

THE CORPORATION OF THE TOWN OF ST. MARYS

BY-LAW No.33-2005

A by-law to prohibit and regulate signs and other advertising devices and the posting of notices on buildings or vacant lots within the Town of St. Marys;

WHEREAS Section 11.1 of the Municipal Act, 2001 S.O. 2001, c.25, as amended, herein referred to as the “Act”, provides that a single-tier municipality may pass by-laws respecting matters within its spheres of jurisdiction;

AND WHEREAS Structures and signs are within the sphere of jurisdiction of The Corporation of the Town of St. Marys;

AND WHEREAS Section 99.2 of the Act provides that a municipality may, by by-law prohibit and regulate the message, content and nature of signs, advertising and advertising devices, including any printed matter, oral or other communication or thing, promoting adult entertainment establishments, and to pass by-laws with respect to any other business or person;

AND WHEREAS Section 99.3 of the Act provides for a municipality to enter land and pull down or remove an advertising device, at the expense of the owner of the advertising device, if it is erected or displayed in contravention of the by-law;

AND WHEREAS Section 99.4 of the Act provides that the By-law does not apply to an advertising device that was lawfully erected or displayed on the day the by-law comes into force if the advertising device is not substantially altered, and the maintenance and repair of the advertising device or a change in the message or contents displayed shall be deemed not in itself to constitute a substantial alteration.

AND WHEREAS Section 99.5 of the Act authorizes a municipality to approve minor variances from the by-law if in the opinion of the municipality the general intent and purpose of the by-law are maintained;

AND WHEREAS Schedule “A” and Schedule “B” attached hereto shall form part of this By-law;

NOW THEREFORE the Council of The Corporation of the Town of St. Marys hereby enacts the following:

This By-law may be commonly referred to as the “Sign By-law”.

1.0 Definitions

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

“**Abandoned sign**” means a sign located on property which becomes vacant and unoccupied for a period of 90 days or more, or any sign that pertains to a time event or purpose that no longer applies.

“**Abandoned Non-applicable Sign**” means any sign, which advertises or publicizes an activity or business no longer conducted on the property upon which such sign is maintained.

“**Address Sign**” means a fascia or ground sign on which the copy is limited to the name and addresses of a place, building, business, organization, person, or occupancy of the premises it identifies but does not include a sign that only contains the numerical municipal address.

“**Address Sign–Residential Development**” means an address sign that identifies a residential development including a subdivision, vacant land condominium or townhouse development.

“**Advertising Device**” means any device or object erected or located so as to attract public attention to any goods or services or facilities or events and includes flags, banners, pennants and lights.

“**Agricultural Sign**” means a sign denoting agriculture or agricultural products.

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

“**Animated Sign,**” means a sign with a sign face that moves in whole or in part and includes a flashing or a rotating sign, but does not include a clock, a time, date or temperature display or an electronic message display.

“**Area of a Sign**” means the number of square metres of the surface of the sign including the border and frame.

“**Awning**” means a space frame system, moveable or fixed, covered with fabric, metal or like material attached and projecting from a building or structure, but not forming an integral part thereof and includes a canopy.

“**Awning Sign**” means a sign with copy painted or affixed flat to the surface of an awning, which does not extend vertically or horizontally beyond the limits of such awning.

“**Banner Sign**” means a sign or advertising device made from cloth, plastic or a similar lightweight non- rigid material.

“**Bed & Breakfast Establishment**” means a single-detached dwelling where guest room/rooms are made available within the said dwelling for temporary accommodation of the traveling or vacationing public and within which breakfast may be provided to those persons temporarily residing therein. A bed and breakfast use must be clearly secondary to the main residential use of the dwelling.

“**Billboard Sign**” means an outdoor sign that advertises goods, products, or services that are not sold or offered on the property where the sign is located, and is either single faced or double faced.

“**Box Fascia Sign**” means an internally illuminated sign attached to a building façade or the sloping portion of a mansard roof.

“**Building Code**” means the regulation called the Ontario Building Code made under the Ontario Building Code Act, as amended from time to time.

“**Building Façade**” means an exterior building wall facing a road allowance and any other building wall, which does not face a road allowance, but through which the main entrance for the public passes or which faces a parking lot.

“**Bulletin Board Sign**” means a board for posting bulletins, posters and announcements, etc., by a non-commercial organization and shall contain an area of less than 2.97 square metres.

“**Business Sign**” means a sign erected and maintained by a person, firm, corporation, business commercial service or industrial enterprise upon which space is displayed the name of the business and/or a description of the product or service made, produced, assembled, sold or stored by such business.

“**Candidate**” shall have the same meaning as in the Canada Elections Act, the Election Act (Ontario) or the Municipal Elections Act, 1996, as applicable, and shall be deemed to include a person seeking to influence other persons to vote for or against any question or by-law submitted to the electors under Section 8 of the Municipal Elections Act, 1996.

“**Cemetery**” means land that is used or intended to be used as a place for the interment of the dead or in which human bodies have been buried, and includes an animal or pet cemetery.

“**Changing Copy Sign**” means a sign constructed so that the message or copy can be changed by manual, electronic, or electro-mechanical means.

“**Channel Lighted Sign**” means Channel lighting is back lighting of individually cut out letters which are themselves opaque.

“**Chief Building Official**” means the Chief Building Official for the Town appointed under the Building Code Act.

“**Commercial Sign**” see “**Business Sign**”.

“**Construction Site Sign**” means a temporary sign that:

- a) Includes, in whole or in part, information identifying or promoting a development and may identify component parts of such building or structure and the persons involved in its design and construction.
- b) relates to or advertises the construction or sale of development or part thereof.

“**Copy**” means the graphic content of a sign surface in either permanent or removable letter, pictorial, symbolic, or numeric form.

“**Corner Sign**” means a sign facing more than one (1) road allowance and/or more than one (1) primary building façades.

“**Council**” means the Council of the Town.

“**Curb**” means the edge of the traveled portion of the highway or roadway.

“**Daylight Triangle**” means a triangular-shaped area formed by measuring from the point of intersection of lot lines abutting a road allowance on a corner lot, the distance required in the Town Zoning By-law, along each such lot line abutting the road allowance and joining such point with a straight line.

“**Designated Light Standard**” means a light standard owned by the Town or Festival Hydro.

“**Directional Sign**” means a sign on the property that gives directions or instructions for the control of vehicular or pedestrian traffic and shall include an entry and exit sign.

“**Display Surface**” means the surface made 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.

“**Double-faced Sign**” means a ground sign having two (2) sign faces of equal area and proportions which are located exactly opposite each other on the sign structure.

“**Election Sign**” means a sign advertising, promoting or relating to the election of a political party, candidate for public office in a federal, provincial or municipal election, or an authorized question on the ballot.

“**Electronic Media Sign**” means a video monitor or other medium for displaying electronic animated images.

“**Erector**” means anyone who does anything or allows anything to be done or causes anything to be done in the erection, maintenance, repair, installation or placement of any sign.

“**Fascia Sign**” means a sign attached to, marked or inscribed on, erected or placed against a building façade, or supported by or through a building façade and having the exposed face thereof on a plane approximately parallel to the plane of such façade and includes a painted wall and awning sign. A fascia sign shall not include any other sign defined in the By-law unless otherwise stated.

“**Finished Grade**” means the elevation of the finished surface of the ground adjoining the base of all exterior **building façades** or the elevation of the finished surface of the ground at the base of a structure, exclusive of any artificial embankment at the base of such building or structure.

“**Flashing Sign**” means a luminous or illuminated sign, fixed or rotating upon which the source or artificial light is not stationary or the intensity or colour is not constant but does not include signs indicating time and/or temperature nor does it include electronic signs.

“**Garage Sale Sign**” means a sign advertising the sale of personal merchandise in a private garage sale held on a property zoned residential.

“**Gas Bar Canopy**” means an open and permanent roof structure, free standing or attached to a building, erected for the purpose of sheltering gasoline pumps.

“**Ground Sign**” means a sign directly supported from the ground without the aid of any other building or structure other than the sign structure.

“**Height of Sign**” means the actual distance from the finished grade to the highest point of the sign.

“**Heritage Conservation District**” mean the collection of buildings, streets, landscapes and open space that has been designated under Part V of the Ontario Heritage Act and specifically defined within Town of St. Marys Bylaw 62-2012.

“**Heritage Conservation District Plan**” means the document which provides guidelines for residents and property owners regarding the appropriate conservation, restoration and alteration activities within the Heritage Conservation District.

“**Home Occupation**” means an occupation and/or profession conducted entirely within a dwelling unit in a single-detached dwelling or a semi-detached dwelling by a person residing permanently in the unit.

“**Illuminating Device**” means any device employing artificial lighting intended to draw attention to a sign whether designed to function internally or externally in reference to a sign.

“**Industrial Sign**” means a sign, which advertise goods or the manufacture of goods.

“**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.

“**Institutional Sign**” means any sign pertaining to government departments and agencies, hospital, churches, schools, service clubs and similar organizations.

“**Lot**” means a parcel of land, described in a registered deed or other document legally capable of being conveyed:

- a) **Lot, Corner** means a lot where a front lot line and an exterior side lot line intersect at a corner, and may include a through lot.
- b) **Lot, Interior** means any lot, other than a corner lot, which abuts a street.
- c) **Lot, Through** means any interior lot having at least two (2) street lines.

“Lot frontage” means the horizontal distance between the side lot lines of a lot measured along the front line of the said lot. Where it is corner lot, horizontal distance between the side lot line and the street line.

“**Marquee Sign**” shall mean a sign attached to any roof-like structure or overhang constructed as a permanent part of a building over the entrance to the building, which structure or overhang projects more than 0.3 metre from the exterior wall of the building.

“**Menu Board**” means a sign erected as part of a drive-through facility and used to display and order products and services available in association with drive-through business.

“**Multi-faced Sign**” means a sign having more than two faces.

“**Official Sign**” means a sign required by or erected under any statute or by-law or other directive of any federal, provincial or municipal government or agency thereof or any board or commission and shall include a permanent sign erected on a public road allowance to inform the public of the location of public buildings, hospitals, public libraries, institutions, places of worship, parks, recreational or educational facilities, traffic regulations, parking regulations, street identification or Town identification including T.O.D.S. signs.

“**On-Premise sign**” means a sign relating in its copy to the premises on which it is located.

“**Open House Directional Sign**” means a temporary portable sign intended to direct traffic to a residence for sale or lease.

“**Owner**” means the registered owner of the property.

“**Painted Wall Sign**” means any sign painted, applied as paint, or film or any other covering including mural to any building façade or other integral part of a building without the use of independent supports or frames.

“**Permit**” means a document granting permission to do something.

“**Person**” means an individual, business, firm, corporation, association or partnership.

“**Point of Sale Sign**” means a sign erected and maintained upon which there is displayed advertising copy describing products or services which are made, produced, assembled, sold, stored or available from the property upon which the sign is erected.

“**Pole Sign**” means a sign directly supported from the ground without the aid of any other building or structure other than the sign structure.

“**Portable Sign**” means a sign not permanently affixed to the ground and designed in such a manner as to be capable of being moved from place to place but does not include a sidewalk sign.

“**Poster**” means a printed notice conveying information intended to be displayed for a temporary period of time and includes but is not limited to a bill, handbill, leaflet, notice, placard and election sign.

“**Pre-Menu Board**” means a sign erected as part of a drive-through facility and only used to display products and services available in association with a drive-through business.

“**Premises**” see definition of “**Property**”.

“**Produce Sign**” means a sign advertising seasonal locally grown produce for sale.

“**Projecting Sign**” means a type of sign hanging perpendicularly from a building façade.

“**Property**” means a parcel of land including all buildings and other structures thereon having specific boundaries and being capable of legal transfer.

“**Property Line**” means any boundary that divides a lot from another lot or road allowance or highway.

“**Public Property**” means property owned by all levels of the Government.

“**Pump Island Sign**” means a sign on top of gasoline service pumps or on the columns of a gas bar canopy, on guard posts or freestanding on a gasoline pump apron.

“**Readograph**” means a sign on which a copy is changed manually with letters on pictorial panels.

“**Real Estate Sign**” means a sign that advertising property or premises for sale, lease or rent.

“**Religious Institution**” means a building or structure used by a congregation or organization dedicated to worship and related religious, social and charitable activities, with or without an auditorium, convent or monastery, or clergy residence as uses accessory thereto.

“**Repair or Maintenance**” means anything done to preserve the condition of a sign or to prevent the deterioration of the sign and includes the restoration of a sign by removing or replacing worn out, missing, damaged or broken parts.

“**Residential Property**” means property zoned residential in accordance with relevant Zoning By-law of the municipality.

“**Road Allowance**” means that portion of public property allowed for a highway established by the Town.

“**Roof Sign**” means a sign, which is erected, constructed or supported on or above a roof of a building.

“**Shopping Centre**” means a building designed, constructed, operated or maintained as a unit containing at least five (5) physically separate and independent retail stores which may be connected by a common corridor and which is provided with common parking areas, driveways, landscaped open space and other shared accessory facilities and services and which is held under single ownership, condominium ownership, co-operative or similar arrangement.

“**Sidewalk Sign**” means a free standing sign placed on but not permanently anchored to the ground, consisting of signs commonly referred to as A-frame, T-frame and sandwich boards but shall not mean or include any other sign defined in this By-law.

“**Sidewalk**” means that portion of a road allowance between the curb and property line designed and constructed with the hard surface primarily to facilitate the movement of pedestrians.

“**Sight Triangle**” see definition of “**Daylight Triangle**”.

“**Sign**” means any surface, structure and other component parts, which are used or capable of being used as a visual medium to attract attention to a specific subject matter for identification, information or advertising purposes and includes an advertising device or notice. A window display shall be deemed not to be a sign for the purposes of this bylaw.

“**Sign Area**” means the entire area of a sign face.

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

“**Sign Owner**” means the owner or lessee of a sign, or his/her agent. Where there is no owner, lessee or agent for a sign or such person cannot be determined with certainty, the sign owner shall be deemed to be the person or business having the use or major benefit of the sign, or if such person or business is unknown, the sign owner shall be deemed to be the owner of the property upon which the sign is situated.

“**Sign Structure**” means anything used to support or brace a sign face and which is attached to the ground or a building or structure.

“**Storey**” means that portion of a building, other than attic, basement or cellar, which is situated between any floor and the ceiling or roof next above it.

“**Storey, First**” means the storey with its floor closest to the finished grade level and having its next floor level 2.0 metres or more above the finished grade level.

“**Street Line**” means the limit of the road allowance and is the dividing line between a lot and a street.

“**Subdivision Sign**” shall mean a sign permitted through a subdivision agreement under Section 51 of the Planning Act, R.S.O. 1990.

“**Temporary Directional Sign**” means a sign erected to advertise the location of a newly established business, such business having been operational for a period not exceeding six months and such a sign is permitted for not more than thirty (30) days.

“**Town**” means The Corporation of the Town of St. Marys.

“**Traffic Sign**” means a sign, marking or device placed for the purpose of regulating or prohibiting traffic.

“**Utility Pole**” means a pole that supports utility services such as electricity, telephone or cable T.V.

“**Unsafe**” when used with respect to a sign or sign structure means a condition that is or could be hazardous.

“**Visual Obstruction**” means a sign which when so erected impairs the views of the public as may be determined by the Town.

“**Wall Sign**” means a sign, which is attached directly to a building façade.

“**Window Sign**” means a sign posted, painted, placed or affixed in or on a window exposed to public view, and shall include an interior sign that faces a window exposed to public view and located within one (1) metre of a window.

“**Zone**” means the area of a defined land use zone in the Town Zoning By-law passed under the Planning Act, 1990, R.S.O. 1990, Chapter P.13, or any predecessor or successor thereof.

“Zoning By-law” means any by-law regulating the use of lands or the character, location and the use of the buildings and structures in the Town and passed pursuant to the Planning Act.

2.0 Administration

This By-law shall be administered by the Chief Building Official and/or Director of Public Works and/or their designate. For those signs on private property the Chief Building Official or their designate shall administer this by-law. For those signs on public road allowance the Director of Public Works or their designate shall administer this by-law.

3.0 Interpretation

Words importing the singular number or the masculine gender may include more persons, parties or things of the same kind than one, and females as well as males in the converse.

4.0 General Provisions

- a) No person shall erect, display, alter or allow the erection, display, or alteration of any sign within the Town on publicly or privately owned property without obtaining a permit under this By-law, save and except the provisions of Section 4.1 below.
- b) Except for an official sign or a sign otherwise permitted in this By-law or authorized by the Town, no sign is permitted on, over, partly on or over a road allowance.
- c) No person shall erect a sign in a location, which may interfere with or damage any above or below ground municipal or utility services, which have been lawfully placed at the location or on a tree on Town property.
- d) No person shall attach, affix or display any sign or advertising device on a vehicle or trailer, which is parked or located for the primary purpose of displaying said sign or advertising device.
- e) No person shall attach, affix or display any sign or advertising device on a tree on public owned property.
- f) Illumination shall be subdued in a manner not to interfere with the quiet enjoyment of any neighbouring properties.

4.1 Signs Not Requiring a Sign Permit

Notwithstanding Section 4.0 (a) and (b), a sign permit is not required for the following signs and all such signs shall comply with all other requirements of this By-law:

- (i) official signs or signs pertaining exclusively to public safety;
- (ii) election signs, erected in accordance with Section 21.2;
- (iii) a non-illuminated trespassing, safety or other warning sign not exceeding 0.5 square metres in sign area;
- (iv) an address sign not exceeding 0.2 square metres in sign area unless otherwise provided for in this By-law;
- (v) flags of corporations, government, educational, or religious organizations;
- (vi) emblems or insignia of patriotic, civic, educational, or religious organizations;
- (vii) commemorative plaque or cornerstone of a non-advertising nature;
- (viii) a directional sign in accordance with Section 17.0;
- (ix) a construction site sign on a construction site in all zones in accordance with Section 21.6;
- (x) a sign other than an on-premises ground sign or fascia sign, erected, displayed or stored on the business premises of a sign manufacturer or contractor;
- (xi) a poster sign;
- (xii) a sidewalk sign in accordance with Section 21.4;
- (xiii) a real estate sign in accordance with Section 21.5;
- (xiv) a garage sale sign in accordance with Section 21.7;
- (xv) an open house directional sign in accordance with Section 21.8;
- (xvi) a banner installed by the Town;
- (xvii) a sign for a contractor undertaking landscaping, home repairs or renovations, provided such sign is erected no more than 2 days prior to the commencement of the project and is removed from the property immediately after the project is completed;
- (xviii) a fund raising sign, for a charitable or non-profit organization provided only one sign is erected per lot frontage and the sign is erected only for the duration of the event and is located on the property use by the organization;
- (xix) a subdivision sign in accordance with Section 21.10;
- (xx) ~~and~~ a pump island sign.
- (xxi) ~~and sidewalk signs~~

4.2 Prohibited Signs

Any sign not expressly permitted by this By-law is prohibited and without limiting the generality of the foregoing, the following signs are specifically prohibited:

- (i) abandoned sign;
- (ii) abandoned non-applicable sign;
- (iii) a banner other than a banner located within a public road allowance and approved by the Town;
- (iv) flashing or animated sign;
- (v) projecting sign except as provided for in Section 19.0;
- (vi) a marquee sign;
- (vii) a roof sign;
- (viii) a sign located so as to create a visual obstruction for any pedestrian or motor vehicle driver so as to create an unsafe condition;
- (ix) a sign interfering with or creating a visual obstruction an authorized traffic sign, traffic signal, or official sign or any sign capable of being confused with such a traffic sign, traffic signal or official sign;
- (x) a sign located within a daylight triangle;
- (xi) a sign advertising a business, materials and/or services that are not situated on the same property as the sign;
- (xii) a sign advertising a use that is not permitted under the Town's Zoning By-law as amended;
- (xiii) a billboard sign; and
- (xiv) an electronic media sign.

5.0 Sign Permits

- a) All signs shall comply with all other applicable Town By-laws and all other applicable law. All signs shall be erected and designed in accordance with the requirements of the Ontario Building Code Act, as amended.
- b) Every applicant for a sign permit shall complete a sign permit application provided by the Building and Zoning Department, submit all necessary plans and drawings, and pay all applicable fees as set out in Schedule "A" to this By-law.
- c) 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 Chief Building Official that the work proposed to be done will not comply in all respects with the provisions of this By-law, the Building Code, the Zoning By-law and all other applicable regulations, the Chief Building Official shall refuse to issue a permit therefore, and no permit shall be issued.
- d) Where the sign permit application meets all the requirements of this By-law and any other applicable laws, a sign permit shall be promptly issued by the Chief Building Official or his/ her designate.

5.1 Sign Permit Information

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

- (i) a site plan drawn to scale showing all measurements in metric;
- (ii) the municipal address and legal description of the property;
- (iii) the existing or proposed use of the property;
- (iv) the zoning category of the property;
- (v) the location of all existing buildings and their entrances;
- (vi) the location of all driveways and parking areas on the property;
- (vii) the location and dimensions of the frontage and all boundaries of the property on which the sign is proposed to be erected;
- (viii) the location of the proposed sign on the property;
- (ix) details of the sign drawn to scale, including dimensions, materials, colours, text, graphics, sign area and any other information as may be required to determine compliance with this By-law;
- (x) other information as determined by the Chief Building Official with respect to the building including architectural and structural drawings as may be necessary to determine if the building is structurally capable, under the Ontario Building Code, of supporting the sign or advertising device;
- (xi) authorization of the owner of the property on which the sign is to be erected or displayed; and
- (xii) ~~evidence of insurance as stipulated in Section 19.0(h), 20.0(b) and 21.4(iv), if applicable.~~

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5.2 Fascia Sign Permit Information

In addition to the information required under Section 5.1, all plans and drawings accompanying an application for a fascia sign permit shall contain the following information for a building or unit in a multi-unit complex:

- (i) the dimensions of the building, wall or unit on which the fascia sign is to be affixed;
- (ii) the location of all building or unit entrances;
- (iii) the names of the occupants of each unit which is the subject of the application; and
- (iv) identification of any existing sign on the building or unit

5.3 Ground Sign and Construction Site Sign Permit Information

In addition to the information required under Section 5.1, all plans and drawings accompanying an application for a ground sign or a Construction Site Sign permit shall contain the following information:

- (i) the location of any existing structures, parking areas, walkways, driveways, loading areas, vehicular access and egress points and existing ground signs on the property;
- (ii) the identification by location, description, dimension and ownership of any existing or proposed easements or rights of way over the land and property;
- (iii) the location of all landscaped areas adjacent to the sign; and
- (iv) the setback of the proposed sign from the property line.

5.4 Inflatable and Sidewalk Sign Permit Information

In addition to the information required under Section 5.1, all plans and drawings accompanying an application for an inflatable sign or sidewalk sign permit shall contain the following information:

- (i) the location of the sign;
- (ii) the dimensions of the sign drawn to scale and the sign area;
- (iii) the distance from the sign to the nearest street line, sidewalk, driveway, ground sign, inflatable sign, landscaping features, planting beds and/or street furniture; and
- (iv) engineered drawing indicating the method of securing the inflatable sign.

6.0 Expiration of a Sign Permit

Subject to the provisions of Section 7.0 below, every permit issued by the Town shall expire six (6) months from the date of issuance unless the sign is erected or displayed for its intended purpose and the permit shall become null and void upon the removal of the sign.

7.0 Renewal of a Sign Permit

Where a permit has been issued and before it has expired, an application may be made to extend the permit for one further period of six (6) months at no extra charge.

8.0 Revocation of a Sign Permit

The Chief Building Official may revoke a sign permit, prior to the sign being erected, under the following circumstances:

- a) where the permit has been issued in error by the Town; or
- b) where the permit has been issued as the result of false, mistaken, incorrect, or misleading statements, or undertakings on the application.

9.0 Central Commercial District

Notwithstanding any other Section of this By-law, the following provisions shall apply in the Central Commercial District as shown in Schedule "B".

- a) The following signs are prohibited in the Central Commercial District:
 - box fascia signs
 - internally illuminated signs
 - flashing signs
 - animated signs
 - roof signs
 - billboard signs
 - electronic media signs
 - inflatable signs
- b) Sign material such as sheet plaster, Plexiglass, aluminum, vinyl or other synthetic material is discouraged unless the applicant for a permit can demonstrate that the material application is appropriate to and does not detract from the age and style of the building or neighbouring buildings;

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TABLE 2

Column #1	Column #2				
	Address Sign Fascia	Address Sign Ground			Number
	Max Sign Area	Max Sign Area	Max Height	Min St. Line Setback	
Single Detached Dwelling, Semi Detached Dwelling, Duplex Dwelling, Triplex Dwelling, Fourplex Dwelling, Townhouse Dwelling, Street Townhouse Dwelling, Group Home, Home Occupation, Boarding House, Bed & Breakfast Establishment	0.4 m ²	0.4 m ²	1.2 m	2.0 m	1 address sign – fascia or 1 address sign – ground sign per property 1 business and/or address sign for Group Home, Home Occupation, Bed & Breakfast Establishment
Apartment, Senior's Apartment, School, Hospital, Religious Institution, Long-term Care Facility	1.5 m ²	1.5 m ² for an Address Sign only	2.0 m	2.0 m	1 address sign – fascia and 1 address sign - ground per property
Parks and All Other Uses	1.5 m ²	1.5 m ²	2.0 m	2.0 m	1 address sign – fascia or 1 address sign - ground per property

12.0 Address Signs - Residential Development

- a) A maximum of 1 address sign – residential development is permitted per entrance to the development. (see Table 2)
- b) In instances where an address sign – residential development constitutes a fascia sign, the sign shall have a maximum face area of 0.4 square metres. [Notwithstanding any other Section of this by-law, where an address sign-residential development constitutes a fascia sign, it shall be permitted on a fence or gate.]
- c) In instances where an address sign – residential development constitutes a ground sign, the sign shall have a maximum face area of 0.4 square metres, shall have a maximum height of 1.2 metre and shall have a minimum street line set back of 2.0 metres.

13.0 Commercial Signs

No person shall erect, display, alter, maintain or allow the erection, display, alteration, or maintenance of any type of sign listed in Column 2 below in conjunction with the uses listed in Column 1 below unless the sign complies with the regulations and standards applicable to that sign type in Column 2 below and with any other provisions of this By-law. (See Table 3 through Table 5)

TABLE 3

Column #1	Column #2					
Land Use	Number	Permitted Sign Type & Specifications				
		Menu Board		Pre-Menu Board		
		Max Sign Area	Max Height	Number	Max Sign Area	Max Height
Restaurant	1 per drive through lane	2.5 m ²	2.5 m	1 per drive through lane	2.0 m ²	2.5 m
Restaurant Accessory to Gas Bar or Motor Vehicle Service Station	1 per drive through lane	2.0 m ²	2.5 m	Not Permitted	N/A	N/A
Car Wash Accessory to a Gas Bar or Motor Vehicle Service Station	1 per car wash	2.0 m ²	2.5 m	Not Permitted	N/A	N/A
Car Wash	1 per car wash	2.0 m ²	2.5 m	Not Permitted	N/A	N/A

TABLE 4

Column #1	Column #2				
Land Use	Permitted Sign Type & Specifications				
	Ground Sign				
	Number	Max. Sign Area	Max Sign Height	Min. Street line Setback	
All Commercial Uses except Central Commercial District See Section 9.1(viii)	1 per lot frontage	6.0 m ² per sign face	7.5 m	1.0 m	

TABLE 5

Column #1	Column #2
Land Use	Permitted Sign Type & Specifications
	Maximum Sign Area
	Fascia Sign
All Commercial Uses save and except for those listed below	20% of the building façade of the first storey for each occupancy
Retail Store or Restaurant Accessory to Gas Bar or Motor Vehicle Service Station	20% of a building façade facing a street line or gas pumps
Car Wash or Service Bay Accessory to Gas Bar or Motor Vehicle Service Station	15 % of a building façade with an entrance and 10% of a building façade with an exit or facing gas pumps
Gas Bar Canopy Accessory to Gas Bar or Motor Vehicle Service Station	20% maximum canopy face

14.0 Industrial Signs

No person shall erect, display, alter, maintain or allow the erection, display, alteration, or maintenance of any type of sign listed in Column 2 below in conjunction with the uses listed in Column 1 below unless the sign complies with the regulations and standards applicable to that sign type in Column 2 below and with any other provisions of this By-law. (see Table 6 through Table 8)

TABLE 6

Column #1	Column #2				
Land Use	Permitted Sign Type & Specifications				
	Fascia Sign	Directory Sign			
	Max Sign Area for Each Occupancy	Number	Max Sign Area	Max Height	Min. Street Line Setback
Individual Free Standing Industrial Establishment	15% of the building façade of the first storey for each occupancy	N/A	N/A	N/A	N/A
Multi Occupant Industrial Establishment	15% of the building façade of the first storey for each occupancy	1	5.0 m ²	4.0 m	7.5 m

TABLE 7

Column #1	Column #2			
Land Use	Ground Sign			
	Max Sign Area	Max Height	Min. Street Line Setback	Number
Individual Free Standing Industrial Establishment with under 30m of Lot Frontage OR Multi Occupant Industrial Establishment with under 30m of Lot Frontage	10.0 m ²	7.5 m	1.0 m	1 per lot frontage
Individual Free Standing Industrial Establishment with 30m of Lot Frontage or more OR Multi Occupant Industrial Establishment with 30m of Lot Frontage or more	10.0 m ² per sign face	7.5 m	1.0 m	1 per lot frontage

TABLE 8

Column #1	Column #2					
Land Use	Permitted Sign Type & Specifications					
	Number	Menu Board		Pre-Menu Board		
		Max Sign Area	Max Height	Number	Max Sign Area	Max Height
Car Wash Accessory to a Gas Bar or Motor Vehicle Service Station	1 per car wash	2.0 m ²	2.5 m	Not Permitted	N/A	N/A
Car Wash	1 per car wash	2.0 m ²	2.5 m	Not Permitted	N/A	N/A

15.0 Ground Signs

- a) The maximum total sign area for a ground sign that is a double-faced sign or a multi-faced sign shall be double the area permitted for one sign face. (see Table 4 and Table 7)
- b) Where a ground sign contains up to three (3) sign faces but is not a double-faced sign, the maximum total sign area shall be double the area permitted for one sign face and each sign face shall be attached to the adjacent sign face at an angle no greater than 90 degrees. (see Table 4 and Table 7)
- c) A ground sign in a commercial or industrial zone shall display the municipal address in numerals and letters that are a minimum of 15 cm in height.
- d) A ground sign shall not be located within 3.0 metres of a driveway entrance or exit.

16.0 Fascia Signs

- a) A fascia sign may project out from a building façade not more than 15 cm in the Central Commercial District and not more than 30 cm in any other area. Where the sign project on to a road allowance or over a sidewalk or any other pedestrian walkway, the height to the bottom of the projection shall not be less than 2.5 metres.
- b) A fascia sign shall be attached to the building façade used to calculate the maximum sign area of the sign. (see Table 5)
- d) A fascia sign shall generally be erected no higher than the upper limit of the first storey of a building, unless otherwise permitted in this By-law, but this shall not apply to an enclosed shopping centre.

17.0 Directional Signs

A directional sign shall have a maximum sign area of 0.75 square metres and shall have a maximum height of 1.2 metres.

18.0 Window Signs

The maximum sign area of any permitted window sign shall not cover more than 25% of any single window, or 25% of the entire surface area of a group of windows and shall not block the clear view of exits or entrances and shall maintain visibility into the interior of the building at all times.

19.0 Projecting Signs

- a) A projecting sign shall have a minimum clearance of 2.7 metres and the maximum height of 3.4 metres to the top of the sign or sign supporting structure above the sidewalk grade or pedestrian walkway.
- b) A projecting sign including the sign structure attached to a building in the Central Commercial District that abuts a public road allowance shall not extend more than 1.2 metres beyond such building façade.
- c) A projecting sign including the sign structure attached to a building in the Central Commercial District that does not abut a public road allowance shall not extend more than 1.2 metres beyond such building façade.
- d) The sign face excluding the supporting structure shall not be more than 0.6 square metres in area.
- e) No projecting sign shall be constructed as a swing sign.
- f) Only one sign assembly shall be permitted where two or more businesses share the same entrance.
- g) Projecting signs shall be located as close as possible to the horizontal centre of the building, except in the case of a building on a corner lot, in which case a projecting sign may be located at the corner of the building in lieu of one sign on each building façade.
- h) No person shall erect or maintain any sign which shall wholly or partially project onto any public road allowance, or any sign that if it were to fall would fall onto any public road allowance, without first entering into an agreement with the Town indemnifying the Town from and against all manner of claims for damage, loss, expense or otherwise, arising from the erection, maintenance, removing or falling of such projecting sign or part thereof.

20.0 Awning Signs

- a) One (1) awning sign per business frontage. Sign copy shall be restricted to the skirt of the

awning and shall not exceed 0.15 metre in height. The bottom edge of the awning sign shall be minimum of 2.0 metres above finished grade.

- b) ~~No person shall erect or maintain any sign which shall wholly or partially project onto any public road allowance, or any sign that if it were to fall would fall onto any public street, without first entering into an agreement with the Town indemnifying the Town from and against all manner of claims for damage, loss, expense or otherwise, arising from the erection, maintenance, removing or falling of such projecting sign or part thereof.~~

21.0 Temporary Signs

21.1 Banner sign

No person shall install a banner sign sooner than thirty (30) days before the event and shall remove such sign no more than two (2) days after the event.

21.2 Election Signs

- i) No person shall affix, erect or otherwise display an election sign or permit an election sign to be affixed, erected or otherwise displayed:
- a) on any property designated as a park and/or abutting any road allowance;
 - b) on a tree or on any official sign or official sign structure;
 - c) within a daylight triangle;
 - d) upon the property whereupon a voting poll is situated;
 - e) on a concrete or masonry noise attenuation wall; and f) at any location where the election sign:
 - create a visual obstruction for any pedestrian or driver of a motor vehicle, or obstructs the visibility of any traffic sign or traffic device, or where it could interfere with vehicular traffic so that it could endanger any person;
 - obstructs openings required for light, ventilation, ingress, egress or firefighting; or
 - constitutes a danger or hazard to the general public.
- ii) No person shall affix, erect or otherwise display an election sign or permit an election sign to be erected, affixed, or otherwise displayed prior to the issuance of writs for a provincial or federal election or until a candidate has filed all required documents and paid the required fee in support of their candidacy for municipal office;
- iii) An election sign shall not display a Town logo, crest, seal or other Town identification;
- iv) An election sign which is a fascia sign may be affixed to the face of the building or building unit which is used as a candidate's campaign headquarters provided such fascia sign complies with the provisions of this By-law for a fascia sign; and
- v) An election sign shall be removed within forty-eight (48) hours immediately following 11:59 p.m. of the day of the election.

21.3 Portable Signs

- i) A portable sign shall be located completely on private property;
- ii) Only one portable sign may be erected or displayed on a property at any one time;
- iii) A maximum of six (6) portable sign permits per calendar year may be issued to each business at a municipal address.
- iv) A portable sign shall not be erected or displayed for more than twenty-one (21) consecutive days from the date the permit is issued.
- v) No business shall be issued a permit or erect or display a portable sign unless a minimum period of twenty-one (21) consecutive days has passed since the expiry date endorsed on a previous portable sign permit issued at a location.
- vi) A portable sign shall:
- a) contain no more than two (2) sign faces, and each sign face shall have a maximum area of 3.6 square metres;
 - b) not be located within 1.5 metres of a sidewalk or property line, whichever is greater;
 - c) not be located within 3.0 metres of a driveway entrance or exit;
 - d) not be located within 50.0 metres of a traffic signal standard;
 - e) not be located within 15.0 metres of the paved portion of an intersection;
 - f) not be located within 10.0 metres of a ground sign or 10.0 metres of a portable sign on an abutting property; and

- g) ~~a portable sign shall not be in colours other than black and white, and sign characters in fluorescent, neon, day glow or day bright colours are prohibited.~~

21.4 Sidewalk Signs

- i) Businesses are limited to one (1) sidewalk sign per lot frontage.
- ii) A sidewalk sign:
 - a) shall have a maximum height of 1.0 metre, a maximum of two sign faces and any sign face shall not exceed 0.55 square metres in area;
 - b) shall be displayed only between sunrise and sunset only on business days and shall be removed at all other times;
 - c) shall not be located within 3.0 metres of a driveway entrance;
 - d) shall be located no more than 1.0 metre from the curb in front of municipal property nearest and parallel to the curb in front of the premise being advertised by the said sign; and
 - e) shall not obstruct pedestrian or vehicle traffic.
- iii) ~~No person shall erect or maintain any sidewalk sign on any public street without first consulting and entering into an Agreement with Town indemnifying the Town from and against all manner of claims for damage, loss, expense or otherwise, arising from the erection, maintenance, removing or falling of such sign or part thereof.~~

21.5 Real Estate Signs

- i) One (1) real estate sign for each company shall be permitted for each lot frontage of the property on which the sign is erected.
- ii) The sign face of a real estate sign shall not exceed 0.5 square metres if erected on a property zoned residential and shall not exceed 4.0 square metres if erected on a property zoned industrial or commercial.
- iii) The sign shall be located on private property at a minimum distance of 1.0 metre from the property line.
- iv) The sign may be displayed in or on the window.

21.6 Construction Site Signs

- i) A construction site sign for the development of multiple residential units on one parcel of land shall be non-illuminated with a sign area not exceeding 10.0 square metres, shall be set back 7.5 metres from the street line and shall be removed from the construction site within sixty days of substantial completion of the project.
- ii) A construction site sign for the development of a residential unit on one parcel of land shall be non-illuminated with a sign area not exceeding 1.5 square metres, shall be set back 1.0 metre from the street line and shall be removed from the construction site within sixty days of the substantial completion of the project.

21.7 Garage Sale Signs

- i) A garage sale sign may be located in the untravelled portion of the road allowance, but not in a manner as to create a visual obstruction.
- ii) No person shall place or locate a garage sale sign before 5:00 p.m. of the day immediately before the garage sale and all such signs shall be removed by no later than 7:00 p.m. of the same day immediately following the garage sale.

21.8 Open House Directional Signs

- i) An open house directional sign shall have a maximum height of 1.0 metre and a maximum sign area of 0.4 square metres per sign face.
- ii) An open house directional sign may be erected on that portion of a street located between the curb or edge of the traveled 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 traveled roadway, provided that the sign does not interfere with pedestrian or vehicular traffic and does not create a visual obstruction.

21.9 Inflatable Signs

- i) No person shall erect an inflatable sign without a permit and an inflatable sign shall be erected in the specific location as shown on a plan approved for such purposes by the Chief Building Official and Director of Public Works.
- ii) An inflatable sign shall only be permitted on a property with a minimum frontage of 15.0 metres.
- iii) An inflatable sign shall be located:
 - a) a minimum of 3.0 metres from any property line;
 - b) a minimum of 3.0 metres from any driveway entrance and/or exit;
 - c) a minimum of 10.0 metres from any ground sign or portable sign on the same property or abutting property;
 - d) a minimum of 90.0 metres measured in a straight line from a residential property; and
 - e) a minimum of 50.0 metres from a traffic signal standard.
- iv) An inflatable sign shall have a maximum height of 7.0 metres and a maximum width of 6.0 metres.
- v) No more than one inflatable sign shall be permitted on a property at any one time.
- vi) Sign permits to erect or display inflatable signs shall be issued for periods of a maximum twenty-one (21) consecutive days. No more than three permits shall be issued for a single business on the property on which the sign is to be displayed, in a calendar year.
- vii) No business shall be issued a permit or erect or display an inflatable sign unless a minimum of twenty-one (21) consecutive days has passed since the expiry date endorsed on a previous inflatable sign permit issued on the same property.
- viii) Sign permits for inflatable signs shall be issued only for businesses or uses currently on the property on which the sign is to be displayed.
- ix) All inflatable signs shall be properly secured to the satisfaction of the Chief Building Official.
- x) All inflatable signs shall require the approval of the Festival Hydro.
- xi) ~~Before being issued a sign permit for an inflatable sign, the applicant shall provide confirmation to the Town that a minimum of \$2,000,000.00 of valid comprehensive general liability insurance is in effect.~~

21.10 Subdivision Signs

- i) A subdivision sign shall not exceed 9.0 square metres sign area and must be in good repair;
- ii) Maximum of two (2) signs shall be permitted for each registered subdivision;
- iii) The location of subdivision signs shall be determined by the Town through a subdivision agreement;
- iv) Subdivision signs shall contain the following information:
 - a) the plan of subdivision as registered, including street patterns, and the proposed use of each parcel of land therein, and;
 - b) the name and address of the owner; and
- v) Subdivision signs shall be removed when 85% of lots in the subdivision are sold or leased.

22.0 Maintenance of Signs

- a) The owner of any sign, shall maintain or cause such sign to be maintained in a proper state of repair, so that such sign remains completely operative at all times and does not become unsafe, defective or dangerous.
- b) Maintenance or repairs using materials identical to the materials of the component being maintained or repaired does not constitute an alteration and does not require a permit to be issued.

23.0 Penalties and Enforcement

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- a) Every person who contravenes any provisions of this By-law is guilty of an offence. Pursuant to the provisions of the Provincial Offences Act, R.S.O. 1990, c.P.33, as amended, upon conviction a person is liable to a fine of not more than \$5,000.00 exclusive of costs.
- b) Where a sign is erected or displayed in contravention of this By-law, the Chief Building Official or his or her designate may immediately pull down or remove any sign that the Chief Building Official or his or her designate determines constitutes a safety hazard or a concern. Such removal is to be at the expense of the owner or the occupant and the expense therefore may be collected in like manner as municipal taxes.
- c) Where any sign does not comply with this By-law, the Chief Building Official or his or her designate may forward a notice by registered mail or hand delivered to the owner. Such notice shall outline the nature of the contravention and the Section of the By-law so contravened and may require the owner of the sign to:
 - repair the sign;
 - pull down or remove the sign; or
 - make the sign comply with the provisions of this By-law,

not later than 14 days from mailing the notice. The notice may advise that if the sign is not so removed or made to comply within the specified period of time, then the Town may remove the sign without any further notice.

- d) If the notice as set out in Section 23.0 (c) is not complied with within the specified period of time, the Chief Building Official may direct the Town employees or an independent contractor to enter upon the land or premises to pull down and remove the sign. Such removal is to be at the expense of the owner or the occupant and the expense therefore, may be collected in like manner as municipal taxes.
- e) Notwithstanding Subsections a), b), c) and d) of this Section, portable signs, sidewalk signs, real estate signs, construction site signs, garage sale signs, open house directional signs and inflatable signs that are erected or displayed contrary to this by-law shall be removed by the owner immediately after a notice is served from the Town advising that such sign or other advertising device is in contravention of this by-law. Such notice shall be served in the manner provided in Subsection c) of this Section. Such notice shall outline the nature of the contravention and the Section of the By-law so contravened.
- f) If such sign or other advertising device has not been removed by the owner as required herein, the Chief building Official or his or her designate may cause such sign to be removed at the expense of the owner of the sign and any costs incurred by the Town may be recovered in like manner as municipal taxes on the property where the sign was located or may be recovered by action pursuant to Section 427 of the Municipal Act 2001, S.O. 2001, c.25. The remedies provided for hereby may be proceeded with prior to and notwithstanding that no prosecution and conviction has been obtained under Section 23 of this by-law.
- g) Where the Town has removed a sign and stored it for a period of fourteen (14) days and the sign has not been redeemed, the Town may then destroy or otherwise dispose of the sign without notice or compensation to the owner of the sign or his or her agent.
Any costs incurred may be recovered by the Town in like manner as municipal taxes.
- h) Any banner installed without the approval of the Town will be removed by the Town without notice and, further, may be destroyed or otherwise disposed of without further notice or compensation to the owner of the banner or his or her agent.
Any costs incurred may be recovered by the Town in like manner as municipal taxes.
- i) Notwithstanding Subsections a), b), c), d), f), and g) of this Section, the removal of election signs shall be as follows:

- i) the Chief Building Official or his or her designate is authorized to takedown or remove or cause to be removed immediately without notice and at the risk of its owner, an election sign that is placed in contravention of this by-law;
- ii) an election sign removed pursuant to this by-law shall be stored by the Town for a period of fifteen (15) days during which time the owner or agent may retrieve the election sign.
- iii) where an election sign has been removed by the Town and stored for a period of 15 days and such sign has not been retrieved, the election sign may be destroyed or otherwise disposed of by the Town without any notice or compensation to the owner of the sign or his or her agent.

Any costs incurred may be recovered by the Town in like manner as municipal taxes.

- j) None of the foregoing shall limit the Town from enforcing the provisions of this By-law by any other action or remedy permitted in law.

24.0 Variances

- a) An application for variance shall be made on the appropriate form to the Town and shall be accompanied by the appropriate fee, as set out in Schedule "A". The application shall be delivered or mailed to the office of the Chief Building Official.
- b) The Chief Building Official in consultation with Director of Public Works shall prepare a report for the consideration of the Council setting out the reasons for the variance and a recommendation.
- c) The Chief Building Official shall notify the applicant once a hearing date has been set and if the applicant does not attend at the appointed time and place, the Council may proceed in the absence of the applicant and the applicant will not be entitled to further notice in the proceeding.
- d) In considering an application for a variance, the Council shall have regard for:
 - (i) Special circumstances or conditions applying to the land, building or use referred to in the application;
 - (ii) Whether strict application of the provisions of this By-law in the context of the special circumstances applying to the land, building, or use, would result in practical difficulties or unnecessary and unusual hardship for the applicant, inconsistent with the general intent and purpose of this By-law;
 - (iii) Whether the special circumstances or conditions are pre-existing and not created by the owner or the applicant; and;
 - (iv) Whether the sign that is the subject of the variance will alter the essential character of the area.

25.0 Nonconforming Signs

- a) Any sign lawfully erected or displayed, before the day this Bylaw shall come into force, may remain and be maintained notwithstanding that it does not conform to this By-law, provided that no such sign shall be substantially altered, unless the same shall either conform or be made to conform in all respects with this By-law.
- b) The maintenance and repair of the sign or advertising device or a change in the message displayed shall not be deemed in itself to constitute an alteration.

26.0 Conflict with other By-laws

- a) Where there is conflict or contradiction between this By-law and any other By-law of the Town, the provisions of this By-law shall prevail.
- b) Where there is conflict or contradiction between this by-law and any Provincial Regulations, the provisions of the Regulation shall prevail.

27.0 Materials and Structural Requirements

27.1 Material

- i) All materials incorporated into a sign shall comply with the relevant requirements of the Ontario Building Code.
- ii) Every sign shall comply with all governing requirements of Hydro One and Festival Hydro, whichever has jurisdiction.

27.2 Structural

Signs and their structural members shall be designed to have structural capacity to resist safely and effectively all effects of loads and influence from environment to which they may be exposed and shall in any case satisfy the requirements of the Ontario Building Code.

28.0 Validity

If a Court of competent jurisdiction declares any Section or part of a Section of this By-law invalid, it is the intention of Council that the remainder of the By-law shall continue to be in force.

29.0 Preceding By-law

By-law 16-1972 and any other By-law, or portion thereof, of the Town of St. Marys addressing the same matters addressed in this By-law are hereby repealed.

BY-LAW No.33-2005
SCHEDULE "A"

FEES:

The following fees shall be paid to the Town of St. Marys at the time of application for a sign permit:

- a) All signs except Portable Signs: \$45.00 for the application plus \$15.00 for each metre squared.
- a. Portable Signs – Mobile: \$50.00 for each occasion.
- b. Application fee where installation of a sign has been carried out without a permit:
Application fee plus 30% of application fee.
- c. Refunds: Permit application fees are not refundable.
- d. Sign By-law Variance Application: No charge.