

CITY OF PORT COLBORNE

BY-LAW NO. 4738/120/05

**BEING A BY-LAW TO REGULATE THE ERECTION
AND MAINTENANCE OF SIGNS AND OTHER
ADVERTISING DEVICES**

WHEREAS, the Municipal Act, 2001, S.O. , 2001, c.25, as amended, provides a municipality has the specific power to regulate structure, including fences and signs subject to the rules and regulations set out in Section 99:

AND WHEREAS, public notice of the Council of the Corporation of the City of Port Colborne intention to pass a by-law to regulate the erection and maintenance of signs and other advertising devices was given in the Tribune on August 3rd, 2005.

AND WHEREAS, it is the desire of the Council of the Corporation of the City of Port Colborne to regulate signs and advertising devices in the City of Port Colborne with a view to ensuring the safety of the public in respect to the erection and maintenance of such signs:

NOW THEREFORE, the Council of the Corporation of the City of Port Colborne enacts the following:

SECTION 1 TITLE AND SCOPE

1.1 Short Title

1.1.1 This By-law may be cited as the "Sign By-law".

1.2 Scope

1.2.1 The provisions of this By-law shall regulate the erection , location, construction, alteration, repair, use and maintenance of all signs and other advertising devices within the limits of the Corporation of the City of Port Colborne.

SECTION 2 DEFINITIONS

2.1 General Definitions

The following general definitions shall apply for the purpose of this By-law unless the context otherwise provides;

2.1.1 **A-Frame Sign** - Any mobile sign , triangular in shape, designed with no less than two sides of equal lengths forming its apex allowing it to stand freely on the ground.

2.1.2 **Accessory Sign** - A sign in which the copy relates to the lot upon which the sign is located.

2.1.3 **Address Sign** - A fascia sign or ground sign which has a maximum area of 0.2 square metres, containing no commercial message and is intended solely to indicate municipal street address.

2.1.4 **Area of Sign** - The number of square metres of the surface of the sign, including the border and frame and where there is no border or frame, shall include all the extremities of the sign.

Fifty percent (50%) of the sum of all the area of the faces of a multiple faced sign shall be used in determining the area of the sign.

Where letters, figures or symbols are affixed to a wall separately, to denote the name of the business or service, then the area of the sign shall be determined to be the area contained within a rectangle surrounding all of the letters, figures or symbols.

- 2.1.5 **Awning Sign** - A non-illuminated sign painted on or affixed flat to the surface of an awning, which does not extend vertically or horizontally beyond the limits of such awning, is used solely for the purpose of identification of the business or use and contains no other commercial message.
- 2.1.6 **Banner Sign** - Any temporary sign made from non-rigid material such as cloth, plastic or similar material and which is secured or mounted by its ends on a secondary support.
- 2.1.7 **Bench Sign** - Any sign that is painted, placed, or attached to a bench.
- 2.1.8 **Billboard Sign** - A sign advertising a business, use, product, or idea not required to be located on the same lot as the sign is located, and shall include poster panels or other similar surfaces to which temporary sign copy may be attached.
- 2.1.9 **Building Line** - The required building line setback from any street for a structure or any required front yard or required sideyard abutting a street, all as set out in the applicable City Zoning By-laws.
- 2.1.20 **Clearance** - The vertical distance between the lowest limit of a sign and the finished grade immediately below the sign.
- 2.1.21 **Chief Building Official** - The Chief Building Official so appointed by the Council of the City of Port Colborne pursuant to the Ontario Building Code Act 1990, as amended, or any designated representative.
- 2.1.22 **Corporation** - The Corporation of the City of Port Colborne.
- 2.1.23 **Council** - The Council of the Corporation of the City of Port Colborne.
- 2.1.24 **Display Surface** - The surface face available by the structure either for direct mounting of letters and decorations, or for the mounting of facing material intended to carry the entire advertising message.
- 2.1.25 **Double Faced Sign** - A sign having two sign faces, each face being of equal area and identical proportions to the other, and with each face located on the sign structure so as to be exactly opposite the other.
- 2.1.26 **Driveway Visibility Triangle** - A triangular area formed within a lot by the intersection of a driveway line and a lot line abutting a street or the projections thereof and a straight line connecting them 4.57 metres from their point of intersection.
- 2.1.27 **Election Sign** - means a sign advertising support or promoting the election of a candidate or a political party for public office, or a question on a ballot with respect to a federal, provincial, or municipal election.
- 2.1.28 **Erect** - Anything done in the installation, placement, maintenance, repair, or alteration of any sign.
- 2.1.29 **Fascia Sign** - A sign which is painted on or attached to a building wall and extending therefrom not more than one half (0.5) metres.

- 2.1.30 **Freedom of Speech Sign** - means a Temporary Sign used to express opinions concerning social, economic or political issues.
- 2.1.31 **Flashing Sign** - A luminous sign, fixed or rotating upon which the source of artificial light is not stationary or the intensity or colour is not constant, but does not include such signs indication time or temperature.
- 2.1.32 **Frontage** - The width of a lot measured along the Street Line of a lot. Where a lot has more than one Street Line, each Street Line shall be considered separately for the purposes of determining frontage.
- 2.1.33 **Grade** - The elevation of the ground immediately below the sign.
- 2.1.34 **Ground Sign** - A sign three (3) metres or less in height directly supported on the ground without the aid of any building or structure other than the sign structure.
- 2.1.35 **Height of Sign** - The vertical distance measured from the proposed or finished grade immediately below the sign to the highest extremity of the sign including the border or frame.
- 2.1.36 **Illuminating Device** - Any device employing artificial lighting which is intended to draw attention to any object or place. This shall include artificial lighting devices used to illuminate parking areas and lots upon which goods are displayed whether for sale or for display purposes only.
- 2.1.37 **Illuminated Sign** - Any sign illuminated by incandescent lighting, fluorescent lighting or the like.
- 2.1.38 **Letters and Decorations** - The letters, illustrations, symbols, figures, insignia and other devices employed to express and illustrate the message of the sign.
- 2.1.39 **Lot** - Any parcel of land whether such parcel is described in a registered deed, or shown as a lot or block in a registered plan of subdivision on which a sign is located or intended to be located.
- 2.1.40 **Mall Sign** - The major identification sign or advertising structure of a multiple occupancy industrial or shopping development.
- 2.1.41 **Multiple Face Sign** - A sign having two or more faces which are not parallel to each other.
- 2.1.42 **Owner** - Includes: a) The owner of the sign.
b) The owner of the real property on which the sign is located.
c) The person for the time being, managing or receiving the rent for: (i) the sign or,
(ii) the real property on which the sign is located.
- 2.1.43 **Pole (Pylon) Sign** - A free-standing sign which is permanently anchored in the ground, and which has its sign face(s) at least 2.44 metres above finished grade.
- 2.1.44 **Portable Sign** - A sign mounted on a trailer or other free standing structure which is not permanently anchored in the ground, or is designed in such a manner so as to facilitate its movement from place to place.

- 2.1.45 **Projecting Sign** - A sign which is supported by a building wall at one end and projecting outwardly therefrom more than 450 mm .
- 2.1.46 **Road Allowance** - That portion of land allowed for streets by the Crown Surveyors, or any street established by any statute, by-law, plan or any roads on which public money has been spent.
- 2.1.47 **Region** - The Regional Municipality of Niagara.
- 2.1.48 **Roof Sign** - A sign which is erected on or supported by the roof of a building.
- 2.1.49 **Sight Triangle** - A triangular area formed within a corner lot by the intersecting street lines or the projections thereof and a straight line connecting them 10 metres from their point of intersection. A Corner Lot is a lot situate at the intersection of and abutting, two streets or parts of the same street the adjacent sides of which street or streets (or in the case of a curved corner, the tangents of which) contain an angle of not more than 135 degrees.
- 2.1.50 **Sign** - Any device displaying any letter, figure, character, mark, point, plane, design, poster, pictorial, stroke, stripe, line, Trademark, reading matter, or illuminating device constructed, attached, erected, fastened or manufactured in any manner whatsoever so that the same is used or is intended to be used for the attraction of the public in any place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever, and displayed in any manner whatsoever, and includes the structure of the said device.
- 2.1.51 **Street** - The road allowance or the right-of-way of a public road or highway, which affords principal means of access to adjacent lots.
- 2.1.52 **Street Line** - The lot line dividing the lot from the street.
- 2.1.53 **Structure** - The supports, uprights, bracing, and any framework of a sign.
- 2.1.54 **Temporary Sign** - A sign for which a permit has been obtained pursuant to the provisions of this by-law, in conjunction with public holidays, celebrations, public events, charitable organizations or similar functions or events. Signs shall not be displayed for longer than 21 days.
- 2.1.55 **Traffic Sign** - A sign, marking, or device lawfully placed for the purpose of regulating or prohibiting traffic.
- 2.1.56 **Zone** - Those specific land use areas which relate to the Zoning By-laws for the City .
- 2.1.57 **Zoning By-laws** - The Zoning By-laws of The Corporation of the City of Port Colborne.

SECTION 3 GENERAL PROVISIONS

3.1 PROHIBITIONS:

No person shall :

- 3.1.1 Erect, locate, display, alter, repair, or permit the erection, location, display, alteration or repair of any sign other than a sign set out in this by-law.
- 3.1.2 Erect, locate, display, alter, repair or permit the erection, location, display, alteration, repair of any sign set out in this by-law, without first obtaining a permit.

- 3.1.3 Erect, locate, display, or permit the erection, location or display of any sign or sign structure anywhere the sign obstructs the view of any pedestrian, or driver of a motor vehicle or obstructs the visibility of any traffic sign or device, or where it interferes with vehicular traffic so that it could endanger any person.
- 3.1.4 Locate or permit the location of any sign or sign structure so as to obstruct or impede any door, window, fire-exit, fire escape, flue or air intake or exhaust.
- 3.1.5 Locate or permit the location of any sign on or overhanging public property including a road allowance without the approval of Council and obtaining a permit.
- 3.1.6 Fail to ensure that the light from any sign which is illuminated is deflected away from any adjacent building or buildings and from the path of vehicular traffic.
- 3.1.7 Fail to maintain any sign in a proper state of repair so that such sign becomes unsafe or unsightly.
- 3.1.8 Locate or permit the location of any sign that contains an intermittent or flashing light source or includes action, motion or colour change except an illuminated time or temperature message.
- 3.1.9 Fail to remove, alter, or repair a sign where so directed by the Chief Building Official or his/her designate.
- 3.1.10 Locate or permit the location of a sign prohibited by this by-law.
- 3.1.11 Erect, locate, or display, or permit the erection, location or display on any wall or fence or elsewhere in a public place, any writing or pictures or the writing of words or the making of pictures or drawings, which are indecent or may tend to corrupt or demoralize.

3.2 LOCATION OF SIGNS

3.2.1 A - Frame

- (a) No person shall locate or permit the location of an A-Frame sign measuring in excess of 1.5 square metres in sign area or exceeding 1.2 metres in height.
- (b) No person shall locate or permit the location of more than one (1) A-Frame sign per lot.
- (c) The A-Frame sign shall be located on that portion of the sidewalk in front of the advertising business, between 600 mm and 1.2 metres from the curb and maintaining a minimum unobstructed sidewalk width of 1.5 metres.
- (d) A-Frame signs shall not be permitted within the Sight Triangle as defined in this by-law.
- (e) A-Frame signs shall not be illuminated.
- (f) Sign Permits shall not be required for A-Frame signs.

3.2.2 Awning Sign

- (a) No Awning Sign shall bear any advertising device, illuminating device or any other attachment of any kind other than that actually required for the operation of the awning, except the name, address, and type of business of the occupant or owner of the business or shop to which it is attached.

- (b) The outer edge of the Awning shall not extend beyond three (3) metres from the building to which it is attached.
- (c) No Awning shall extend closer to the curb of the roadway than to a point one (1) metre from a line drawn in a vertical plane from the curb of the roadway.

3.2.3 **Banner Sign**

- (a) No person shall locate or permit the location of a Banner Sign without the approval of Council and in case of a Regional Road, the approval of The Regional Municipality of Niagara.
- (b) Banner Signs shall not exceed 10 square metres in sign area.
- (c) Banner Signs shall not be located within 10 metres of the intersection of two streets.
- (d) No person shall locate or permit the location of more than one (1) Banner Sign per lot.
- (e) Permits for Banner Signs shall be valid for a maximum period of sixty (60) days or such lesser time as determined by Council.

3.2.4 **Billboard Sign**

- (a) No person shall locate or permit to be located any Billboard Sign without first obtaining the approval of Council.
- (b) The Billboard shall be designed by a Professional Engineer registered in the province of Ontario.
- (c) No Billboard shall exceed fifty (50) square metres in total area and shall not exceed seven (7) metres in height.
- (d) There shall be a minimum clearance of 1.2 metres between the bottom of the sign face and grade, which may be open or filled with an open type of lattice work.
- (e) No Billboard shall be located :
 - (i) within 200 metres from an existing Billboard.
 - (ii) within 90 metres from any property zoned Residential, Institutional, or Park.
 - (iii) on any lot where a Pole Sign has been erected.

3.2.5 **Fascia Sign**

- (a) No Fascia Sign shall project more than four hundred and fifty (450) mm from the face of the building wall .
- (b) Fascia Signs shall have a minimum clearance of three (3) metres above grade and if located in a laneway the minimum clearance shall be four point five (4.5) metres.

- (c) The total area of all Fascia Signs shall not exceed twenty five percent (25%) of the area of the wall on which it is installed or fifteen (15) square metres in area, whichever is the lesser.

3.2.6 **Freedom of Speech Sign:**

- (a) **Rural Areas:** No person shall erect a Freedom of Speech Sign which:
 - (i) exceeds two and a half metres (8.2') in height.
 - (ii) exceeds six square metres (64 sq.ft.) in area per side or visible face.
 - (iii) has more than two (2) sides or visible faces.
- (b) **Urban Areas:** No persons shall erect a Freedom of Speech Sign which:
 - (i) exceeds one point two metres (4') in height.
 - (ii) exceeds point eight four (9 sq.ft.) square metres in area per side or visible face.
 - (iii) has more than two (2) sides or visible faces.
- (c) No person shall erect a Freedom of Speech Sign closer to the street line than:
 - (i) one(1) metre from the street line if located more than forty (40) metres from any intersecting street line or driveway.
 - (ii) two (2) metres from the street line if located between twenty (20) and forty (40) metres from any intersection street line or driveway.
 - (iii) three (3) metres from the street line if located closer than twenty (20) metres from any intersecting street or driveway.
- (d) No Freedom of Speech Sign shall be located closer than one (1) metre from any property line
- (e) No person shall erect on any lot more than one Freedom of Speech Sign for every thirty (30) metres of frontage of the lot on which the Freedom of Speech Sign is located. Where a lot has less than thirty (30) metres of frontage, the owner may erect one (1) Freedom of Speech Sign.
- (f) No Freedom of Speech Sign shall be displayed for longer than ninety (90) days.

Exception: Freedom of Speech Signs concerning proposed legislation, policies, or developments by the federal, provincial or municipal governments shall be removed within seven (7) days of the Final decision concerning the subject matter.

3.2.7 **Ground Sign**

- (a) No Ground Sign shall be located on any property other than the property to which it applies.
- (b) No Ground Sign shall be located closer to the street line or any other property line than the setback line for a building as established by the Corporation's by-law or 3 (3) metres whichever is the lesser.

- (c) No Ground Sign shall be erected which:
 - (i) exceeds three (3) metres in height.
 - (ii) exceeds 0.3 square metres in area in Residential zones except for advertising land or premises for sale or rent (0.6 square metres).
 - (iii) exceeds ten (10) square metres in area per side or visible face.

3.2.7 **Pole (Pylon) Sign**

- (a) No Pole Sign shall be located on any property other than the property to which the pole sign applies.
- (b) No pole sign shall be located closer to the street line or any other property line than the setback line for a building as established by the Corporation's Zoning by-law or three (3) metres whichever is the lesser.
- (c) No Pole Sign shall be erected which:
 - (i) exceeds nine (9) metres in height.
 - (ii) exceeds twenty (20) square metres in area per side or visible face.
 - (iii) is intended for Residential lands.
- (d) Pole signs exceeding seven point five (7.5) metres in height shall be designed by a Professional Engineer and shall be installed under the supervision of the Professional Engineer or their designate.
- (e) The number of Pole Signs on any one property shall be limited to one (1) sign per one hundred fifty (150) metres of lot frontage. On lots having less than one hundred fifty (150) metres of 492 frontage, one (1) Pole Sign shall be permitted, subjected to complying with all other provisions of this by-law.
- (f) No person shall erect, install or locate a Pole Sign within sixty (60) metres of any other Pole Sign located on the same lot.
- (g) No person shall erect, install or locate a Pole Sign within eight (8) metres of any Residential lands.

3.2.9 **Portable Sign**

- (a) No person shall erect, install or locate a Portable Sign on a property without first obtaining written permission from the owner , or their agent.
- (b) No Portable Sign shall be located on any property other than the property to which the portable sign applies.
- (c) No person shall erect, install or locate a Portable Sign in a Residential Zone, except, a person may erect a Portable Sign on a property zoned Residential lands for birthdays, anniversaries , or other similar events, for a maximum of three (3) days without having to obtain a sign permit.
- (d) No person shall permit a Portable Sign to be located on a property for more than four (4) thirty -day (30) periods in any calendar year. The number of days that a Portable Sign is erected or displayed shall be determined by the date of permit issuance.

- (e) All electrical cables, extensions, wires, or outlets of any nature attached to or relating in any way to a Portable Sign shall comply with the requirements of the Ontario Electrical Safety Code and the Canadian Niagara Power Company Inc..
- (f) No persons shall erect a Portable Sign which:
 - (i) exceeds two and half (2.5) metres in height.
 - (ii) exceeds six (6) square metres in area per side or visible face.
 - (iii) has more than two (2) sides or visible faces.
- (g) No person shall erect a Portable Sign closer to the street line than:
 - (i) one (1) metre from the street line if located more than forty (40) metres from any intersecting street line or driveway.
 - (ii) two (2) metres from the street line if located between twenty (20) and forty (40) metres from any intersection street line or driveway.
 - (iii) three (3) metres from the street line if located closer than twenty (20) metres from any intersecting street or driveway.
- (h) No Portable Sign shall be located closer than one (1) metre from any property line.
- (i) No person shall erect on any lot more than one of either a Ground Sign or a Portable Sign for every twenty (20) metres of frontage of the lot on which the Ground Sign and / or Portable Sign are located. Where a lot has less than twenty (20) metres of frontage, the owner may erect one (1) Ground Sign or one (1) Portable Sign but not both.

3.2.10 **Projecting Signs**

- (a) No person shall erect, locate, or install a projecting sign which exceeds ten (10) square metres in area.
- (b) No person shall erect, locate or install a Projecting Sign in such a location that the sign extends to within one (1) metre of the street line or property line.
- (c) No person shall erect, locate, or install a Projecting Sign such that the bottom is less than three (3) metres above the finished grade of a private sidewalk or six (6) metres above the level of any private roadway.
- (d) No person shall erect, locate or install more than one (1) Projecting Sign per six (6) metres of lot frontage upon which the building and the said Projecting Sign or signs, as the case may be, are located. In the case where the frontage of the lot upon which the building and the Projection Sign is located, is less than six (6) metres, the owner of the said lot is entitled to install and maintain one (1) Projecting Sign.
 - (i) No person shall erect, locate, or install a Projecting Sign which is within three (3) metres of another Projecting Sign which is attached to the same building.

- (e) Projecting Signs may be erected on the supporting pylons of canopies over service station pump islands. Any such signs shall have a maximum area of one point five (1.5) square metres and may not project horizontally beyond the limits of the pump island over which it is displayed.

3.2.11 **Roof Signs**

- (a) A maximum of one (1) Roof Sign shall be permitted on each building.
- (b) Every Roof Sign shall be constructed of noncombustible material.
- (c) No person shall erect, locate, or install a Roof Sign which exceeds fifty (50) square metres in area.
- (d) Every Roof Sign exceeding three (3) square metres in area or exceeding two (2) metres in height shall be designed by a Professional Engineer and shall be erected under the supervision of such Professional Engineer or their designate.
- (e) No person shall erect, locate, or install a Roof Sign which:
 - (i) has a clearance of less than one point two five (1.25) metres above the roof surface.
 - (ii) has a height exceeding seven point five (7.5) metres above the roof surface.
 - (iii) extends to within one point two five (1.25) metres of the perimeter of the building.

SECTION 4 ADMINISTRATION

4.1 **PERMITS**

- 4.1.1 No person shall erect, locate, install, or cause or permit to be erected, located, installed any sign without first having obtained a permit issued in accordance with the provisions of this by-law.
- 4.1.2 Every application for a permit shall be submitted to the Corporation on a form provided for that purpose, and accompanied by:
 - (i) Two (2) Plot Plans dimensioned and drawn to scale showing the property lines and street lines of the lot on which it is proposed to erect such sign. The location of the sign in relation to any other signs and structures upon the subject lot and adjoining properties.
 - (ii) Two (2) complete plans of the proposed sign including its structure, copy, method of construction / installation.
 - (iii) A design prepared by a Professional Engineer for all Billboard Signs, Pole Signs exceeding seven point five (7.5) metres in height and Roof Signs exceeding three (3) square metres in area or two (2) metres in height.
 - (iv) Such other documents as may be specified by the Chief Building Official or designate, in order to ensure that the proposed sign complies with the Ontario Building Code and other Applicable Law.

- 4.1.3 No person shall be granted a permit pursuant to the provisions of this by-law unless the sign to which the permit relates complies with the provisions of this by-law or to variance from the said provisions granted by the Council of The Corporation of the City of Port Colborne, pursuant to the provisions of the Municipal Act
- 4.1.4 No person shall be granted a permit for any sign within the controlled access of the Regional Municipality of Niagara and requiring approval of the Regional Municipality of Niagara until a “Certificate of Approval “for the subject sign has been issued by the Regional Municipality of Niagara.
- 4.1.5 No person shall be granted a permit until the fees as outlined in Schedule “A” have been paid.
- 4.1.6 The Chief Building Official may revoke any permit issued pursuant to the provisions of this by-law which:
- (i) is found to be in contravention of the provisions of this by-law.
 - (ii) whenever the Chief Building Official or his / her designate is denied access to the sign to which the permit relates.
 - (iii) the holder of the permit refused to provide the Chief Building Official or his / her designate with any documentation relating to the design, location of structure of the sign to which the permit relates.
 - (iv) was issued on false or mistaken information.
- 4.1.7 Notwithstanding the provisions of this by-law, no permit shall be required for the following signs:
- (i) A-Frame Sign.
 - (ii) any directional sign not exceeding point three (0.3) square metres in area.
 - (iii) an Election Sign
 - (iv) Freedom of Speech Sign
 - (v) any sign not exceeding point six (0.6) square metres in area identifying a property for sale, lease or rent.
 - (vi) any sign erected by the Federal, Provincial, Regional, Municipal Government, Commission or Corporation thereof.
 - (vii) a Bench Sign.
 - (viii) a refuse container sign.
 - (ix) any sign approved by the Council for the erection on or over a highway.
 - (x) any sign required by a government to inform the public of proposed Zoning changes and Variances, subdivision applications and Official Plan amendments.

- (xi) the changing of any moveable part of an approved sign for which a permit has been issued, that is designed for such change, or the repainting or the reposting of the advertising message on the display surface of such sign, shall not be deemed an alteration and no permit shall be required.
- (xii) signs within the controlled access of the Ministry of Transportation and requiring approval of that Ministry shall be erected in accordance with the Ministry's guidelines with respect to setback, height, and removal.

4.1.8 When a sign is moved from one location to another, a permit shall be obtained.

4.2 **SIGNS NOT PERMITTED**

4.2.1 No person shall erect, install, locate or display any of the following types of signs:

- (i) any sign , including an interior sign, containing a flashing light or lights within twenty (20) metres of any street line.
- (ii) any sign containing a flashing light or lights within thirty (30) metres of any property line of any land zoned Residential, Institutional, Park or Public as defined by the Corporation's Zoning By -Law.
- (iii) Revolving beacons.
- (iv) Signs or illuminating devices which by reason of size, location, content, colouring or manner of illumination obstruct the vision of drivers entering or leaving a municipal street from another street or driveway or obstruct, detract from, or interferes with the visibility or effectiveness of any traffic sign or traffic signal light on any street.
- (v) Signs which make use of words as " Stop", " Look", "One-way", "Danger", "Yield", or any similar words or phrases, symbols, lights or characters in such a manner as may tend to interfere with or mislead, or confuse drivers.
- (vi) a sign on a vehicle or trailer when the vehicle or trailer is used primarily as a sign, and not as a vehicle or trailer.

4.2.2 No person shall nail or otherwise attach any sign to or upon any property managed and controlled by a public utility commission or of a local board as defined in the Municipal Act.

4.2.3 Flood lights which are deemed to be an advertising device shall be shielded so as to deflect the light away from the view of traffic and / or adjacent residential properties.

4.2.4 No sign shall display writings, pictures or drawings which are indecent or may tend to corrupt or demoralize on any wall or fence or elsewhere on a highway or in a public place.

4.3 **VARIANCES**

4.3.1 Where an applicant is unable to comply with the provisions and regulations under this by-law, such person may apply to the Council for a minor

variance from the provisions and regulation of this by-law if in the opinion of Council the general intent and purpose of the by-law are maintained.

4.3.2 The Council shall hear all such application and may authorize minor variances from the provisions and regulations of this by-law.

4.4 **NON-CONFORMING SIGNS**

4.4.1 Any sign or other advertising device that was lawfully erected or displayed on the day this by-law comes into force, but does not comply with this by-law, shall be deemed to be a legal non-conforming sign which may be maintained or repaired but in no way shall be altered unless in conformance with this by-law.

4.5 **REMOVAL AND NOTICE TO REMOVE**

4.5.1 The Chief Building Official is hereby authorized to pull down or remove at the expense of the owner, any sign that is erected or displayed in contravention of this by-law.

4.5.2 The Chief Building Official may require any person who:

- (i) has caused a sign or other advertising device to be erected, located, displayed, altered or repaired without first having obtained a permit to do so, or
- (ii) having obtained a permit has caused a sign or other advertising device to be erected, located, displayed, altered or repaired contrary to the approved plans in respect of which the permit was issued: or
- (iii) has erected, located or displayed a sign or sign structure where the sign or sign structure creates an unsafe condition ;

to make such sign or other advertising device comply with this by-law if it does not so comply or to remove such sign or sign structure or other advertising device within forty eight (48) hours of receiving notice from the Chief Building Official.

4.6 **OFFENCE AND PENALTY**

4.6.1 Every person who contravenes any provision of the by-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act.

4.7 **SEVERABILITY**

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

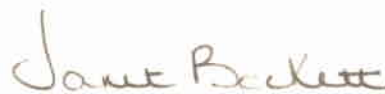
4.8 **REPEAL**

4.8.1 By-law 4671 / 53 / 05 enacted on the 9th day of May 2005 and By-law 1190/13/82, enacted on the 8th day of February 1982, as amended to the date of this enactment, is repealed.

READ a first, second and third time and finally passed this 11th day of October, 2005.



Ronald Bodner
MAYOR



Janet Beckett
CITY CLERK

SCHEDULE "A"**SIGN PERMIT FEES**

Sign Type	Size	Fee
Awning	Each	\$ 50.00
Banner	Not exceeding 6.7 sq. m.	\$ 15.00 / 15 Days
Banner	Exceeding 6.7 sq. m.	\$ 30.00 / 15 Days
Billboard	Maximum 50 sq. m.	\$ 5.00 / sq. m.
Facia	Maximum 15 sq. m.	\$ 5.00 / sq. m.
Ground	Maximum 10 sq. m.	\$ 50.00
Mall		\$ 5.00 / sq. m.
Pole / Pylon	Maximum 20 sq. m.	\$ 5.00 / sq. m.
Portable	Maximum 9 sq. m.	\$ 15.00 / 15 Days
Projecting	Maximum 10 sq. m.	\$ 50.00
Roof	Maximum 50 sq. m.	\$ 5.00 / sq. m.

Note : Minor Variance Application Fee \$ 75.00

Deposit Refundable Fees applicable.