herein allowed may use manual, automatic, or electrically or mechanically activated changeable copy.

Section 3.08 - Service Station and Gas Bar Signs

Notwithstanding any other provision of this By-law, the following signs may also be permitted in association with service stations and gas bars:

(1) Wall signs identifying separate functions within a service station shall be deemed to be direction signs. Such directional signs shall not exceed 1.0 square metres in sign area.

(2) "Gas Price" signs not exceeding 0.5 square metres in sign area may be permitted on the fascia of a freestanding canopy associated with pump islands provided that such sign is an integral part of the canopy design and does not extend beyond the fascia limits, and further provided that no more than two (2) such signs shall be permitted per canopy

(3) One portable sign identifying gas prices only, may be permitted. Such sign shall not exceed 0.5 square metres in area per single sign face, nor 1.0 square metres for all faces combined.

(4) Signs customarily displayed on gasoline pumps which are an integral part of the pump or pump island design.

(5) Directory signs not exceeding 0.5 square metres in area may be erected as an integral part of a canopy fascia provided that no directory sign shall advertise, indicate or direct attention towards any activity not carried on at the pump island with which the canopy is associated. Such directory signs shall be limited to two (2) signs per function per canopy.

Section Four

Regulation By Zone

Section 4.01 – Signs Permitted in All Zones

The following signs are allowed in all zones:

(1) All signs not requiring permits (Section 3.04).

(2) Subdivision Signs

One (1) ground sign per subdivision project except where the subdivision fronts onto more than one street, one ground sign may be erected for each such street frontage, provided that no ground sign shall be located within 45.0 metres of another ground sign on the same subdivision and further provided that no more than one sign is oriented along a single frontage of 150.0 metres.

The following regulations shall also apply to ground signs in subdivision developments:

(a) No subdivision sign shall be larger than 12.0 square metres in a single sign face or 24.0 square metres on a sign area for all faces combined.

(b) No subdivision sign shall exceed 5.5 metres in width.

(c) No subdivision sign shall exceed a maximum height of 4.0 metres from the finished grade at the base of the supporting structure of the sign. However, if the grade at the base of the sign is below the grade of the centre of the adjoining street or highway, the sign may extend to a maximum height of 4.0 metres above the grade at the centre of the street or highway.

(d) No subdivision sign shall be located at a distance from an abutting street less than 3.0 metres or a common boundary with an adjacent lot not less than 30.0 metres.

(e) No more than one sign shall be mounted to the supporting structure of any sign.

(f) In order to erect such a sign, the development must contain a minimum of ten (10) dwelling units.

(3) Construction Sign

One temporary construction sign, indicating the names of a construction project, the names and addresses of contractors, architects, engineers, and related personnel to the construction project may be erected at the site of the development, for a maximum of twelve months. The size of a construction sign shall be limited to a maximum area of 1.5

square metres in residential zones and 3.0 square metres in all other zones. The maximum height of these signs shall be 2.15 metres above the grade of ground.

(4) Building Name Plate

One non-illuminated attached building name plate per premises, not to exceed 0.25 square metres in sign area.

(5) Directional Signs

Directional signs on internal lots as required.

Section 4.02 - Signs Permitted In Residential Zones

Signs are allowed as follows in residential zones:

(1) All signs as permitted in Section 4.01

(2) One (1) fascia or ground sign per lot not exceeding 0.25 square metres, a depth of 0.15 metres and a height of 1.0 metre. The sign shall be a minimum of 3.0 metres from the property lines. The sign shall state only the name of the occupant of the residential building, the address and/or the profession of the occupant.

(3) One (1) identification ground sign per entrance to apartment or condominium complex, not to exceed 1.0 square metres in sign area.

Section 4.03 - Signs Permitted in Central Commercial Zones (C3 and C4)

Signs are allowed as follows in Central Commercial Zones:

(1) All signs as permitted in Section 4.01 and 4.02.

(2) Any of the following kinds of signs:

(a) One (1) ground sign per business frontage for which the maximum area of the sign face shall be 2.0 square metres per side and the maximum area for all sides shall not exceed 4.0 square metres. The maximum width of a sign face shall be 1.5 metres. The maximum thickness of the sign shall be 0.3 metres.

The sign face shall not exceed 2.5 metres in overall height above the centre, line of the nearest street or highway. All such signs must be set back at least 3.0 metres from property lines. No more than one (1) sign shall be mounted to the supporting structure of any ground sign.

(b) One (1) projecting or vertical sign per business frontage for which:

(i) No portion of the projecting sign shall be less than 2.5 metres above the finished grade or floor level immediately below such sign and

shall generally be located between the first and second storey of the building;

(ii) The area of the sign shall not exceed 2.0 square metres per sign face;

(iii) The maximum projection of the sign shall not exceed 1.0 metre, from the face of the adjacent wall; and

(iv) The maximum thickness of the sign shall not exceed 30.0 centimetres,

(c) One (1) awning sign per business frontage. Sign copy shall be restricted to the skirt of the awning and shall not exceed 15.0 centimetres in height. The bottom edge of the sign copy shall be a minimum of 2.4 metres above the ground surface.

(d) One (1) fascia sign per business frontage not to exceed a width which is ninety percent (90 %) of the building frontage and a height of 0.75 metres. The sign shall not extend by more than 30.0 centimetres from the face of the building. Such a sign shall be located so that the centre of the sign is located at the centre of the business frontage.

(e) One (1) canopy sign per business frontage not to exceed the frontage of the business. The bottom edge of the sign shall be minimum of 2.4 metres above ground surface. Such a sign shall be permitted only below the second storey of such a building.

(3) One portable sign per business frontage according to the following provisions:

(a) A portable sign shall not exceed 0.60 metres in width or 1.2 metres in height including the sign frame and shall not exceed 0.75 square metres in area including the sign structure.

(b) A portable sign shall not be illuminated.

(c) A portable sign shall not protrude onto a sidewalk or boulevard except as outlined in Bylaw 11-1999 being a by-law governing the use of sidewalks in the Downtown Business Area.

(d) A portable sign shall not be displayed at any time that may interfere with the safe ploughing or removal of snow and must be removed at the end of each business day.

(e) A portable sign shall only be erected if the merchant(s) or business(es) occupying a building or premises does not display any form of merchandise on the sidewalk or boulevard as governed by By-law 11-1999.

(f) The sign message on a portable sign shall be relative to the occupancy of the building in front of which it is located. It may advertise more than one occupant or business contained within a single building or storefront.

(g) Where the portable sign is located on a sidewalk or other public property, such applicant for the portable sign permit shall provide the following:

(i) A signed indemnification in the prescribed form indemnifying and saving harmless the Town from any and all claims resulting from the placement and use of the portable sign for which the permit is applied for.

(ii) A Certificate of Insurance to the satisfaction of the Town in the amount of \$1,000,000.00 adding the Town as a named insured.

Section 4.04 - Signs Permitted in Other Zones

(1) (a) All signs as permitted in Sections 4.01 and 4.02.

(b) Any of the following kinds of signs:

(2) One (1) ground sign only except where a lot fronts onto more than one street, one (1) ground sign may be erected for each such street frontage, provided that no ground sign shall be located within 45.0 metres of another ground sign on the same lot and further provided no more than one (1) sign is oriented along a single frontage of 150.0 metres.

The following regulations shall apply to all ground signs:

(a) No ground sign shall be larger than 8.5 square metres in a single sign face or 17.0 square metres of sign for all faces combined.

(b) No ground sign shall exceed 5.5 metres in width.

(c) No ground sign shall exceed a maximum height of 8.0 metres from the finished grade at the base of the supporting structure of the sign. However, if the grade level at the base of the sign is below the grade at the centre of the adjoining street or highway, the sign may extend to a maximum height of 8.0 metres above the grade at the centre of the street or highway.

(d) No ground sign shall be located at a distance from the abutting street or common boundary with an adjacent lot less than 3.0 metres.

(e) No more than one (1) sign shall be mounted to the supporting structure of any ground sign.

(f) As an alternative to external illumination provided in Section 3.06 (1) hereto, alternative lighting may be used in the form of:

- (i) backlighting as provided in Section 3.06 (3); or
- (ii) backlighting where the sign face is substantially composed of reverse graphics.

(3) One (1) only of the following types for each exterior business frontage:

(a) One (1) projecting or vertical sign per business frontage for which:

- (i) No portion of the projecting sign shall be less than 2.5 metres above the finished grade or floor level immediately below such sign and shall generally be located between the first and second storeys of the building;
- (ii) The area of the sign shall not exceed 2.0 square metre per sign face;
- (iii) The maximum projection of the sign shall not exceed 1.2 metres from the adjacent building wall;
- (iv) The maximum thickness of the sign shall not exceed 30.0 centimetres.

(b) One (1) awning sign per business frontage. Sign copy shall be restricted to the skirt of the awning. The bottom edge of such a sign shall be a minimum of 2.4 metres above the ground surface.

(c) One (1) canopy sign per business frontage not to exceed the frontage of the business. The bottom edge of the sign shall be a minimum of 2.4 metres above ground surface. Such a sign shall be permitted only below the second storey of such a building.

(d) One (1) fascia sign per business frontage not to exceed a width which is ninety percent (90%) of the building frontage; provided however that the maximum area of the sign shall not exceed an amount which is lesser of ten percent (10%) of the area of the architectural elevation of the building or 20 square metres. As an alternative to external illumination provided in Section 3.06 (1) hereto, alternative lighting may be used in the form of:

- (i) backlighting as provided in Section 3.06 (3); or
- (ii) backlighting where the sign face is substantially composed of reverse graphics.

(4) A maximum of one (1) mobile sign or one banner sign shall be permitted at any two (2) time per business per calendar year in accordance with the following regulations:

(a) Mobile Sign

- (i) No person shall erect, display or otherwise use a mobile sign unless:
 - (A) It is located on private property.
 - (B) It is displaying a message that logically and clearly indicates that the use is for the person who originally applied for the sign permit.
 - (C) It is in good repair, is not harmful to the environment, and has not become unsafe, unsightly or dangerous.
 - (D) Is situated at grade.
 - (E) Where it has been leased or rented from a licensed sign company, it has the name and telephone number of the sign company affixed to the portable sign at a clearly visible location.
- (ii) No mobile sign shall have more than two (2) sign faces from which the maximum sign face shall not exceed an area of 3.7 square metres in which no one dimension is greater than 2.4 metres.
- (iii) Where a business is located on a lot occupied by two or more businesses, no application shall be approved if another business already has a mobile sign permit until the sign has expired. Further, no application shall be approved for a business on a lot which contains more than six businesses if six permits for the mobile signs have been issued in any one calendar year for businesses on the same lot.
- (iv) No person, agent or permit holder shall erect, display or otherwise use a mobile sign or cause to erect, display or otherwise use a mobile sign:
 - (A) For more than thirty (30) days in any calendar year at any one business to which a mobile sign permit has been issued, and such permit will be issued only on the basis of two (2) permits per business for any calendar year;

(B) The content of which would indicate a contravention of any zoning or other by-law; Act or regulation enforceable in the municipality, or which would identify, advertise or provide information in relation to a use or occupancy not permitted under a Zoning By-law.

(C) Contrary to the approved location or contrary to the information contained in the application, in respect of which the sign permit was issued.

(D) At any location where the sign obstructs the sightlines and view of any pedestrian or driver of a motor vehicle, or obstructs the visibility of any traffic sign or device or interferes with vehicular traffic so as to endanger any person or risk damage to any vehicle;

(E) Which has flashing or moving lights or emits illumination resembling an emergency light or traffic regulating device.

(F) Which has moving, spinning or rotating parts or has any mechanical or electronic device to provide or simulate motion.

(G) Where the illumination device for a sign is proven to be a hindrance, distraction, interference or annoyance to a person(s) in or about a neighbouring premise, or drivers of vehicles upon any highway.

(H) Prior to the commencement date or after the expiry date as set out in the mobile sign permit.

(I) Which would be an unsafe sign.

(J) Within 30.0 metres of the edge of a traffic light standard

(K) Within 9.0 metres of the closest edge of the paved portion of an intersection.

(L) Within 3.0 metres of the closest edge of a sidewalk.

(M) Within 23.0 metres of the closest edge of another mobile sign.

(N) Within 9.0 metres of the closest edge of a permanent sign.

(O) Unless such sign is designed and constructed so as to withstand the design wind loads established by the Ontario Building Code.

(P) Where the mobile sign is on a box, container, stationary vehicle or any other temporary or permanent such object which is being used as the base for a portable sign or as part of a portable sign structure.

(b) Banner Signs

No person, his agent or permit holder shall erect, display or otherwise use a banner sign or cause to erect, display or otherwise use a banner sign:

- (i) For more than thirty (30) days at any one business to which a banner sign permit has been issued and such permit shall be issued only on the basis of two (2) permits per business per calendar year.
- (ii) On a lot which includes more than one business where a permit for a mobile sign is currently issued or on a lot which includes more than six businesses where twelve (12) permits for mobile signs have already been issued during the same calendar year.
- (iii) That is hung from any pole, tree, landscaping feature or fixture other than the exterior wall of a building on the subject property or business.
- (iv) That exceeds an area of 4.0 square metres.

Section Five

Nonconforming Signs

Section 5.01 - Determination of Legal Nonconformity

Existing signs which do not conform to the specific provisions of this By-law are eligible for the designation "legal non-conforming" provided that:

- (1) The Superintendent of Public Works determines such signs are properly maintained and do not in any way endanger the public.
- (2) The sign was installed in conformance with the requirements of Sign By-law 23-1978 or of this by-law regardless if a permit was issued or not, on the date of adoption of this by-law.

Section 5.02 - Loss of Legal Nonconforming Status

A legal nonconforming sign may lose this designation if:

- (1) The Sign is relocated or replaced.
- (2) The structure or size of the sign is altered in any way except toward compliance with this By-law. This does not refer to change of copy or normal maintenance.

Section 5.03 - Maintenance and Repair of Nonconforming Signs

The legal nonconforming sign is subject to all requirements of this By-law regarding safety, maintenance, and repair. However, if the sign suffers more than fifty (50%) damage or deterioration, as based on appraisal, it must be brought into conformance with this By-law or removed.

Section Six

Construction Specifics

Section 6.01 - Construction Specifications

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

Section Seven

Administration and Enforcement

Section 7.01

The General Superintendent of Works, the Chief Building Official and or the Municipal By-law Enforcement Officer shall be responsible for the administration and enforcement of this By-law as provided for herein.

The General Superintendent of Works shall perform the following functions:

(1) Receive and review all applications in conjunction with any sign or sign structure governed by this By-law.

(2) When the application conforms to the provisions of this By-law and all other by-laws of the Corporation, will sign the drawings and specifications, retain one (1) set for file purposes and issue the permit.

(3) Where approval under the Ontario Building Code may be required, refer the application to the Chief Building Official for Building Department comment and/or approval.

(4) Carry out such inspections as may be necessary to satisfy himself that all construction is in compliance with the provisions of this By-law and the approved plans.

(5) Issue the required notice whenever work is found not to be in conformity with the provisions of this By-law.

The Chief Building Official shall perform the following functions:

(1) Receive and review all applications in conjunction with any sign or sign structure referred to him by the General Superintendent of Works for compliance with the Ontario Building Code.

(2) When the application conforms to the provisions of the Ontario Building Code, will sign the application, return it to the Town and issue any permits as required.

(3) Carry out such inspections as may be necessary to satisfy himself that all construction is in compliance with the Ontario Building Code and approved plans.

(4) Issue the required notice whenever work is found not to be in conformity with the provisions of the Ontario Building Code.

(5) The Chief Building Official is empowered, upon presentation of proper credentials, to enter or inspect any building, structure or premises in the Town for the purpose of inspection of a sign and its structural and electrical connections to ensure

compliance with all applicable codes and ordinances. Such inspections shall be carried out during business hours unless an emergency exists.

Section 7.02 - Application for Permit

The applicant for a permit to construct, erect, display, alter or repair (other than normal maintenance) any sign or advertising device shall complete an application on a prescribed form furnished for that purpose and file the completed application in duplicate with the General Superintendent of Public Works.

The application referred to above shall:

- (1) 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.
- (2) 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.
- (3) Contain a declaration to be sworn by the applicant as to the truth and accuracy of the application, its contents and the submitted documents.
- (4) Include the consent of the owner of the property if he is not the applicant for the sign permit.
- (5) Be accompanied by plans, specifications and drawings in accordance with the following subsection.

The plans, specifications and drawings required and referred to above shall:

- (a) 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.
- (b) Include information with regard to materials used; message; lighting; colours; dimensions of the sign area, sign face and supporting members; the maximum height, clearance and projection; and all relevant structural information.
- (c) 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.
- (d) 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 and the location and dimensions of the building(s) thereon.

Section 7.03 - Permit Fee

All applications for permits filed with the Town shall be accompanied by a payment of the permit fee for each sign as established by the Council of the Corporation of the Town of Shelburne as set forth in Schedule A hereto or as amended from time to time.

Section 7.04 - Issuance and Denial

The Town shall issue a permit if the completed application conforms with the provisions of this By-law and every other By-law of the Municipality plus the Ontario Building Code and regulations made thereunder and if all fees are paid.

The Officers acting for the Town may:

- (1) Refuse a permit for any sign if the building or structure to which the sign is , or is to be attached, is incapable of supporting such sign, or if the information submitted regarding the construction of the said building structure is not sufficient to enable him to adequately determine the capability of such building or structure to give such support.
- (2) Refuse a permit for any sign if the information submitted on the permit application is incomplete or incorrect.
- (3) The General Superintendent of Public Works may refer to Council any sign for which a permit is being requested, which in his opinion, is unsightly, grotesque or offensive in character.

Section 7.05 - Permit Conditions, Refunds and Penalties

If a permit is denied, the permit fee will be refunded to the applicant.

If no inspections have been made and no work authorized by the permit has been performed, the permit fee, except for \$25.00, may be refunded to the applicant upon request, provided that the permit is returned to the Town within thirty (30) days of issuance.

If any sign is installed or placed on any property prior to receipt of a permit, the specified permit fee shall be doubled. However, payment of the doubled fee shall not relieve any person of any other requirement or penalties prescribed in this By-law.

Section 7.06 - Inspection Upon Completion

Any person installing, structurally altering or relocating a sign for which a permit has been issued shall notify the Superintendent of Public Works upon completion of the work. The Chief Building Official may require a final inspection of footings on freestanding signs.

The Town may require at the time of issuance of a permit that written notification for an inspection be submitted prior to the installation of certain signs.

Section 7.07 - Minor Variances

When requesting a permit, the applicant may apply to the Council of the Town of Shelburne for a minor variance from certain requirements of this By-law. A variance may be granted by the Council where the literal application of the By-law would create a particular hardship for the sign user and the following criteria are met:

- (1) A literal application of the By-law would not allow the property to be used at its highest and best use as zoned.
- (2) The granting of the requested variance would not be materially detrimental to the property owners in the vicinity.
- (3) Hardship caused the sign user under a literal interpretation of the By-law is due to conditions unique to that property and does not apply generally to the Town.
- (4) The granting of the variance would not be contrary to the general objectives of this By-law and the land use plan.

In granting a variance, the Council may attach additional requirements necessary to carry out the spirit and purpose of this By-law in the public interest.

Section 7.08 - Violations

When, in the opinion of the By-Law Enforcement Officer, a violation of the By-law exists, the By-Law Enforcement Officer shall issue a written notice to the alleged violator. The notice shall specify those sections of the By-law which the individual may be in violation of and shall state that the individual has fourteen (14) days from the date of the notice in which to correct the alleged violation or to appeal to the Council.

If, upon inspection, the Chief Building Official finds that a sign is abandoned or structurally, materially or electrically defective, or in any way endangers the public, the Chief Building Inspector shall issue a written order to the owner of the sign and occupant of the premises stating the nature of the violation and requiring them to repair or remove the sign within three (3) days of the date of the order.

In cases of emergency, the Chief Building Official may cause the immediate removal of a dangerous or defective sign without notice. Signs removed in this manner must present a hazard to the public safety as defined in the local building or traffic codes.

Section 7.09 - Removal of Illegal Signs

- (1) When a sign is erected or displayed in contravention of any provision of this By-law, such sign may be removed immediately by the Municipal By-law Enforcement Officer without notice, if located on, over, partly on, or partly over, property owned by or under the jurisdiction of the Town of Shelburne.

(2) If such a sign is located on property other than property owned by or under the jurisdiction of the Town of Shelburne, the Municipal By-law Enforcement Officer may forward a Notice, by personal service or regular post, to the Lessee or owner of the sign, or their agents, or to the person or agent having the use of major benefit of the sign, requiring that the sign be permanently removed within the time specified in the Notice and thereafter not replaced with any sign in contravention of this By-law.

(3) If the Notice is not complied with, the Municipal By-law Officer may require that the municipality, its employees, or an independent contractor enter upon the land and remove such sign.

(4) Signs so removed shall be stored by the municipality for a period of time of not more than forty-five (45) days, during which time the owner or his agent may be entitled to redeem such sign upon receipt by the Treasurer of the amount calculated by the Municipal By-Law Enforcement Officer as the cost of removing the sign (\$40.00 minimum charge) plus a storage charge of \$2.00 per day.

(5) Where a sign has been removed by the municipality and stored for a period of forty-five (45) days and has not been redeemed, such sign may be forthwith destroyed or otherwise disposed of by the Town on authority and direction from the Municipal By-law Enforcement Officer.

Section 7.10 - Penalty for Non-compliance

(1) Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine not exceeding \$5,000.00 for each offence exclusive of costs. Each day such violation is committed, or permitted to continue, shall constitute a separate offence and may be punishable as such thereunder. Such fines shall be recoverable under the Provincial Offences Act.

(2) Where a person has been convicted of an offence under this By-law the Court may in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted directed toward the continuation or repetition of the offence.

(3) Neither the granting of a permit nor the approval of the drawings and specifications, nor inspection made by the authority having jurisdiction during the erection of a sign shall, in any way, relieve the owner of such sign, tenant or the owner of property on which the sign is located, from full responsibility for carrying out the work in accordance with the provisions of this By-law.

Section Eight

Conflict, Severability and Effective Date

Section 8.01 - Conflict

If any portion of this By-law is found to be in conflict with any other provision of any zoning, building, fire, safety or other by-law of the Town, the provision which establishes the higher standard shall prevail.

Section 8.02 - Severability

Should any section, clause or provision of this By-law be declared by a court of competent jurisdiction to be invalid, the same shall not effect the validity of the By-law as a whole or in part hereof, other than the part which was declared to be invalid.

Section 8.03 - Repeal

Bylaw Numbers 23-1978 and 18-1987 shall be hereby repealed.

Section 8.04 - Effective date

This By-law shall come into full force and effect on the date of final passage hereof at which time all by-laws that are inconsistent with the provisions of this By-law and the same are hereby repealed insofar as it is necessary to give effective to the provisions of this By-law.

ENACTED and passed this day of

Mayor

Clerk

THE CORPORATION OF THE TOWN OF SHELBURNE

SIGN BY-LAW 30-1999

SCHEDULE I

PERMIT FEES

- 1) The permit fee for all sign permits with the exception of the fee for a mobile sign is Seventy-Five (\$75.00) Dollars.
- 2) The permit fee for a mobile sign is One Hundred (\$100.00) Dollars with Seventy-Five (\$75.00) Dollars refundable if the sign is removed by the 30 day expiry date.

