The Corporation of the Town of New Tecumseth

By-law 2010-014
(Consolidated – as amended)

SIGN BY-LAW

A by-law to Regulate Signs and Other Advertising Devices

Consolidation		
Amendment No. 3	By-law No. 2018-061	May 7, 2018
Amendment No. 2	By-law No. 2013-171	December 9, 2013
Amendment No. 1	By-law No. 2013-156	November 25, 2013

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THE CORPORATION OF THE TOWN OF NEW TECUMSETH

BY-LAW

***Number* 2010-014, AS AMENDED**
"SIGN BY-LAW"
A by-law to Regulate Signs and Other Advertising Devices

WHEREAS the *Municipal Act, 2001*, S.O. 2001, c.25, s. 99 provides the council of a local municipality authority to pass by-laws for prohibiting or regulating advertising devices including signs within the municipality;

AND WHEREAS the Town of New Tecumseth is comprised of a large thriving rural agricultural community with beautiful scenic vistas and three vibrant urban communities;

AND WHEREAS the Council of The Corporation of The Town of New Tecumseth deems it necessary and expedient to regulate the erection, display, maintenance and use of signs and other advertising devices within the Town to maintain the character and beauty of the Town while respecting freedom of expression;

NOW THEREFORE the Council of The Corporation of The Town of New Tecumseth enacts as follows:

1. That this by-law shall be cited as the "Sign By-Law".

2. It is the intent of this by-law to regulate the use and erection of signs and other advertising devices in the Town of New Tecumseth.

3. DEFINITIONS

3.1 **"Abandoned Sign"** means an advertising device erected on a lot, building or structure that has become vacant or unoccupied for a period of 30 days or more, or any advertising device that advertises a time, event or purpose that, in the opinion of the Clerk has been completed for more than 30 days.

3.2 **"Alter, Altered or Alteration"** means to change any one or more external dimensions or location of a sign but shall not include replacement of a sign face or panel, painting, repainting, cleaning or normal maintenance and repair of a sign not involving structural change. Notwithstanding the foregoing, a new owner is required to obtain a sign permit in order to replace or change the existing sign face.

3.3 **"Animated Sign"** means any kinetic or illusionary motion of all or any part of a sign and includes the rotation of a sign but does not include a changing copy sign or electronically controlled message centre.

3.4 "**Backlit Sign Box"** means a sign consisting of a cabinet containing a light source surrounded by one or more translucent faces which may be illuminated for visibility

3.5 **"Banner"** means an advertising device made from cloth, plastic, canvas or similar material.

3.6 **"Billboard Sign"** means a ground sign displaying an advertisement related to a business or manufacturing enterprise or other activity not conducted within the building or upon the premises on which the sign is erected. A billboard sign does not include a wall sign.

3.7 **"Blade Sign"** means a sign mounted on a building façade or attached to a surface perpendicular to the sign's surface and to the normal flow of traffic.

3.8 **"Canopy Sign"** means a permanent roof like projection which extends from part or all of the building façade and is usually composed of non-rigid materials except for the supporting framework but does not include a marquee.

3.9 **"Changing Copy Sign"** means a sign constructed so that the message or copy can be changed by manual, electronic or electromechanical means.

3.10 **"Charitable Organization"** means an association of persons that is charitable under the laws of the Province of Ontario or of Canada.

3.11 **"Chief Building Official"** means the Chief Building Official for The Corporation of the Town of New Tecumseth or his/her designate.

3.12 **"Commercial Plaza"** means the premises upon which a group of more than one commercial use has been developed and is managed as a unit by a single owner or tenant, or by a group of owners or tenants or by a condominium corporation.

3.13 **"Community Association"** means a group of persons organized for the advancement of activities of a civic, social, cultural or recreational nature and which activities are not conducted for monetary profit.

3.14 **"Council"** means the Council for The Corporation of the Town of New Tecumseth.

3.15 **"Director of Public Works"** means the Director of Public Works for The Corporation of the Town of New Tecumseth or his/her designate.

3.16 **"Election Sign"** means a sign erected in connection with a federal, provincial or municipal election and/or referendum.

3.17 **"Electronically Controlled Message Centre"** means an electronic message which displays information in pre-arranged sequence on an electronic screen and on which the intensity of the illumination is maintained at a consistent level.

3.18 **"Erect, Erected and Erection"** include the construction, maintenance, display, alteration, placing or relocation of any sign or portion thereof, and the posting of notices.

3.19 **"Fire Chief**" means the Fire Chief for The Corporation of the Town of New Tecumseth or his/her designate.

3.20 "**Flag Sign**" means an advertising device composed of lightweight material so as to allow movement caused by the wind.

3.21 **"Flashing Sign"** means a sign that contains an intermittent or flashing light source or which includes the illusion of intermittent or flashing light by means of animation or externally mounted light source but does not include an automatic changing sign or electronically controlled message centre.

3.22 **"Freedom of Speech Sign"** means a Temporary Sign used to express opinions concerning social, economic or political issues.

3.23 **"Ground Sign"** means a sign supported by a sign structure embedded in the ground to a depth of at least 0.5 metres (1.5 feet) and which is not attached to any part of a building and used for the purposes of advertising a lawful business or product sold on the premises except as otherwise specifically permitted by this by-law.

3.24 **"Height"** in the case of a ground sign or portable sign means the distance from the level of the sidewalk abutting the property, or from the level of the ground immediately below the sign to the highest point thereof.

3.25 **"Illuminated"** means a direct, indirect, internal or external illumination.

3.26 **"Illuminated Sign"** means the lighting of an advertising device by way of an artificial light source located within or external to the sign.

3.27 **"Inflatable Sign"** means a sign or advertising device designed to be airborne and tethered to the ground or any other structure and shall include balloons and any other inflatable advertising device.

3.28 **"Land Development"** means the development of vacant land or the development, redevelopment, or construction of a building(s) including the initial selling or leasing information within the Town, but shall not include minor interior changes to an existing building.

3.29 "**Land Development Sign**" means an advertising device promoting the sale of vacant lands within the Town.

3.30 **"Lot"** means a parcel of land described as a lot or block on a registered plan of subdivision or by metes and bounds or reference plan in a registered deed or transfer which complies with the provisions of the Planning Act or which may be legally conveyed without consent under the provisions of the Planning Act.

3.31 **"Manager of Public Works"** means the Manager of Public Works for The Corporation of the Town of New Tecumseth or his/her designate.

3.32 "**Marquee Sign"** means a permanent roof-like structure composed of rigid materials extending perpendicular from all or part of a building face but does not include a canopy.

3.33 **"Official Sign"** means a sign required by or erected under any statute, regulation, by-law or directive of any federal, provincial, or municipal government or agency thereof or board or commission.

3.34 **"Open House Directional Sign"** means a temporary portable sign intended to direct traffic to a residence for sale or lease, but shall not include a new home development sign.

3.35 **"Portable Sign"** means a free-standing sign erected on but not permanently anchored to the ground, which is specifically designed to be readily moved from one location to another, which does not rely on a building or fixed foundation for its structural support, which is usually constructed of a metal frame with a changing copy sign face and includes a mobile sign.

3.36 **"Public Utility"** means an entity which provides a municipal or public utility service, and includes, but is not necessarily limited to the Town**,** Bell Canada, Enbridge Gas, Rogers Cable, PowerStream and Hydro One.

3.37 **"Real Estate Sign**" means a temporary non-illuminated sign installed, erected or displayed on a property for the notification that a building, premises or portion thereof is offered for sale, rent or lease.

3.38 **"Residential Zone"** means lands zoned "Residential" in the Town's Zoning By-law.

3.39 **"Roof Sign"** means a sign erected entirely on or above the roof, parapet or cornice of any building.

3.40 **"Sandwich Board Sign"** means a sign not permanently affixed to the ground, building or structure, which is hinged or otherwise attached at the top enabling the two sign faces to be extended into an "A" shape so as to support the sign.

3.41 "**Short Term Sign**" means a free standing sign which may be anchored to the ground which is designed to be readily moved. It can convey a message applicable for a defined and specific period of time related to the use of building and private property on which it is located. A short term sign includes wire signs and banner signs. For the purposes of this By-law, a short term sign shall not mean or include a mobile, inflatable or portable sign.

3.42 **"Sight Triangle"** means an area free of buildings or structures higher than 0.6 metres (2 feet) which is determined by measuring from the point of intersection of streetlines on a corner lot to a distance of 9.0 m (29.53 feet) measuring from the point of intersection of any driveway to a prescribed distance of 9.0 m (29.53 feet).

3.43 **"Sign"** means any surface upon which there is printed, projected or attached any announcement, declaration or insignia used for direction, information, identifications, advertisement, business promotion or promotion of products, activities or services and includes a structure, whether in a fixed location or designed to be portable or capable of being relocated, or part thereof specifically designed for the foregoing uses. Furthermore, this includes banners, advertising devices or any fixed or portable object intended for advertising purposes.

3.44 **"Sign Area"** means the largest area visible from any direction projected onto a vertical plane of the sign face. If a sign consists of more than one section or module, all areas visible from any direction will be totaled.

3.45 **"Sign Face"** means the opaque, transparent or translucent surface of a sign, upon, against or through which the message of the sign is exhibited, and is the area defined by a geometric shape within a perimeter bounded by the inside of the sign frame or sign structure.

3.46 **"Sign Structure"** means the support, uprights, bracing and framework of the sign.

3.47 **"Street"** means a public road allowance or any part thereof, and includes a roadway, boulevard, curb, sidewalk, laneway or any part thereof.

3.48 **"Street Frontage"** means the linear dimension of a lot which abuts or is immediately adjacent to a street.

3.49 **"Temporary Sign"** means a 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 related 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.

3.50 **"Town Clerk"** means the Clerk of The Corporation of the Town of New Tecumseth or his/her designate.

3.51 **"Town"** means The Corporation of the Town of New Tecumseth.

3.52 **"Trail Blazer Sign"** means an on premises sign containing an informational message that has a purpose to assist the public with respect to the location of the business facilities or provides courtesy or directive information, but is not an advertisement.

3.53 **"Unsafe"** means structurally inadequate or faulty; or in a condition or location that could be hazardous to any person or property as determined by the Chief Building Official.

3.54 **"Wall Sign"** means a sign erected against or attached to the wall of any building, the display surface of which is relatively parallel to the face of and supported by such wall, which does not project more than 0.6 metres (2 feet) from the wall. A wall sign does not include a billboard sign or blade sign.

3.55 **"Wire Sign"** means a sign that is placed into the ground by means of wire posts.

3.56 **"Zone"** means a zone established in a By-law of the Town, as amended from time to time.

4. ADMINISTRATION

4.1 This by-law shall be administered by the Town Clerk.

4.2 Except for the signs referred to in Section 9, no person shall erect, display, repair or alter a sign unless a sign permit is obtained therefor.

4.3 Where required by the Building Code, signs shall also be required to have a building permit issued.

4.4 Every applicant for a sign permit shall complete and submit the following to the Town Clerk.

4.4.1 The application, in duplicate, which shall be on forms obtained from the Town;

4.4.2 An affidavit sworn by the applicant verifying that all information contained in the application is complete and accurate;

4.4.3 Scaled drawings, in duplicate, setting forth the specifications and materials to be used in the construction of the sign structure and the sign. The drawings shall also set forth the colour scheme and any other information that may be requested by the Town to assist in the assessment of the application. All signs shall be designed and constructed in accordance with the applicable provisions of the Building Code. For the purposes of this by-law sign area shall be referred to in square metres and shall be calculated by multiplying the length by the height, and for further clarity a sign having a sign area of 20 square metres (215 square feet) would include a sign 5 metres (16 feet) high and 4 metres (13 feet) wide;

4.4.4 Scaled drawings, in duplicate, setting forth all information regarding any building upon which it is proposing to locate the sign and the sign structure as may be necessary to determine whether the structure of such building is capable of carrying the additional loads and stresses imposed thereon by the erection of the proposed sign and sign structure and whether the proposed erection complies with the applicable requirements of the Building Code;

4.4.5 A scaled site plan, in duplicate, setting forth the adjacent streets, sidewalks and walkways, property lines, ***sight triangles***, street frontage, adjacent buildings, structures and signs, the location of the proposed sign, and the location of existing or other proposed signs upon the building or property in relation to other buildings, structures, signs and sign structures upon the building or property as well as identification of zoning and adjacent land uses;

4.4.6 For the purposes of this section the following size of scale shall apply:

4.4.6.1 Plot plans shall be a minimum of 1:200

4.4.6.2 Elevation Plans shall be a minimum of 1:100

4.4.6.3 Cross section plans shall be a minimum of 1:50

4.4.7 The following documents shall also be provided if requested by the Town:

4.4.7.1 a plan of survey, in duplicate, certified by an Ontario Land Surveyor;

4.4.7.2 if the applicant is not the owner of the property or building on which the sign or sign structure is to be erected, a signed consent by the registered owner of the property authorizing the applicant to apply for a sign permit on behalf of the owner and to erect the proposed sign; and

4.4.7.3 any additional written approvals or permits required by any other governmental authority or public agency having jurisdiction over the subject matter of the application;

4.4.7.4 proof of liability insurance coverage in respect of the sign.

4.4.8 Every person shall assist any entry, inspection, examination or inquiry by the Town Clerk in the exercise of a power or performance of duty under this by-law. Further, no person shall neglect or refuse to produce any documents, drawings, specification or information required by the Town Clerk.

4.5 For the purpose of determining the size of a sign and the permit fee, metric measure shall be the official unit of measure in this by-law. The approximate imperial equivalents inserted within brackets following the metric numbers are provided as a guide only.

5. ISSUANCE OF SIGN PERMITS

The Town Clerk shall review all applications for sign permits:

5.1 When the prescribed fee has been paid in accordance with the Town's Fees and Charges By-law, and the applications, drawings, specifications and site plan or survey conforms to the requirements of this by-law, the Building Code and all applicable regulations, the Town Clerk shall issue the permit together with one (1) set of the approved drawings and specifications to the applicant and retain the other set.

5.2 Every permit shall expire if active work is not commenced within a period of 6 months from the date of its issue, but before it has so expired, the permit may be renewed for up to a further 6 months providing that the proposed work continues to comply with provisions of this by-law, the Building Code and all other applicable regulations as revised to the time of the proposed renewal.

5.3 If the matters mentioned in any application for a permit, or if the drawings, specifications or plan of survey submitted with the application indicate to the Town Clerk that the work proposed to be done will not comply in all respects with the provisions of this by-law, the Building Code and all other applicable regulations, the Town Clerk shall refuse to issue a permit therefor and no permit shall be issued until the application, drawings and specifications and the plan of survey are made to conform to the requirements of this by-law and the Building Code and all other applicable regulations.

6. REVOCATION OF SIGN PERMITS

6.1 The Town Clerk may revoke the sign permit at any time after the issuance thereof where the sign does not conform to this by-law, the Building Code, or any other applicable regulations, or where the permit was issued as a result of false or misleading information. Revocation will be served by delivering written notice by registered mail to the assessed owner or occupant of the property upon which the sign is erected or is proposed to be erected or to the applicant for the permit at the applicant's address as indicated on the permit or permit application. Revocation will take effect at the end of the 7th day from the date of the revocation notice.

7. FEES

7.1 Fees to be paid in advance to the Town for the review of plans submitted with applications for sign permits and for inspection of signs shall be in accordance with the Town's applicable Fees and Charges By-law.

7.2 Charitable organizations and community associations are exempt from the sign permit fees.

7.3 **DELETED – By-law No. 2013-156**

7.4 All paid sign permit application fees, are subject to a 50% non-refundable processing fee.

7.5 All paid sign variance fees are non-refundable.

7.6 Applicants requesting a variance from the Sign By-law may request that Council consider waiving the variance fee.

8. REMOVAL OF SIGNS

8.1 Any sign that is unsafe, erected in contravention of any of the provisions of this by-law, no longer in accordance with the Building Code, or no longer in a state of good repair, whether or not a permit therefore has been issued, shall be removed by the owner or occupant of the property on which the sign is erected or is proposed to be erected, upon receipt of an order issued by the Town Clerk. The order shall be served by registered mail to the assessed owner or occupant of the property on which the sign is erected or proposed to be erected or to the applicant for the permit at the applicant's address as indicated on the Municipal Application Form and a copy of the order may be posted on the property. The sign(s) that are subject to the order shall be removed immediately upon receipt of the order.

8.2 Such order shall outline the nature of the contravention and the section of the by-law so contravened and shall further direct that the by-law be complied with forthwith upon receipt of the order.

8.3 In the event of such sign(s) not being removed in accordance with the order, the Town Clerk may cause the pulling down or removal and disposal of such sign(s) at the expense of the owner or occupant and the expenses therefore may be collected in like manner as municipal taxes.

8.4 An unsafe sign may be pulled down or removed and disposed of at the direction of the Town Clerk. Such removal and disposal is to be at the expense of the owner or occupant and the expenses therefore may be collected in like manner as municipal taxes.

8.5 Signs removed pursuant to this section shall be stored for a period of 60 days following which they may be disposed of by the Town without further notice.

9. SIGNS FOR WHICH A SIGN PERMIT IS NOT REQUIRED

The following signs are permitted in any zone and may be erected without a sign permit:

9.1 Election Signs, erected in compliance with Section 20.4 of this by-law;

9.2 Official signs required by law, or as otherwise required by the Town;

9.3 Signs for regulating traffic, legal notices or warnings at railway crossings and all other signs pertaining exclusively to public safety;

9.4 Memorial or historical interest signs, plaques or tablets, Chamber of Commerce welcome signs and other similar signs;

9.5 Public notification signs that are erected by the Town in accordance with statutory requirements for the notification of the public as set out by the *Planning Act* or other Provincial or Federal statute and in accordance with the policies of the Town;

9.6 Flags or Banners that are non-advertising or for non-profit organizations, of varying colour or that may bear the crest, name, insignia of a corporation, government agency or religious, charitable or fraternal organization;

9.7 Signs advertising Town events and activities;

9.8 Open House Directional signs;

9.9 Real Estate Signs having a sign face area of less than 1 square metre (11 sq. ft.);

9.10 Trail Blazer Signs;

9.11 Freedom of Speech Signs.

10. PROHIBITED SIGNS

Notwithstanding any other provisions of this by-law, no person shall erect, or cause to be erected or permit any of the following signs on any premises:

10.1 A sign which is located so as to obstruct the view of any pedestrian or motor vehicle driver and/or is unsafe;

10.2 A sign other than a wall sign within 9 metres (30 feet) of a traffic signal;

10.3 A sign which is located so as to obstruct or impede any flue, air intake, fire escape, fire exit, door, window, skylight or exhaust or so as to impede free access by emergency workers to any part of the premises;

10.4 A sign which projects over any public area unless located at least 2.8 metres (9 feet) above the surface of such area;

10.5 A sign which does not comply with the Building Code;

10.6 A sign which does not comply with the provisions of the Electrical Safety Code, the *Occupational Health and Safety Act*, the *Construction Safety Act* and any other applicable government regulations;

10.7 A sign which does not comply with the provisions of this by-law;

10.8 A sign encroaching onto a required fire route unless approved by the Town's Fire Chief;

10.9 A sign which is located on public property unless expressly permitted by this by-law;

10.10 A sign which is attached to any public utility pole or which interferes with any municipal or public utility services and/or street light poles;

10.11 A sign which is painted on, attached to or supported by a tree;

10.12 A roof sign;

10.13 A sign which depicts violence, nudity or other sexually explicit conduct;

10.14 A flashing or animated sign;

10.15 An illuminated sign that directs light off a property;

10.16 A wall sign advertising a business other than that being operated in said building;

10.17 No advertising devise may be displayed upon or from within an unlicensed or inoperable motor vehicle or trailer;

10.18 Signs within the urban Downtown Core which inhibit the architectural feature of the building or do not comply with the Urban Design Guidelines;

10.19 Back lit sign boxes within the Urban Downtown Core.

11. VARIANCES

11.1 Where the provisions of this by-law are proposed not to be met, an application may be made to Council for a variance to the by-law;

11.2 Applications for a variance shall clearly set out why the provisions of the by-law cannot be met and why the sign(s) is (are) necessary;

11.3 Council may, upon application for a variance from the provisions of this by-law, authorize such minor variances. Minor variances will not be approved where the proposed sign does not comply with the Building Code;

11.4 Applications for sign variances shall be subject to the applicable fee as per the Town's Fees and Charges By-law;

11.5 Signs requiring a variance may not be erected until such time as the variance request has received Council approval;

11.6 Council's decision with regards to a variance applicant shall be final.

12. EXISTING SIGNS

This by-law does not apply so as to require a sign that was lawfully erected or displayed on the date this by-law is passed, but that does not comply with the by-law, to be made to comply with the by-law or to be removed by the owner or occupant of the land and premises on which it is situate, as long as the sign is not altered or replaced. This provision will not permit the continued existence of signs that are non-compliant with the Building Code.

13. BUILDING CODE AND GOVERNMENTAL REGULATIONS

Any sign which is erected shall at all times comply with this by-law, the Building Code and any applicable governmental regulations. The more restrictive provisions of the requirement shall apply.

14. LIABILITY

The provisions of this by-law shall not be construed as relieving or limiting the responsibility or liability of any person who erects or causes or permits to be erected any sign, from personal injury resulting in death or property damage resulting from such sign or from the acts or omissions of such person or his agents, servants, employees, contractors, or subcontractors, in the erection, alteration, repair or removal of any sign erected in accordance with a permit which is issued hereunder. Likewise, the provisions of this by-law shall not be construed as imposing on the Town, Council, its officers, employees, servants and agents, any responsibility or liability whatsoever by reason of the approval or issuance of a permit for any sign or removal of any sign.

15. INDEMNIFICATION

The applicant for a sign permit and the owner and occupant of the lands and premises on which any sign is erected, shall be jointly and severally responsible to indemnify the Town, Council, its officers, employees, servants and agents, from all loss, damages, costs, expenses, claims, demands, actions, suits or other proceedings of every nature and kind arising from and in consequence of the erection, alteration, repair or removal of such sign.

16. MAINTENANCE OF SIGNS

The owner and/or occupant of the lands and premises upon which any sign is located shall maintain, or cause to be maintained such sign and sign structure in a proper state of repair so that such sign does not become unsafe or unsightly and so that such sign is functioning in a manner as designed at all times.

17. SEVERABILITY

If any section, clause, or provision of this by-law, including anything contained in the schedules hereto, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the by-law as a whole or any part thereof other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention that all remaining sections, clauses and provisions of the by-law shall remain in full force and effect, notwithstanding that one or more provisions thereof shall have been declared to be invalid.

18. SIGNS ON OR OVER PUBLIC PROPERTY

Except for signs permitted by Sections 9.2 (Official Signs), 9.3 (Public Safety Signs), 20.2 (Real Estate Signs), 20.3.2 (Community Association, Non-Profit and Charitable Organizations), no sign shall be erected on or be permitted to project over any street sight triangle or public property unless approved by resolution of the Council of New Tecumseth, unless located at least 2.8 metres (9 feet) above the surface of such areas. Applicants of Blade Signs must enter into an Agreement for a Blade Sign with the Town.

19. RESIDENTIAL ZONES

19.1 Ground signs shall be erected a minimum of 3 metres (10 feet) from the property line;

19.2 In all residential zones, illuminated signs shall be designed and erected so that the light from such signs is deflected away from any adjacent residential premises and road allowance;

19. 3 Ground signs shall have a maximum sign area of 1 square meter (11 square feet);

19. 4 Ground signs shall have a maximum height of 1.22 metres (4 feet);

19.5 Wall signs shall be limited to one per building face;

19.6 Sandwich board signs and portable signs are prohibited in residential zones.

20. SIGN REQUIREMENTS

20.1 Sign permits shall be required for all signs with the exception of the signs, which are specifically exempted from requiring a sign permit by the provisions of section 9.

20.2 **Real Estate Signs and Directional Open House Signs**

20.2.1 A maximum of one real estate sign shall be permitted for each street frontage of the property on which the sign is erected; provided that one additional sign may be permitted for a lot with a street frontage of at least 100 metres (328 feet) or more;

20.2.2. The sign face of a real estate sign shall not exceed 1 square metre (10.7 square feet) if erected on a property zoned residential and shall not exceed 4 square metres (43 square feet) if erected on a property zoned agricultural, industrial or commercial;

20.2.3 An open house directional sign may be erected on that portion of a street located between the curb or edge of the travelled roadway and the sidewalk, or where no curb exists, such sign may be erected on the untravelled portion of the right-of-way closest to the outer edge of the travelled roadway;

20.2.4 Open house directional signs shall have a maximum sign face area of 0.5 square metres (5 square feet);

20.2.5 Open house directional signs may only be displayed during the hours of the open house and must be removed before sunset;

20.2.6 Open house directional signs may include the address of the property for sale or lease and the date of the open house;

20.2.7 Open house directional signs shall not be affixed to a utility pole, tree, official sign (such as parking signs) or other public property.

20.3 **Community Association, Non-Profit and Charitable Organizations**

20.3.1 In any zone, ground signs, under the control of community associations, non-profit and/or or charitable organizations may be erected on a Town road allowance, subject to the following conditions:

20.3.1.1 no such ground signs shall be located so as to impede or interfere with the safe operation of vehicular or pedestrian traffic as determined by the Director of Public Works;

20.3.1.2 the maximum sign area of such ground signs shall be 1.5 square metres (16 square feet); and

20.3.1.3 such ground signs shall be a minimum of 3 metres (10 feet) from any sidewalk, roadway or driveway.

20.3.2 In any zone, signs may be erected by non-profit, charitable organizations or community associations for the purpose of advertising of events conducted or sponsored by such organizations provided that such signs shall:

20.3.2.1 be removed not later than 7 days after the event or a 60 day display period, whichever comes first;

20.3.2.2 not be erected without the consent of the owner of the property on which the sign is to be located; and

20.3.2.3 not be greater than 4.5 square metres (48 square feet) in sign area.

20.4 **Election Signs (DELETED - Refer to Election Sign By-law No. 2018-061)**

20.5 **Land Development Signs**

In any zone, 1 ground or wall sign having an aggregate sign area not in excess of 13.38 square metres (144 square feet) related to land development shall be permitted for each 0.4 hectare (1 acre) of land or portion thereof to a maximum of 4 signs; such signs to be placed in a location satisfactory to the Town Clerk.

20.5.1 Land Development Signs shall be removed not later than 30 days after the development is completed or occupied, or within 2 years from the date of the issuance of the sign permit, whichever is lesser; provided that a sign permit may be renewed for an additional 2 years provided a renewal application is submitted and approved prior to the expiration of the original sign permit.

20.5.2 A Land Development sign shall not be displayed at an offsite sales office location. An offsite sales office sign shall comply with all other provisions of this by-law.

20.6 **Residential Development A Frame Signs**

20.6.1 Residential Land Development “A” frame signs shall have a maximum height of 1.2 metres (4 feet) and a maximum width of 0.81 metres (2.66 feet).

20.6.2 No person shall erect or cause to be erected a Residential Development “A” frame sign without a permit and such sign shall only be erected in the specific location as shown on a plan approved by the Clerk or designate.

20.6.3 Residential Land Development “A” frame signs may be located on public property provided that in the opinion of the Director of Public Works, the flow of pedestrian and vehicular traffic is not impeded.

20.6.4 Before issuing a permit proposed to be on Town property, the applicant shall provide confirmation to the Town that a minimum $2,000,000.00 liability insurance is in effect and that the Town is named as an additional insured.

20.6.5 That one Residential Development “A” frame sign be permitted for each street frontage with a minimum of 300 metres (984.25 feet) between signs related to the same development.

20.6.6 That Residential Development “A” frame signs may be displayed 30 minutes before sunrise and removed 30 minutes before sunset Friday to Sunday and on Mondays in the case of statutory holidays.

20.6.7 That Residential Development “A” frame signs shall no longer be placed for display once the development has been completed or within a two year period from the issuance date of the sign permit. A sign permit may be renewed provided an application is submitted and approved prior to the expiration of the original sign permit.

20.7 **Sandwich Board Signs**

20.7.1 Sandwich board signs maybe erected in any zone except Residential Zones, provided that they are located directly in front of the business which it is advertising, and they are in full compliance with all other provisions of this by-law. A maximum of 2 sandwich board signs shall be permitted at a business location.

20.7.2 Sandwich board signs may be located on the public sidewalk in the downtown core areas provided that in the opinion of the Director of Public Works, the flow of pedestrian traffic is not impeded and provided that the sign shall be removed at the end of business hours each day.

20.7.3 Sandwich board signs shall not be erected within 3 metres (10 feet) of another sandwich board sign or driveway entrance.

20.7.4 Sandwich board signs shall maintain a minimum unobstructed width of 1.5 metres (5 feet) for pedestrians in front of the building.

20.7.5 Sandwich board signs shall not exceed a height of 1 metre (3 feet) or width of 0.6 metres (2 feet).

20.7.6 Before issuing a permit for a sidewalk sign, the applicant shall provide confirmation to the Town that a minimum of $2,000,000 of valid comprehensive general liability insurance is in effect and that the Town is named as an additional insured.

20.8 **Short Term Signs**

20.8.1 Sign permits for Short Term Signs advertising a business shall be issued in time increments of 15 days for a maximum of 3 occasions a year, a maximum of 45 days in a calendar year.

20.8.2 No more than 3 Short Term signs shall be permitted on a lot.

20.8.3 Short Term signs advertising an event not related to a business and not advertising a business may be located on a property other than that on which the event is to take place provided they are removed not later than 7 days after the event or a 45 day display period, whichever comes first.

20.8.4 A Short Term sign shall not be erected in any public park or on any property owned or occupied by the Town.

20.9 **Portable Signs**

20.9.1 Portable signs may be erected in any zone except Residential Zones provided that they are in full compliance with all other provisions of this by-law.

20.9.2 A portable sign advertising a business may be erected provided that it is located on the same property as the business which it is advertising.

20.9.3 No more than 1 portable sign shall be permitted on a lot at any one time.

20.9.4 Sign permits for portable signs advertising a business shall be issued in time increments of 30 days for a maximum of 3 permit occasions per year, a maximum of 90 days in a calendar year.

20.9.5 Portable signs advertising an event not related to a business and not advertising a business may be located on a property other than that on which the event is to take place provided they are removed not later than 7 days after the event or a 30 day display period, whichever comes first.

20.10 **Billboard Signs**

20.10.1 Billboard signs may only be erected on a vacant lot within an industrial or commercial zone provided that:

20.10.1.1 only 1 sign shall be permitted per lot;

20.10.1.2 the signs shall be set back a minimum of 15 metres (50 feet) from all street lines;

20.10.1.3 the maximum sign area shall be 20 square metres (215 square feet) per sign face and a total of 40 square metres (430 square feet) for all sign faces combined;

20.10.1.4 the sign shall not exceed 7.5 metres (25 feet) in height measured from the finished level at the base of the supporting structure;

20.10.1.5 the sign shall be setback a minimum of 500 metres (1,640 feet) from another billboard sign;

20.10.1.6 the sign shall be setback a minimum of 100 metres (328 feet) from any residential use or residential zone;

20.10.1.7 the sign shall be setback a minimum of 3 metres (10 feet) from any driveway;

20.10.1.8 the sign shall be setback a minimum of 15 metres (50 feet) from any common lot boundary with an adjacent lot.

20.10.2 Notwithstanding the above requirements and provisions, a maximum of four (4) billboard signs shall be allowed to be located in the areas prescribed in Section 20.10.1 within the limits of the Town of New Tecumseth.

20.11 **Commercial Zones**

20.11.1 Ground signs shall be permitted provided all ground signs on a lot shall have a generally consistent height, appearance, shape, size, massing, background colour and border.

20.11.2 The street (municipal) address of the lot shall be prominently displayed on a ground sign such that it is visible from the street.

20.11.3 Notwithstanding the provisions of this by-law, the maximum height of a pylon sign in a Shopping Centre Commercial (SCC) zone or in respect of a commercial plaza shall be 9.0 metres (30 feet).

20.11.4 Backlit illuminated signs shall be discouraged in the urban commercial core.

20.12 **Freedom of Speech Signs**

20.12.1 The size of a Freedom of Speech sign shall be restricted to 1 square metre (10.7 square feet).

20.12.2 No person shall erect a Freedom of Speech Sign closer to the street line than:

i. 1 metre from the street line if located more than 40 metres from any intersecting street line or driveway;
ii. 2 metres from the street line if located between 20 and 40 metres from any intersection street line or driveway;
iii. 3 metres from the street line if located closer than 20 metres from any intersecting street or driveway.

20.12.3 No Freedom of Speech Sign shall be located closer than 1 metre fro any property line.

20.12.4 Only one Freedom of Speech Sign may be erected on a lot.

20.12.5 No Freedom of Speech Sign shall be displayed for longer than 90 days; provided that in the case of Freedom of Speech Signs, concerning proposed legislation, policies, or developments by the federal, provincial or municipal governments, the signs may remain until the final decision respecting the subject matter has been made and then shall be removed within 7 days of the final decision.

20.13 **Inflatable Signs**

20.13.1 Sign permits for Inflatable Signs advertising a business shall be issued in time increments of 15 days for a maximum of 3 occasions a year, a maximum of 45 days in a calendar year.

20.13.2 No person shall erect or cause the erection of an inflatable sign without a permit and an inflatable sign shall be erected in the specific location as shown on a plan approved by the Clerk or designate.

20.13.3 An inflatable sign shall only be permitted on a property designated urban highway commercial zoning with a minimum frontage of 13 metres (140 feet).

20.13.4 An inflatable sign shall be located:

i. a minimum of 2 metres (6.4 feet) from any property line;
ii. a minimum of 2 metres (6.5 feet) from any driveway entrance and exit;
iii. a minimum of 30 metres (98.4 feet) measured in a straight line from a residential property;
iv. the total area of the urban highway commercial zoned property shall have a minimum coverage of .41 hectares (1 acre).

20.13.5 An inflatable sign shall have a maximum height of 9.1 metres (30 feet) and a maximum width of 4 metres (13.1 feet).

20.13.6 One inflatable sign shall be permitted for each urban highway commercially zoned property at one time.

20.13.7 Inflatable signs shall be permitted only for businesses or uses currently on the property on which the sign is to be displayed.

20.13.8 All inflatable signs shall be properly secured to the satisfaction of the Clerk or his/her designate.

20.13.9 Before being issued a sign permit for an inflatable sign, the applicant shall provide confirmation of liability insurance coverage in respect of the sign.

20.13.10 Where an inflatable sign has been affixed, erected or otherwise displayed in contravention of any provision of the by-law, the Clerk or his/her designate may notify or order the owner to:

i. repair the inflatable sign;
ii. pull down or remove the inflatable sign and charge the owner of the sign a fee, or;
iii. make the inflatable sign comply with the provisions of the by-law.

20.14 **Banners and Flags**

20.14.1 A banner sign shall not be erected within:

i. 15 metres (49 feet) of a traffic control device,
ii. 10 metres (33 feet) of another banner sign

20.14.2 A banner sign shall not have a sign face that exceeds 9.29 square metres (100 square feet)

20.14.3 Upon expiry of the permit for a banner sign, the banner sign must be immediately removed.

20.14.4 A banner sign shall not be illuminated.

20.14.5 A maximum of two flags shall be permitted at a business location and shall be removed at the end of business hours each day.

20.14.6 Flags shall not be erected within 3.04 metres (10 feet) of another flag.

20.14.7 Flags shall not interfere with vehicular or pedestrian traffic and shall not exceed 3.04 metres (10 feet) in height or 3.04 metres (10 feet) in width.

20.15 **Illuminated Signs**

20.15.1 Illuminated signs shall be discouraged in the urban downtown core.

20.15.2 Back lit box signs are prohibited in the Urban Downtown Core.

20.16 **Electronic Message Board Signs**

20.16.1 Electronic Message Board signs may be erected in any zone except Residential Zones provided that they are in full compliance with all other provisions of this by-law and provided that:

i) The electronic message board will not alter the essential character of the area (urban design guidelines) and will not affect adjacent properties.
ii) The electronic message board shall be setback a minimum of 9 metres (30 feet) of an intersection.
iii) No more than one (1) electronic message board shall be permitted on a lot.
iv) The intensity of an illumination shall be maintained at a consistent level.
v) The message duration shall not be less than five (5) seconds.
vi) During the message transition, the sign shall not display any blinking, intermittent or flashing light or the illusion of such effect.

20.17 **Blade Signs**

20.17.1 Applicants for Blade Signs that are proposed to extend beyond .90 metres (36 inches) beyond the face of a wall will be required to enter into an Agreement for a Blade Sign with the Town.

20.17.2 Every Blade Sign that projects over public property shall have a minimum clearance of 2.8 metres (9 feet) above adjacent grade.

21. CONSTRUCTION

IN ALL ZONES unless otherwise noted in Section 20, Sign Requirements or the following Sections: 19 Residential Zones & 20.11 Commercial Zones.

21.1 All ground signs and wall signs shall be designed and constructed in accordance with the Building Code.

21.2 One ground sign is permitted on a lot, which has a street frontage of at least 12.2 metres (40 feet) and up to 76.2 metres (250 feet), provided the maximum height of a ground sign shall not exceed 7.5 metres (25 feet) in height. An additional ground sign is permitted where the lot has a street frontage of at least 88.4 metres (290 feet).

21.3 No wall sign shall extend above the top of the wall nor extend beyond the ends of the wall to which they are attached.

21.4 Every wall sign that projects over public property (where permitted) shall have a minimum clearance of 2.8 metres (9 feet) above adjacent grade.

21.5 No sign or advertising device shall be located upon any building so as to obstruct any door scuttle, skylight or fire escape.

21.6 No sign shall be erected on any building unless such building is capable of carrying additional loads due to the erection of such sign without exceeding the stresses permitted in the Building Code.

21.7 Every sign attached to the exterior wall of a building shall be certified by a qualified professional and be safely and securely anchored thereto by means approved by the Chief Building Official.

21.8 In all zones except residential, ground signs shall be erected a minimum of 1 metre (3 feet) from the property line or boundary.

21.9 Ground signs shall not have an overall sign area greater than 13.38 square metres (144 square feet).

21.10 Ground signs shall not exceed a maximum height of 7.5 metres (25 feet).

21.11 Wall signs shall have a maximum sign area of 10 square metres (100 square feet)

21.12 A wall sign shall not project more than 0.6 metres (2 feet) from the wall.

21.13 In permitted zones, illuminated signs shall be designed and erected so that the light from such signs is deflected away from any adjacent residential premises and road allowance.

22. ORDERS

22.1 In addition to section 8.1 which authorizes the issuance of an order to remove, the Town Clerk may issue:

22.1.1 an order requiring the person who has contravened this by-law or who caused or permitted the contravention of the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity.

22.1.2 an order requiring the person who has contravened this by-law or who caused or permitted the contravention of the owner or occupier of the land on which the contravention occurred to do work to correct the contravention.

22.2 An order issued under either section 22.1.1 or 22.1.2 shall set out,

(a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and

(b) the work to be done and the date by which there must be compliance with the order.

23. OFFENCES AND PENALTIES

23.1 Every person who contravenes this by-law is guilty of an offence.

23.2 A director or officer of a corporation who knowingly concurs in the contravention of this by-law by the corporation is guilty of an offence.

23.3 Contraventions of Section 4.2 (requirement for a sign permit), 8.1 (removal of signs pursuant to order), 20.5.1 (removal of land development signs) of this by-law are designated as continuing offences pursuant to section 429(2)(a) of the *Municipal Act, 2001* as amended. Every person who contravenes any of the sections of the by-law noted in Section 23.3 is guilty of a continuing offence and on conviction is liable to a fine of not less than $500 and not more than $100,000 for each day or part of a day that the offence continues.

23.4 Every person who is convicted of a subsequent conviction for the same offence shall be liable to a fine that is calculated as 2 times the amount of the previous fine paid by the person in respect of the repeated offence.

23.5 Every person who contravenes any of the sections of this by-law other than those set out in Sections 23.3 and 23.4 is guilty of an offence and on conviction is liable to a fine of not less than $500 and not more than $100,000.

23.6 Every person who contravenes the provisions of Section 22 is guilty of an offence and on conviction is liable to a fine of not less than $500 and not more than $100,000.

23.7 Notwithstanding the provisions of this section, the Town may proceed pursuant to Part 1 of the *Provincial Offences Act* commencement of proceedings by certificate of offence.

24. By-Law 2007-057 is hereby repealed and replaced with By-law 2010-014.

25. EFFECTIVE DATE

This by-law shall come into force and take effect on the date of final passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 1st DAY OF MARCH, 2010.

MAYOR

Office Consolidation

CLERK