

THE CORPORATION OF LOYALIST TOWNSHIP

BY-LAW NUMBER 2002-2

BEING A BY-LAW TO REGULATE SIGNS AND OTHER ADVERTISING DEVICES IN THE CORPORATION OF LOYALIST TOWNSHIP.

WHEREAS the Municipal Act, R.S.O. 1990, Chapter 302 as amended, provides in Section 210, paragraphs 145 to 149 inclusive, that Councils of local municipalities may pass by-laws for prohibiting or regulating signs and other advertising devices and posting of notices on buildings, vacant lots or on a highway within the municipality.

NOW THEREFORE the Council of the Corporation of Loyalist Township **ENACTS** as follows:

PART I – TITLE, DEFINITIONS, AND SCOPE

1. TITLE OF BY-LAW

This by-law may be cited as the “Sign By-law for the Corporation of Loyalist Township.”

2. DEFINITIONS

ADVERTISING DEVICE – shall mean any device or object creating a design and erected or located or affixed on any building, structure or on the ground for the purpose of advertising; this shall include flags, banners, pennants, lights or any other object intended for advertising purposes.

ALTER – shall mean any change to the sign structure or sign face, with the exception of:

- a) A change in message being displayed.
- b) Repair and maintenance, including replacement by identical components as required by this by-law.

BOULEVARD – shall mean the public property lying between the travelled portion of the street and the street line.

BUILDING CODE – shall mean the Ontario Building Code Act, as amended from time to time, and includes any regulations thereunder.

BUILDING FAÇADE – shall mean that portion of any exterior elevation of a building extending from grade to the top of the parapet, wall or eaves and the entire width of the building elevation.

BY-LAW ENFORCEMENT OFFICERS – shall mean the By-law Enforcement Officers appointed by Council of the Corporation of Loyalist Township.

CHIEF BUILDING OFFICIAL – shall mean the Chief Building Official appointed by Council of the Corporation of Loyalist Township as prescribed by the Ontario Building Code Act.

COUNCIL – shall mean the Council of the Corporation of Loyalist Township.

COUNTY – shall mean the County of Lennox and Addington.

DISABLED PARKING – shall mean an area designated for the exclusive use of a vehicle displaying a **current** disabled person parking permit in accordance with the requirements of The Highway Traffic Act and the regulations made there under and by this by-law.

ERECT – shall include the placing of, arranging for the placing of, the renting of or the leasing of.

HIGHWAY – shall have the same meaning as that word is defined in the Municipal Act.

LEGAL NON-CONFORMING – shall mean a legal use as described in the Planning Act, R.S.O. 1990, chap. 13 and the Municipal Act R.S.O. 1990, Section 210(146) , as amended.

LINTEL – shall mean the line above the display windows and below the transom windows (if any) on a building.

LOT – shall mean a parcel of land which is capable of being legally conveyed in accordance with the provisions of the Planning Act, R.S.O. 1990.

LOT FRONTAGE – for the purpose of this by-law, means that side or limit of the lot that abuts directly on a street.

LOT LINE – shall mean the division line between a utility or right-of-way and a lot, or the division line between two lots.

MUNICIPALITY – shall mean the Corporation of Loyalist Township.

PARAPET – shall mean an extension of wall above the actual roof level.

PERSON – shall mean any human being, association, firm, partnership, incorporated company, corporation, agent or trustee and any heirs, executors, successors, assigns or other legal representatives of a person to whom a contract can apply according to law.

PREMISES – shall mean that part of a building owned separately or occupied by a tenant and lawfully used for either a commercial, industrial or other purpose.

PUBLIC THOROUGHFARE – shall mean that portion of private property over which the general public has the right to vehicular passage for the purpose of attending at premises located on the property and, without limiting the generality of the foregoing, shall include roadways, laneways and public parking areas in and around shopping centres and plazas.

SHOPPING CENTRE – shall mean a unified group of commercial establishments on a site designed, developed and managed as a single operating unit for which parking is provided in common off-street areas, as opposed to a business area comprising of unrelated individual commercial establishments.

SIGHT TRIANGLE – shall mean the triangular space formed by the street lines of a corner lot and a line drawn from a point in one street line to a point in the other street line, each such point being nine (9) metres (29.53 feet) from the point of intersection of the street lines (measured along the street lines). Where the two street lines do not intersect at a point, the point of intersection of the two street lines shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents of the street lines.

SIGN – shall mean any display or device having thereon letters, symbols, characters, illustrations or any combination thereof which identifies or advertises any person, place, product or thing in such a way as to be visible from a highway or public thoroughfare.

- i) **SIGN AREA** – means the area of the display surface upon, against, or through which the message or messages on the sign are displayed or illuminated and the area of a sign made up of individual letters, symbols or numbers shall be the block area of the letters, symbols or numbers and not the combined area of the individual letters, symbols or numbers. For the purpose of this by-law, any double sided sign shall be deemed to have only one face, provided both faces are identical, contiguous, and parallel or diverging at an angle of not more than 15 degrees.
- ii) **SIGN STRUCTURE** – shall mean the supports and framework for a sign.
- iii) **SIGN, ANIMATED** – means a sign or advertising device which includes action or motion, moves in a revolving manner or contains an intermittent or flashing light source or which includes the illusion of intermittent or flashing light by means of an animation or an externally mounted light source.
- iv) **SIGN, AWNING** – shall mean a wall sign supported entirely from the exterior wall of a building and composed of non-ridged materials except for the supporting framework.
- v) **SIGN, BANNER** – shall mean a sign composed of lightweight material so as to allow movement which is caused by atmospheric conditions.
- vi) **SIGN, BILLBOARD** – shall mean a sign structure to which advertising copy is fastened in such a manner as to permit its periodic replacement and which displays goods, products, services or facilities that are not available at the location of the sign and/ or which directs or invites a person to a location different from that on which the sign is located and does not exceed twenty-eight (28) square metres (91.86 square feet).
- vii) **SIGN, CANOPY** – shall mean a sign erected as an integral part of an attached canopy or a freestanding canopy.
- viii) **SIGN, CONSTRUCTION** – shall mean a sign incidental to a construction project or a development located within the boundaries of the development or construction site.
- ix) **SIGN, DEVELOPMENT IDENTIFICATION** – shall mean a ground sign which identifies or draws attention to a group of businesses or persons located on the same property as the sign. Such sign may or may not contain the names of individual businesses or persons on the property and may or may not contain the provision for a readograph sign within the display area. Such readograph shall form part of the display area and shall occupy no more than 30% of the entire display area
- x) **SIGN, DIRECTIONAL** – shall mean a sign for the public safety or which provides directional information for the control of vehicular traffic such as an entrance or exit sign or a loading area, and bearing no commercial advertising. A directional sign may take the form of a Ground Sign or Wall Sign.
- xi) **SIGN, ELECTION**– shall mean signs which are used to promote the running candidate during an election period, using a ground sign within the respected areas stated in this by-law.
- xii) **SIGN, ELECTRIC SPECTACULAR** – shall mean on or off premises sign that employs flashing, animated or intermittent illumination.
- xiii) **SIGN, GROUND** – shall mean a sign including a pylon sign supported from the ground and not attached to any part of any building.

- xiv) **SIGN, HOME IDENTIFICATION** – means a fascia sign which identifies by letters and/ or numbers, the name of the occupants and/ or street address of the building on which lot the sign is located.
- xv) **SIGN, HOME OCCUPATION** – shall mean a sign for the identification of a home occupation.
- xvi) **SIGN, ILLUMINATED** – shall mean any sign illuminated by either internal or external incandescent or fluorescent lamps or luminous tubes.
- xvii) **SIGN, INDUSTRIAL**– shall mean a sign accessory to the permitted industrial use.
- xviii) **SIGN, INSTITUTIONAL** – shall mean a sign accessory to the permitted institutional use.
- xix) **SIGN, ON PREMISES** – shall mean any sign identifying or advertising a business, person, activity, good, product or service available at the premises where the sign is located.
- xx) **SIGN, OFF PREMISES** – shall mean a ground sign which identifies or advertises a business, person, activity, good, product or service, which is not related to or available at the premises where the sign is located.
- xxi) **SIGN, PORTABLE/ MOBILE**– shall mean and include any sign or advertising device not permanently attached to a structure, or any sign or advertising device resting upon or attached to any movable device, but shall not include a sign attached to a vehicle for the transportation of people, goods or other materials.
- xxii) **SIGN, POSTER** – shall mean an on-lot or off-lot sign which must be secured to another structure such as a utility pole or light standard for support which is made out of paper or light-weight bristol-card stock or other biodegradable material which does not exceed 400mm in width by 600mm (16”x24”) in length. Subject to Local Utility Company or municipal approval, posters may be temporarily secured on an existing secondary support such as a utility pole, light standard or other existing ground sign structure.
- xxiii) **SIGN, POSTURN** – shall mean a sign made with a series of triangular vertical sections that turn and stop, or index to show three pictures or messages in the same area.
- xxiv) **SIGN, PROJECTING** – shall mean any on premise sign attached to exterior wall of a building other than a wall sign.
- xxv) **SIGN, PUBLIC AUTHORITY** – shall mean any sign erected for or at the direction of any municipality or government authority, agency, board or committee for the purpose of providing information to the public concerning any proceedings by such agency, authority, board or committee.
- xxvi) **SIGN, REAL ESTATE** – shall mean an on-lot sign advertising the sale, rent, or lease of the lot but shall include signs which advertise new subdivisions or developments.
- xxvii) **SIGN, READOGRAPH** – shall mean a sign, other than a portable sign, composed of interchangeable letters intended to convey a temporary message.
- xxviii) **SIGN, ROOF** – shall mean any sign the face of which is above the roof level or parapet of a building.

- xxix) **SIGN, SIGNATURE ENTRANCE** – shall mean a permanent ground sign that is located within a boulevard or outside the site triangle to promote and advertise the name of the subdivision, neighbourhood or community.
- xxx) **SIGN, WALL/ FAÇADE** – shall mean an on premises sign attached in close proximity and parallel to any exterior wall of a building and without limiting the generality of the foregoing shall include canopy signs and fascia signs.
- xxxii) **SIGN, WINDOW** - shall mean any sign located on the interior of a building, which is intended to be seen from off the property on which the building is located and which is constructed in such a manner as intended to be of a permanent nature, but shall not include illuminated signs commonly used to advertise products sold on the premises provided such sign does not exceed 0.50 square metres (5.3square feet) in sign area.

SITE PLAN – shall mean a development project that requires approval pursuant to Section 41 of the Planning Act, R.S.O. 1990, Chapter P.13.

STREET – shall mean a public thoroughfare, for the passage of vehicles, under the jurisdiction of the Municipality, the County, the Province of Ontario or the Government of Canada, which is open for public use and travel, is constructed in accordance with specifications satisfactory to the Municipality and continues to be maintained and is subject to a continuous winter control program by the Municipality or other governmental authority having jurisdiction or where financial obligations for the construction of a street have been met to the satisfaction of the Municipality.

STREET LINE – shall mean the line dividing the street from the adjacent lot.

ZONE – shall have the same meaning as defined in the current Zoning By-laws of Loyalist Township, and the use of the terms residential zone, rural zone, institutional zone, commercial zone, industrial zone, development zone and all zoning related to Amherst Island.

3. SCOPE OF BY-LAW

- a) **LANDS SUBJECT TO BY-LAW**
The provisions of this by-law shall apply to all lands within the geographic boundaries of the Corporation of Loyalist Township.
- b) **CONFORMITY WITH BY-LAW**
No signs within the Municipality shall be erected, maintained or structurally altered except in conformity with the provisions of this by-law.
- c) **COMPLIANCE WITH OTHER RESTRICTIONS**
This by-law shall not be effective to reduce or mitigate any restrictions lawfully imposed by a governmental authority having jurisdiction to make such restrictions. The most restrictive of all the regulations shall prevail.

4. PERMIT REQUIRED

Except for signs referred to in Section 5 of this By-law no person shall erect, display, alter, repair or cause to be erected, displayed, altered or repaired a sign in the Municipality unless a sign permit has been issued by the Chief Building Official or designate.

5. PERMIT EXEMPTION

The following signs shall be permitted in all zones and no permit shall be required for any of the following.

- a) **Alterations or Repairs** to a sign for which a permit has been legally issued under this by-law or any previous sign by-law if such alterations or repairs involve only a change of the message on the sign or the repainting, cleaning or other normal maintenance and repair of the sign or sign structure, and the sign or sign structure is not modified in any other way;
- b) **Real Estate Signs** (point of sale), provided such signs are removed no later than twenty-one (21) days after the closing date of the sale and the area of any one sign does not exceed 0.6 square metres (6.4 square feet) and provided that open house signs comply with the following requirements:
 - i) No open house signs shall be located so as to interfere with the safe operation of vehicular or pedestrian traffic;
 - ii) A-frame signs shall be permitted for an open house sign and shall be located so as to not interfere with the safe operation of vehicular or pedestrian traffic;
 - iii) The maximum size of any open house sign shall not exceed 0.6 square metres, and
 - iv) Not more than two open house signs shall be erected per dwelling.
- c) **Directional and Public Authority Signs**;
- d) **Flags, emblems or insignia** used only for the identification of a nation, province, country, municipality, school, political or religious group;
- e) **Warning or Caution Signs** indicating a warning or caution such as “no trespassing” with an area not greater than 0.6 square metres (6.4 square feet);
- f) **Signs erected by the Crown or any Municipal authority** for the regulation, safety or guidance of traffic;
- g) **Displays** consisting entirely of landscaping material;
- h) **Non-Illuminated Construction Signs** with an area not greater than two (2) square meters (21.5 square feet) provided the signs are erected on the lot upon which the construction is occurring and the signs are removed forthwith upon the completion of the construction. Construction signs may be erected at the main entrance to a subdivision or construction sites to identify the contractors who are working within the subdivision, provided the signs conform to the following provisions:
 - i) All signs erected at the entrance to the subdivision shall be erected on the same sign structure;
 - ii) The area of any one sign shall not exceed two (2) square metres (21.5 square feet);
 - iii) The sign structure shall not exceed six (6) metres (19.6 feet) in height and shall not exceed three (3) metres (9.8 feet) in length;
 - iv) Signs erected upon the above-noted sign structure shall be removed when the contractor is no longer working within the subdivision or construction site.

- i) **Signs** with an area not greater than six (6) square metres (64.5 square feet) erected by the owner or occupant of the property on which the sign is located for the purpose of directing traffic on the property;
- j) **All signs under jurisdiction of the Ministry of Transportation of Ontario or County of Lennox and Addington.** If no other requirements exist in these areas, the provisions of this by-law shall apply. Where more than one (1) jurisdiction is applicable, the provisions of the highest authority shall apply;
- k) **Disabled Parking Signs:** the owner of the land, which provides disabled parking, must follow the requirements of The Highway Traffic Act – Disabled Person Parking Permits, Regulation 581 and its amendments;
- l) **Public notices** that are erected in accordance with the Municipality’s legal requirements concerning applications under the Planning Act, R.S.O. 1990, as amended, for amendments to its Official Plan and Zoning By-law, minor variances, land severances and plans of subdivision;
- m) **Election Signs** for Federal, Provincial, Municipal or School Board elections provided:
 - i Election signs shall not be erected more than twenty-eight days (28) prior to the day of the election;
 - ii Election signs must be removed within 48 hours after the election polls close;
 - iii No election sign shall be greater than 5.0 square metres (53.8 square feet) in sign area or 1.2 metres (3.9 feet) in height;
 - iv A-frame, Portable/ Mobile and Readograph signs are prohibited for election use;
 - v No sign shall be erected on private property without the consent of the owner;
 - vi Election signs are permitted within road allowances, with the consent of the adjacent landowners, subject to sight triangle height restrictions;
 - vii No election sign shall be located so as to interfere with the safe operation of vehicular or pedestrian traffic;
 - viii No election sign shall be erected in any sight triangle unless approved by the Municipality;
 - ix No election sign shall be erected at, adjacent to or within 12 metres (39 feet) of Corporation property. This includes, but is not limited to, parks, municipal offices and structures, public recreation facilities, etc., but excludes road allowances.
 - x No election sign shall be erected at, adjacent to or within 18 metres (59 feet) of polling stations. The Chief Building Official or designate has the authority to remove these election signs immediately without notice and the sign may be returned to the candidate;
 - xi The Chief Building Official has the authority to remove any election sign subject to giving five (5) days written notice to the candidate to remove election signs;
 - xii Repeated violations by an election candidate will result in the Municipality taking legal action.

- m) **Identification Signs** for the identification of a garage sale;
- n) **Signs** not greater than three (3) square metres (32.2 square feet) in sign area advertising special events of charitable organizations or community associations provided that such signs:
 - i) Shall not be erected more than sixty (60) days prior to the day of the event unless approved by council;
 - ii) Are removed forthwith upon completion of the event.
- p) **Banners** provided the applicable authority is satisfied a road hazard does not exist, if the banner advertises a special event, is installed no more than sixty (60) days before the event and is removed within fourteen (14) days from the event's completion.
- q) **Civic Addresses and 911 Numbers** as assigned by the Municipality.
- r) **Home Identification Signs**

6. **PROHIBITED SIGNS**

No person shall erect, display, alter or repair or cause the same to be done with respect to any of the following:

- a) Abandoned Signs;
- b) Vehicles parked solely for the purpose of advertising the direction to a place of business;
- c) Signs that encroach on public property unless expressly authorized by the responsible public authority;
- d) Pennants, search lights, curb signs except real estate or open house signs;
- e) Roof Signs;
- f) Electrical Spectacular Signs;
- g) Signs that endanger public safety by reason of their location or inadequate or improper construction or maintenance;
- h) Postern Signs;
- i) Signs that appear to move;
- j) Signs which employ flashing, animated or intermittent illumination;
- k) Signs that obstruct or impede any flue, air, intake, fire escape, fire exit, door, skylight, exhaust or impede free access by firefighters to any part of a premises.
- l) Signs that violate the Building Code.

PART II – ADMINISTRATION

1. CHIEF BUILDING OFFICIAL

The Chief Building Official is responsible for the administration and enforcement of this by-law.

2. BY-LAW ENFORCEMENT OFFICER/ BUILDING INSPECTOR

Council shall appoint such inspectors and other officials as it considers necessary to carry out the duties and responsibilities granted to and imposed upon him/ her under this by-law.

3. PERMIT TO ISSUE

The Chief Building Official or designate shall issue a sign permit except where:

- a) The proposed sign or sign structure will not comply with this by-law or the Ontario Building Code or will contravene any other applicable law; or
- b) The application is incomplete or any fees due are unpaid.

4. PERMIT APPLICATIONS

Applications for a sign permit shall be made to the Chief Building Official upon a form to be provided by the Chief Building Official which shall require the following information to be set out on or accompany such application.

- a) The name and address of the owner of the sign;
- b) The name and address of the owner of the premises upon which the sign is located or to be located;
- c) Drawings, plans, and specifications showing:
 - i The location or proposed location of the sign on the premises including its relation to any street line and lot line;
 - ii The location or proposed location of all other signs on the premises for which a permit is required;
 - iii The dimensions, construction supports, sizes, electrical and attachment and character of structural members to which the attachment is made, together with such other engineering data certified by a duly licensed engineer as the Chief Building Official may require.
- d) All permits as may be required by any other applicable government authority, including Hydro One or Electrical Inspection Authority.
- e) The required fee.
- f) Such further and other information as the Chief Building Official may require in order to ensure that such sign will comply with the requirements of this by-law, the Ontario Building Code and any other applicable laws.

- g) The consent of the person in possession of the premises upon which the sign is located or to be located to entry upon the said premises by the Chief Building Official, By-law Enforcement Officer or Building Inspector for the purpose of inspecting the sign in accordance with Section 15 (6) of the Ontario Building Code Act and under Section 14 of this by-law, but nothing herein shall be construed to in any way limit or restrict the right of the Chief Building Official to enter upon the premises in accordance with the provisions of the Building Code Act, the Provincial Offences Act or any other statutory authority.

5. PERMIT FEE

Each application for a sign permit shall be accompanied by a fee payable to the Municipality in the amount of \$9.00 per \$1,000.00, or portion thereof the total estimate cost of construction with a minimum fee of \$50.00.

6. PERMIT FEE NON-REFUNDABLE

All fees paid are non-refundable. Fees collected are as per the fee requirements of the Municipality's Building By-law.

7. INSPECTION

Upon completion of the erection, display, alteration or repair of a sign for which a permit has been issued, the person to whom the permit was issued shall so notify the Chief Building Official and the Chief Building Official or designate shall, within thirty (30) days from the date of such notice, inspect the sign and sign structure to ensure that it has been erected, displayed, altered or repaired in accordance with the approved plans in respect of which the permit was issued, the requirements of this by-law, the Ontario Building Code, and any other applicable laws.

8. ORDER TO COMPLY

The Chief Building Official or designate may, upon written notice, require any person who:

- a) Has erected, displayed, altered or repaired or caused or permitted to be erected, displayed, altered or repaired, a sign without first having obtained a permit to do so within the time prescribed in the notice;
- b) Having obtained a permit has caused a sign to be erected, displayed, altered or repaired contrary to the approved plans in respect of which the permit was issued, to make such sign comply within the time prescribed in the notice;
- c) Has erected, displayed, altered, repaired, caused or permitted to be displayed erected, altered or repaired a sign contrary to the provisions of this by-law, the Ontario Building Code or any other applicable law, to make such sign comply within the time prescribed in the notice; or
- d) Has caused or permitted a sign to become abandoned, dilapidated or, in the opinion of the Chief Building Official, a hazard to public safety, to correct the situation to the satisfaction of the Chief Building Official in the manner and within the time prescribed in the notice.

9. REVOKING PERMIT

The Chief Building Official or designate may revoke a sign permit:

- a) Where it was issued on mistaken or false information;
- b) Where, after six (6) months after its issuance, the erection, display, alteration or repair of the sign in respect of which the permit was issued has not, in the opinion of the Chief Building Official, been seriously commenced; or
- c) Where a person to whom notice has been given in accordance with Part II, Section 8 of the by-law has failed or refused to comply with such notice:

and the Chief Building Official or designate shall forthwith deliver to the person to whom the permit was issued the reasons in writing for his decision to revoke the permit.

10. ORDER TO REMOVE SIGN

The Chief Building Official or designate may, upon thirty (30) days written notice to the owner of a sign and the person in possession of the premises upon which a sign is located, order the sign removed:

- a) In the case of a sign for which a permit has been issued, if the permit has been revoked; or
- b) In the case of any other sign, if the person to whom a notice was given in accordance with Part II, Section 8 of this by-law has failed or refused to comply with such notice.
- c) Notwithstanding the order to remove sign provisions in Part II, Section 10, election signs are dealt with in Part I, Section 5(I)(xi).

11. SIGN TO BE PULLED DOWN

Upon the failure or refusal of the person to whom notice was given in accordance with Part II, Section 10 of this by-law to remove a sign, the Chief Building Official or designated may pull down or remove the sign at the expense of the owner of the sign. The costs associated with pulling down or removal of the sign will be collected in a like manner as taxes.

PART III - REGULATIONS

1. SITE PLAN APPROVAL

Where the property is subject to site plan control the location of all signs shall be controlled through site plan control in addition to the requirement of this by-law, the Loyalist Township Site Plan Design and Development Guidelines and/ or any other applicable laws.

2. NON-CONFORMING SIGNS

Any sign that is lawfully erected or displayed on the day this by-law comes into force but does not comply with this by-law shall be allowed to remain in place until such time as it is willfully removed by the owner or it is destroyed, at which time if a sign is proposed to replace the legal non-conforming one, the new sign shall comply with all the provisions of this by-law, except that all existing portable signs shall be made to comply with this by-law within six (6) months of the date of passing of this by-law;

3. SIGN MAINTENANCE

- a) All signs are to be maintained in a proper state of repair so that such signs do not become unsafe, structurally unsound, unsightly or dangerous;
- b) Where, in the opinion of the Municipality, a sign is in a dangerous or defective condition, the Municipality shall notify the owner, lessee or agent of the lots upon which such sign is located to remove at once such sign or place the same in a proper state of repair within such time as the Municipality specifies.

4. HEIGHT RESTRICTIONS

No sign erected above a public thoroughfare shall be less than four (4) metres (13.2 feet) above such public thoroughfare or any boulevard or shoulder area associated therewith:

- a) No sign erected above a pedestrian walkway shall be less than three (3) metres (9.8 feet) above such walkway.
- b) The maximum height of a wall sign shall be the height of the adjoining wall, except as provided in the Ontario Building Code.
- c) No part of any ground sign shall exceed in height a distance of eight (8) metres (26.2 feet) above the level of the ground at the base of the sign structure.

5. MAXIMUM PROJECTION

No projecting sign shall project more than two (2) metres out from the face of the building to which it is attached, or be closer than two (2) metres to the vertical extension of a curb of either a highway or public thoroughfare.

6. SIGN ILLUMINATION

- a) Every sign erected or displayed may be illuminated unless otherwise expressly prohibited by this by-law.
- b) No external illumination of a sign shall spill directly beyond the face of the sign or be a nuisance to neighbours or a hazard to public safety.
- c) A maximum illumination (candlepower or equivalent measurement) shall be provided and approved by the Township to protect neighbouring traffic and/or housing from illuminated signage.

7. DISTANCE FROM STREET LINE

Except as otherwise provided herein, signs used or erected in accordance with all other provisions of this by-law shall be located so that:

- a) No sign is located closer than three (3) metres (9.8 feet) to any street line or side lot line other than an official sign for the regulation, safety or guidance of traffic;
- b) No sign is located within a sight triangle; and
- c) In the event that the street width is increased by the Authority having jurisdiction thereover, the said distance of three (3) metres (9.8 feet) shall be measured from the new street line and any sign existing prior to the widening of such street shall be moved at its owner's expense to comply with the provisions of clauses (a) and (b) above.

8. GROUND SIGNS AND DEVELOPMENT IDENTIFICATION SIGNS

- a) A ground sign or development identification sign shall be permitted on site. Off site signage is prohibited.
- b) A maximum of one ground sign or development identification sign may be erected or displayed on the side of a property that fronts on a highway, and one (1) additional ground sign or development identification sign may be erected or displayed on the same side of the property where there is an additional ninety (90) metres (295.27 feet) of frontage in excess of the first ninety (90) metres (295.27 feet) of frontage, to a maximum of two such signs, or, in the case of a property with sides fronting on more than one highway or public thoroughfare, a maximum of one ground sign or development identification sign may be erected on each such side.
- c) No part of a ground sign or development identification sign or the sign structure shall be less than three (3) metres (9.8 feet) from any boundary line of the property on which the sign is located, provided that no part of a ground sign, development identification sign, or the sign structure shall be located within six (6) metres (19.6 feet) of any lot line in a residential zone.
- d) No ground sign or development identification sign shall have sign area more than 0.3 square metres (3.22 square feet) for each linear foot of frontage that the property on which the sign is located has on a highway to a maximum of fourteen (14) square metres (150.69 square feet) total.
- e) No part of a ground sign or development identification sign or the sign structure shall be higher than eight (8) metres (26.2 feet) above the level of the ground at the base of the sign structure.

9. SIGNS WITH VISIBLE A-FRAME SUPPORTS

A sign with visible A-frame supports shall be allowed in all zones, as noted in the current Loyalist Township Zoning By-laws, subject to the following restrictions:

- a) No A-frame sign shall be located within a road allowance or an identified parking space;
- b) No A-frame sign shall be taller than one (1) metre (3.28 feet) above grade and shall not be placed in a sight triangle;
- c) No A-frame sign shall interfere with pedestrian traffic;
- d) No A-frame sign shall be larger than 0.37 square metres (3.98 square feet) per face;
- e) All permitted A-frame signs shall be secured by use of a portable or removable type of mounting to the ground to prevent or minimize the hazard to persons or property in the event of a collision.
- f) Mountings shall be heavy enough not to turn over in the wind and their bases shall not be appreciably wider than the sign.

10. WALL/ FACADE SIGNS

- a) A maximum of one wall/ facade sign may be erected or displayed on the side of the premises fronting on a highway or public thoroughfare and, in the case of premises with sides fronting on more than one highway or public thoroughfare, a maximum of one wall sign may be erected on each such side.
- b) The maximum area of a wall/ facade sign shall be the lesser of fifteen (15) percent of the building façade to which it is attached or fourteen (14) square metres (150.70 square feet).
- c) No wall/ facade sign shall be erected or displayed on any part of a wall except, in the case of a one (1) storey building, within the area of the building façade between the lintel and the parapet or eaves and, in the case of a multiple storey building, in the area between the lintel and the floor of the second storey.

11. PROJECTING SIGNS

- a) A maximum of one (1) projecting sign may be erected or displayed on the side of the premises fronting on a highway or public thoroughfare and, in the case of premises with sides fronting on more than one highway or public thoroughfare, a maximum of one (1) projecting sign may be erected on each side.
- b) No projecting sign shall be erected or displayed if a ground sign or wall sign has been erected or displayed in respect to the same side of the premises.
- c) Subject to Part III Section 11(d), no projecting sign shall project out from the wall to which it is attached a distance of more than one (1) centimetre (0.39”) for each thirty (30) centimetres (11.81 feet) that the centre point of the sign is located from the nearest property line, or twelve (12) centimetres (4.72”), whichever is less.
- d) No projecting sign at the corner of a building on a corner property shall project out from the corner of the building a distance of more than one (1) centimetre (0.39”) for each thirty (30) centimetres (11.81”) that the centre point of the sign is located from the nearest corner of the property, or twelve (12) centimetres (4.72”), whichever is less.
- e) Projecting signs at the corner of a building shall be positioned to align with the nearest corner of the property.

- f) No projecting sign or any part of the sign structure shall rise above or be visible above either the parapet, roof, building face or wall.
- g) No projecting sign shall overhang any pedestrian walkway.

12. PORTABLE/ MOBILE SIGNS

- a) No portable/ mobile sign or any part of the sign structure shall be less than one (1) metre (3.2 feet) from any property line of the property on which the sign is located and shall not be placed in any portion of the road allowance;
- b) No side of any portable/ mobile sign shall have an area of greater than five (5) square metres (53.82 square feet);
- c) All portable/ mobile signs shall be staked firmly to the ground by means of iron stakes and all wheels shall be off the ground;
- d) No more than one portable/ mobile sign shall be erected or displayed per business on a property at any time;
- e) A business shall not place or erect a portable/mobile sign on a property more than twice during a single calendar year for a total period of time not to exceed sixty (60) days. Each portable/ mobile sign shall be on privately owned property and not on municipal property and must be maintained to the satisfaction of the municipality.

13. OFF-PREMISES SIGNS

No off-premises sign shall be erected in the Municipality except in accordance with the following provisions:

- a) All off-premises signs shall be located in line with the established building lines or, where no such line exists, shall have a minimum setback of three (3) metres (9.8 feet) from all property lines.
- b) Subject to Part III, Section 13 (c), no off-premises sign shall be located within a radius of three hundred (300) metres (984.25 feet) from another off-premises sign, but nothing herein shall prevent the establishment of two (2) off-premises signs in a back to back or V-shape formation that face traffic flowing in opposite directions, provided that the internal angle of the V-shaped formation does not exceed fifteen (15) degrees.
- c) At the intersection of two (2) highways, no off-premises sign facing traffic flowing on one (1) highway shall be located within a radius of less than ninety (90) metres (295.28 feet) from another off-premises sign facing traffic flowing on the other highway.
- d) Signs under this section shall be located so that the rear of such signs are not visible from any highway. If the rear of such signs are visible from a highway, they shall be enclosed with a smooth surface.
- e) No off-premises sign shall have a side with an area of more than thirty (30) square centimetres (4.65 square inches) for each linear metre of frontage that the property on which the sign is located has on a highway to a maximum of sixty (60) square metres (645.86 square feet).

14. BILLBOARD SIGNS

- a) The billboard advertising shall not be electrically animated, have moving parts or automated message changes.
- b) There shall not be more than two (2) visible faces used for advertising purposes.

- c) The billboard sign shall not be located closer than ten and one half (10.5) metres (34.44 feet) from any lot line; thirty (30) metres from a park, hospital, school or one hundred (100) metres (328.08 feet) from any residence.
- d) Any lighting used to illuminate a billboard sign shall not spill beyond the sign and cause a nuisance.
- e) Billboard signs shall be a minimum of five hundred (500) metres (1640.42 feet) from another billboard sign and shall be a maximum in area of twenty-eight (28) square metres (301.40 square feet).
- f) Any billboard sign shall be a minimum of three hundred (300) metres (984.25 feet) from Highway 401.
- g) Notwithstanding any other area provisions for billboard signs, billboard sign area along the Highway 401 corridor can be up to a maximum of sixty (60) square metres (645.86 square feet).

15. WINDOW SIGNS

The maximum sign area of any sign shall not exceed 25% of the area of the window in which the sign is located.

16. SOFFIT SIGNS

The following regulations shall apply to all soffit signs:

- a) No portion of any soffit sign shall be less than 2.44 metres (8.0 feet) above the finished grade or floor level immediately below such sign;
- b) No soffit sign shall be located above the first storey of any building;
- c) No soffit sign shall be closer than two (2) metres (6.5 feet) from the outer edge of the canopy upon which it is suspended;
- d) No soffit sign shall have a vertical dimension greater than 0.4 metres (1.31 feet) or have a horizontal dimension greater than 1.9 metres (6.23 feet);
- e) No soffit sign shall exceed 0.6 square metres (6.45 square feet) in sign area.

17. CANOPY SIGNS

The following regulations shall apply to all canopy signs:

- a) A canopy sign shall be designed as an integral part of the canopy fascia;
- b) No canopy sign shall extend beyond the limits of the canopy fascia;
- c) No portion of any sign shall be less than 2.44 metres (8.0 feet) above the finished floor level immediately below such sign;
- d) No canopy sign shall extend around the corners of the canopy upon which it is mounted, except that when a premises is located at the corner of a building, a canopy sign may extend round the corner on which it is mounted. Signs extending around the corner lawfully erected under this section shall be deemed to be two (2) signs for the purpose of calculating the permitted number of signs and permitted sign area;

- e) Canopy signs shall only be located on the storey having direct access to a street.

18. RESIDENTIAL SIGNS

No person shall erect or display a sign on any property in a residential zone except:

- a) Signs for which a permit is not required by this by-law;
- b) A maximum of one sign not exceeding (0.3) square metres (3.23 square feet) in area, advertising boarding, lodging or tourist accommodation on the lot on which the sign is located, provided such accommodation is not prohibited by the current Loyalist Township Zoning By-laws as amended;
- c) A maximum of one sign, not exceeding one (1) square metre (10.76 square feet) in area, indicating the name of the apartment use on the property on which the sign is located, provided such use is permitted by the current Loyalist Township Zoning By-laws as amended.

19. HOME OCCUPATION SIGNS

The following regulations shall apply to all home occupations:

- a) A home occupation sign shall be a maximum of 0.6 square metres (6.46 square feet);
- b) A maximum of one (1) home occupation sign shall be permitted and shall be located in or on the property where the home occupation is permitted.

20. INSTITUTIONAL AND COMMUNITY FACILITY SIGNS

No person shall erect or display a sign on any property in an institutional zone except:

- a) Signs for which a permit is not required by this by-law;
- b) A maximum of one sign for each highway frontage, such sign not to exceed three (3) square metres (32.2 square feet) in area, to identify the institutional use on the property;
- c) One (1) additional sign, used for identification purposes, for each structure or building, provided it does not exceed fifty (50) square centimetres (7.75 square inches) in area;
- d) One church bulletin board sign, with an area not exceeding one (1) square metre (10.76 square feet) in area;
- e) A maximum of one (1) portable/ mobile as per regulations contained in Part III, Section 12 of this by-law.

21. RECREATIONAL OPEN SPACE, RURAL AND DEVELOPMENT ZONES

No person shall erect or display a sign on any property in an open space zone, rural zone or development zone except:

- a) Signs for which a permit is not required by this by-law;
- b) Off-premises signs as permitted by this by-law including a billboard sign;
- c) One (1) wall sign or one (1) ground sign as permitted by this by-law advertising farm produce raised or produced on the premises, or recreational facilities offered on the premises;

- d) Up to two (2) signs painted on the side or roof of a barn in rural zone, each not exceeding fifteen (15) percent of the area of the exposed side or roof on which the sign is painted, indicating the name of the occupant of the farm lot and/ or name of the property (but not including any advertising), and which sign may include a symbol, emblem or picture;
- e) A portable/ mobile sign as per regulations contained in Part III, Section 12 of this by-law.

22. COMMERCIAL ZONES

No person shall erect or display a sign on any property in a commercial zone except:

- a) Signs for which a permit is not required by this by-law;
- b) Ground, billboards or development identification signs as permitted by this by-law;
- c) A maximum of one (1) of the following signs as permitted by this by-law for the side of each business premises on the property that fronts upon either a highway or public thoroughfare;
 - i A wall sign; or
 - ii A projecting sign
- d) A portable/ mobile sign as per regulations contained in Part III, Section 12 of this by-law.

23. INDUSTRIAL ZONES

No person shall erect or display a sign on any property in an industrial zone except:

- a) Signs for which a permit is not required by this by-law;
- b) Ground, billboards or development identification signs as permitted by this by-law;
- c) A maximum of one (1) of the following signs as permitted by this by-law for the side of each business premises on the property that fronts upon either a highway or a public thoroughfare:
 - i A wall sign; or
 - ii A projecting sign
- d) A portable/ mobile sign as per regulations contained in Part III, Section 12 of this by-law.

24. HERITAGE SIGNIFICANT AREAS, DISTRICTS & DESIGNATED HOMES

No person shall erect or display a sign (including a temporary sign) on any property designated by by-law as part of a heritage conservation district under Part V of the Ontario Heritage Act or on any homes or lands designated by by-law under Part IV of the Ontario Heritage Act until the Chief Building Official or designate and the Loyalist Township Heritage Committee have reviewed and commented on the proposed signage and Council has approved the request pursuant to the requirements of Part IV or Part V of the Ontario Heritage Act.

Where a property is designated under Parts IV or V of the Ontario Heritage Act, home identification signs, memorial and historical interest signs or tablets shall not need a sign permit but the proposed signage and location must be reviewed by the Chief Building Official or designate and the Loyalist Township Heritage Committee and be approved in accordance with the Ontario Heritage Act by Council before it is erected.

Where a property is designated by by-law under Part IV or V of the Ontario Heritage Act, the following signs are prohibited:

- i Visible A-Frame Signage;
- ii Portable/ Mobile Signage;
- iii Electric Spectacular Signage;
- iv Animated Signage;
- v Readograph Signage.

25. HIGHWAY/ COUNTY ROAD RIGHT-OF-WAY

Any sign within the highway right-of-way should be at a minimum distance of fifty (50) metres away from other highway-related signage. Signage that cannot be accommodated in this spacing should not be allowed within the right-of-way or be subject to refusal if, in the Township's opinion, the proposed sign interferes with public highway signage.

26. HIGHWAY 401 – PROVINCIAL HIGHWAY

The Ministry of Transportation controls all signage within 400 metres (1312.33 feet) of any limit of the King's Highway under authority of "The Public Transportation and Highway Improvement Act" and related policies.

Each sign placed, erected, maintained or altered within the controlled area shall be subject to the approval of the Minister. The only exception shall be one sign not more than 0.18 metres square (2 square feet) in size displaying the name or the names and occupation of the owner of the premises on which the sign is located or the name of the premises on which a sign may be placed by the owner under the provisions of the Public Transportation and Highway Improvement Act and without the approval of the Minister.

Ministry of Transportation policy does not permit any third party advertising signs or portable signs within the above-noted area control along the Highway 401 corridor.

PART IV – MISCELLANEOUS

1. NOTICE

Any notices required to be given under this by-law shall be given by registered mail addressed to such person at the address set out on the application for the permit or, in case of a sign for which a permit was not obtained, the owner or occupant, according to the last revised assessment roll of the Municipality, of the property on or in front of which the sign is located, and such notice shall be effective as of the date on which such registered mail is posted or served by the Chief Building Official or designate.

2. VALIDITY

If any section, clause or provision of this by-law is for any reason declared by 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 the remaining sections, clauses or provisions of this by-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall be declared to be invalid.

3. LIABILITY

The provisions of this by-law shall not be construed as relieving or limiting the responsibility or liability of any person who erects, displays, causes, permits or allows to be erected or displayed, any sign, for personal injury including injury resulting in death, or property damage resulting from such sign or from the employees, contractors or sub-contractors, in the construction, erection, maintenance, display 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 Municipality, its officers, employees, servants and agents, any responsibility or liability whatsoever by reason of the approval of or issuance of a permit for any sign or removal of any sign.

4. INDEMNIFICATION

The applicant for a permit for a sign, the owner and occupant of the lands and premises on which any sign is erected, shall be jointly and severally responsible to indemnify the Municipality, 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 construction, erection, maintenance, display, alteration, repair or removal of such sign.

5. OFFENCES/ PENALTIES

Every person who:

- a) Knowingly furnishes false information in any application for a permit or any documents or plans accompanying such application for a permit under this by-law;
- b) Fails to comply with any notice, order, directive or other requirement given in accordance with this by-law;
- c) Contravenes any provision of this by-law;

and every director or officer of a corporation who knowingly concurs in such furnishing, failure or contravention is guilty of an offense and on conviction is liable to a fine of not more than five thousand (\$5,000.00) dollars for each such offence).

6. MINOR VARIANCE

Any person(s) seeking relief from provisions stated in this by-law may apply for a minor variance. No relief will be granted to any prohibited signs stated within this bylaw. All applicable fees shall apply.

7. REPEAL

The following by-laws are hereby repealed:

- i the former Village of Bath **By-law 814-95**
- ii the former Township of Ernestown **By-law 93-42**

8. EFFECTIVE DATE

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

ENACTED AND PASSED THIS _____ DAY OF _____, 2002

Reeve

Clerk