

The Corporation of the City of Thorold

By-law No. 44-2018

Being a By-law Prohibiting or Regulating Signs or other Advertising Devices

Whereas Section 11, Subsection (2) of the Municipal Act, S.O. 2001, c.25 provides that a lower-tier municipality may pass by-laws respecting structures, including fences and *signs*; and

Whereas The *City* of Thorold is a lower-tier municipality within the upper-tier *Regional Municipality* of Niagara; and

Whereas Section 99 of the Municipal Act, S.O. 2001, c.25 provides rules that apply to a by-law of a municipality respecting *Advertising devices*, including *signs*; and

Whereas Section 128, Subsection (1) of the Municipal Act, S.O. 2001, c.25 provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of *Council*, are or could become or cause a public nuisance; and

Whereas the *Council* of the Corporation of the *City* of Thorold deems it desirable to enact such a by-law; and

Whereas the Council of the Corporation of the City of Thorold approved the recommendations of Report PBS2012-66 at a Council meeting held November 6, 2012.

Now therefore, the Council of The Corporation of the City of Thorold enacts as follows:

SECTION 1 **GENERAL PROVISIONS**

1.1 **SHORT TITLE**

1.1.1 This By-law shall be known as the “*Sign By-law*”

1.2 **DEFINITIONS**

1.2.1 In this By-law:

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

“*Address sign*” means a *sign* on which the *Copy* is limited to the name and address of a place, building, business, organization, *person*, or occupancy of the *premises* it identifies;

“*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;

“*Alter*” 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*;

“*Authority Having Jurisdiction*” means The Corporation of The *City* of Thorold, The Corporation of The *Regional Municipality* of Niagara, the Ministry of Transportation, the St. Lawrence Seaway Corporation and the Niagara Escarpment Commission;

“*Banner*” means any temporary *sign* made from non-rigid material such as cloth, plastic or similar material and which is seamed or mounted by its end on secondary supports;

“*Bed and breakfast accommodation sign*” means a *sign* supplied by the municipality to a Bed and Breakfast Establishment licensee;

“*Billboard sign*” means an advertising *sign* other than a *ground sign, portable ground sign or pole sign erected by a person, firm, corporation, business, commercial service or industrial enterprise, upon which space is displayed or made available for displaying advertising Copy, describing one or more products or services which are not necessarily made, produced, assembled, stored or sold from the lot or premises upon which the billboard is erected and shall include bulletin boards, poster displays, poster boards, poster panels and field advertising signs;*

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

“*Chief Building Official*” means the Chief Official appointed by the *City* pursuant to the Building Code Act, 1992, as amended, or any successors thereto;

“*City*” means the Corporation of the *City* of Thorold;

“*Combustible materials*” means a material that fails to meet the acceptance criteria of CAN4-S114 A Standard Method of Test for Determination of Non-combustibility in Building Materials@ or any similar standard incorporated into the Ontario Building Code subsequent to the enactment of this by-law;

“*Community Event Sign*” means any *sign* 3 m² (32.29 sq. ft.) or less in area advertising a community event such as a craft show, car show, festival, fair, carnival, fund raiser, charitable or similar event;

“*Construction Site Sign*” means a *sign* which identifies or provides information relating to or advertising the development of the *Construction* of a building on the lands on which the *sign* is *erected*;

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

“*Council*” means the *Council* of the *City* of Thorold;

“*Construction*” includes anything to do with the *Construction, erection, installation, extension, alteration, repair, reconstruction or replacement* of a building, structure, fence or other object and “construct” shall have a corresponding meaning;

“*Directional sign*” means any *On-premises sign* which gives directions or instructions for the control of vehicular or pedestrian traffic and shall include an entry and exit *sign*;

“*Directory sign*” means a *sign* listing the tenants of a multi-tenant building containing at least two distinct tenant units which *sign* includes only the municipal address and a list of tenants or occupancies for identification purposes;

“*Development Sign*” means a *sign* identifying a proposed development or a *Construction* project, including model homes within the *City* of Thorold;

“*Erect and/or Erected*” means any action taken in the installation, placement, display, maintenance, repair, or *alteration* of any *sign* or *advertising device*;

“*Frontage*” means the width of a *lot* measured along the front *lot* line provided that:

where a *lot* abuts *street lines* of different lengths, the shorter *street line* shall be the front *lot* line;

where the *lot* abuts *street line* of equal length, the *street line* facing the principal entrance to the main building shall be the front *lot* line; or

where the *lot* is a through *lot* either *street line* may be deemed the front *lot* line and the *street line* opposite shall be deemed the rear *lot* line;

“*Grade*” means the average surface elevation of the finished ground where said ground is in contact with any building, *sign* or other structure;

“*Ground sign*” means a *sign* directly supported by the ground without the aid of any other building or structure, which *sign* includes the names of *owner(s)* and/or *tenant(s)* and address and/or advertising goods, products, services or events that are sold, offered, or provided on the *premises* on which the *sign* is located and does not include any other *sign* defined in this by-law;

“*Height*” means the vertical distance measured from the average elevation of the finished *grade* immediately below a *sign* to the highest point of the *sign* and includes any support structure;

“*Home improvement sign*” means a *sign* for a contractor undertaking landscaping, home repairs or renovations in a residential zone.

“*Incidental sign*” means an *On-premises sign* containing an informational message that has a purpose incidentally related to the use or occupancy of the *premises* and is intended to assist the public with respect to the location of business facilities or provides courtesy or directive information, but is not an advertisement;

“*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*;

“*Lot*” means 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;

“*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 a drive-through business;

“*Municipal Law Enforcement Officer*” means a *Municipal Law Enforcement Officer* of the *City* and includes the *Chief Building Official* or any other municipal officer authorized to enforce this or any other by-law of the *City*;

“*Neighbourhood event sign*” means a *sign* advertising a private auction, garage sale, bake sale, bazaar, church event or other similar event in the *City* of Thorold;

“*New home development sign*” means a non-illuminated *sign* which is not permanently installed or affixed to the ground and where the purpose of the *sign* is to direct attention to the sale of new homes;

“*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 Business Improvement Areas, public buildings, hospitals, public libraries, institutions, places of worship, parks, recreational or educational facilities.

“*On-premises sign*” means a *sign* relating in its *Copy* to the *premises* on which it is located;

“*Open house sign*” means a temporary portable *sign* intended to direct traffic to a residence for sale or lease, but shall not include a *New home development sign*;

“*Owner*” includes:

owner of the *sign*;

owner of the real *property* on which the *sign* is located;

the *person*, for the time being, managing or receiving the rent of (i) the *sign* or (ii) the real *property* on which the *sign* is located;

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

“*Pole sign*” means a *sign* greater than 3 m (9.84 ft.) in *height* directly supported from the ground without the aid of any building or structure other than the *sign structure*;

“*Portable ground sign*” means any *sign* which is specifically *designed* or intended to be readily moved from one location to another and which does not rely on a building or fixed foundation for its structural support;

“*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*;

“*Premises*” means a *lot* under registered *ownership* and includes all buildings and structures thereon;

“*Property*” means a parcel of land having specific boundaries which is capable of legal transfer;

“*Property line*” means any boundary that divides one *lot* from another *lot*;

“*Public property*” means *property*, land, or buildings owned by the *City*, *Region*, or a local board as defined in the *Municipal Affairs Act*, *as amended* or owned by the Federal or Provincial government(s);

“*Real estate sign*” means a temporary non-illuminated *sign* installed, *erected* or displayed on a *property* for the notification that a building, premise or portion thereof is offered for sale, rent or lease;

“*Region*” means the *Regional Municipality of Niagara*;

“*Residential lands*” means any lands zoned “Residential” or any lands zoned “Holding” which exclusively permits residential use, in accordance with the provisions with the Comprehensive Zoning By-law as amended;

“*Roof sign*” means a *sign* supported entirely or partly by the roof of a building or structure and which *sign* projects above the roof;

“*Sidewalk sign*” means a free standing *sign erected* on but not permanently anchored in the ground. Without limiting the generality of the foregoing, this definition shall include *signs* commonly referred to as A-frame, T-frame, sandwich boards and *menu boards* but shall not mean or include any other *sign* defined in this by-law;

“*Sight triangle*” means an area free of buildings or structures or other visual obstructions, and which are to be determined by measuring, from the point of intersection of *street lines* on a corner *lot*, a minimum of 9 m (29.53 ft.) along each such *street line* and joining such points with a straight line, and the triangular shaped land between the intersecting *street lines* and the straight line adjoining the points the required distance along the *street lines* is the Aday lighting triangle@;

“*Sign*” means 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 said device;

“*Sign area*” means the entire area of the *sign face*;

“*Sign face*” means the entire area of the surface of a *sign* including the border or frame together with any material forming an integral part of the background of the display or used to differentiate the *sign* from the backdrop or building against which it is *erected*. Where a *sign* is composed of individually installed letters, numerals or shapes, the *sign face* shall mean the area of the smallest polygon containing a maximum of eight (8) right angle sides that enclose the groupings of letters, numerals or shapes;

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

“*Sports facility fencing*” means any fence of open *Construction* which is contained within the *property* boundaries of a public or private park, sports field, or recreational facility which is either a permitted use in accordance with the *City of Thorold Comprehensive Zoning By-law* or an accessory to such permitted use but shall exclude all division fences and *property* boundary fences;

“*Street*” means any public highway but does not include a Provincial highway;

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

“*Wall sign*” means a *sign* which is supported by a building wall;

“*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 1 m (3.28 ft.) of a window.

1.3 INTERPRETATION

- 1.3.1 Statutory references are to statutes of Ontario and the regulations made thereunder and shall be deemed to refer to such statutes and regulations as amended, consolidated, re-enacted and in force from time to time;
- 1.3.2 A word interpreted in the singular number has a corresponding meaning when used in plural.

1.4 APPLICATION

- 1.4.1 This by-law applies to all *signs erected*, constructed, or placed on *property* within the boundaries of the *City* of Thorold.

SECTION 2 PERMITS AND FEES

2.1 GENERAL REQUIREMENTS

- 2.1.1 No *person* shall *erect* or relocate, cause or permit to be *erected* or relocated any *sign* without first having obtained a permit issued by the *Chief Building Official* in accordance with the provisions of this by-law.
- 2.1.2 Every application for permit shall be submitted on the form prescribed by the *City* for the purpose from time to time and shall be accompanied by:
- (1) two (2) plot plans showing the *property lines* and *street lines* of the *lot* on which it is proposed to *erect* such *sign*, and the location of the *sign* upon the *lot* in relation to the said *property lines* and *street lines* and to any other buildings or structures upon the subject *lot*;
 - (2) two (2) complete plans of the proposed *sign* and its structure for which a permit is sought, prepared by a competent *person*;
 - (3) such other documents as may be specified by the *Chief Building Official* where, in his or her opinion, they may be deemed necessary to ensure that the proposed *sign* complies with this by-law and any other applicable law;
 - (4) confirmation or certification from a professional engineer, Ontario Land Surveyor or other competent *person* where, in the opinion of the *Chief Building Official*, the circumstances deem it necessary to ensure public safety and / or compliance with this by-law; and
 - (5) valid proof of issuance of any other permit or approval required to be issued by any other *Authority Having Jurisdiction*.
- 2.1.3 In addition to the requirement set out in article 2.1.2 above, every *person* applying for a permit to *erect* a *sign* shall, at the time of making application, pay the applicable fee.
- 2.1.4 In addition to the information required in article 2.1.2 above, every application submitted for an *inflatable sign* shall contain information regarding the method of securing the *inflatable sign*.
- 2.1.5 Notwithstanding any provisions of this By-law, the *Region* may allow a *sign* on any *street* under its jurisdiction; however article 2.1.1 shall apply to any such *sign*.
- 2.1.6 All *signs* shall comply with all other applicable *City* By-laws and all other applicable law. All *signs* shall be *erected* and *designed* in accordance with the requirements of the Ontario Building Code, as amended.

2.2 PERMIT ISSUANCE

- 2.2.1 The *Chief Building Official* shall issue a permit except where:
- (1) The proposed *sign* will not comply with this by-law or will contravene any other applicable law;
 - (2) the application therefore is incomplete if any fees are unpaid.

- 2.2.2 No *person* shall *erect* a *sign* except in accordance with the permit issued for such *sign* and no *person* shall make a material change or cause a material change to be made to a plan, specification or document or other information on the basis of which a permit was issued without notifying the *Chief Building Official* and filing details of such change with him for the purpose of obtaining his authorization.
- 2.2.3 The *Chief Building Official* may revoke a permit under any of the following circumstances:
- (1) where the permit has been issued in error by the *City* or on the basis of false, mistaken, incorrect or misleading information or undertakings provided by the *City*; or;
 - (2) where the *sign* does not conform to this by-law or any other conditions of approval under this by-law.
- 2.2.4 A permit issued by the *City* shall expire:
- (1) upon the expiry of any display period specified under this by-law or pursuant to the terms of the permit; or
 - (2) immediately upon removal of the *sign*;
 - (3) six (6) months after the date of issuance if no *Construction* or *erection* has occurred.
- 2.2.5 Where a permit has been issued and before it has expired, an application may be made to extend the permit for a further six (6) months.
- 2.2.6 The *Chief Building Official* may grant the renewal of the permit after payment of the prescribed application renewal fee where the *sign* conforms with the by-law.

2.3 FEES

- 2.3.1 Any fee required by or described in this by-law shall be as set out in Schedule 'A' to this by-law.
- 2.3.2 Permit fees may be refunded where, in the opinion of the *Chief Building Official*, it is deemed appropriate and shall be made as follows:
- (1) 50 percent if the permit has been issued and no field inspections have been performed;
 - (2) no refund if the permit has been issued and any inspections have been performed;
 - (3) notwithstanding the above, no fees shall be refunded after six (6) months from the date of the permit issuance.

2.4 EXEMPTIONS

- 2.4.1 Notwithstanding the provisions of article 2.1.1 of this by-law, no permit shall be required for the following *signs* provided such *signs* comply with all other provisions of this by-law:
- (1) *Official signs* or *signs* pertaining exclusively to public safety;
 - (2) *election signs*, *erected* in accordance with subsection 3.9;

- (3) a non-illuminated trespassing, safety or other warning *sign* not exceeding 0.2 m² (2.2 sq. ft.) in *sign area*;
- (4) an *Address sign* not exceeding 0.2 m² (2.2 sq. ft.) in *sign area* unless otherwise provided for in this by-law;
- (5) flags of corporations, education, or religious organizations provided that not more than three (3) flags are located on one (1) *premises*;
- (6) emblems or *insignia* of patriotic, civic, educational, or religious organizations;
- (7) commemorative plaques or corner stones of a non-advertising nature;
- (8) a *directional sign* not exceeding 0.3 m² (3.2 sq. ft.) in area;
- (9) a *Construction Site Sign* on a *Construction* site in accordance with subsection 3.16;
- (10) a *sign* other than an *On-premises sign*, *erected*, displayed or stored on the business *premises* of a *sign* manufacturer or contractor;
- (11) a *poster* affixed in accordance with subsection 3.13;
- (12) a *real estate sign* in accordance with subsection 3.15;
- (13) an *open house sign* in accordance with subsection 3.15;
- (14) a *neighbourhood event sign* in accordance with subsection 3.15;
- (15) a *community Event Sign* in accordance with subsection 3.14;
- (16) a *development Sign* not exceeding 10 m² (108 sq. ft.) in area in accordance with subsection 3.16;
- (17) a *sign* inside a building;
- (18) a *sign* painted upon a window, wall, roof, canopy or awning;
- (19) a *sign* painted on a fuel storage tank or dispensing facility advertising the product or any *sign* affixed to a pump structure or canopy associated with the sale of fuel;
- (20) a *Bed and breakfast accommodation sign* in accordance with subsection 3.11;
- (21) the changing of any moveable part of a *sign* for which a permit has been issued, that is *designed* for such change, or the repainting or reposting of the advertising message on the display surface of such *sign*;
- (22) public transit shelter advertising or any advertising on *street* furniture and fixtures approved by the *City* or *Region*;
- (23) *signs* affixed to *sports facility fencing*;
- (24) a *sign erected* or required to be *erected* by a government or government agency or any local board established by such government or government agency;
- (25) *signs* used as; *menu boards*, *Pre-menu boards*, *directional* or *directory signs*; or

(26) an *incidental sign*;

2.4.2 The requirements for *signs* contained in this by-law shall not apply to any *sign erected* by:

- (1) the Corporation of the *City* of Thorold;
- (2) the *Regional Municipality* of Niagara;
- (3) the Seaway Authority; or
- (4) any Department or Ministry of the Federal or Provincial Government.

2.5 VARIANCES

2.5.1 Any *person* wishing to make application for a variance from the requirement of this by-law shall make application to the *Chief Building Official*.

2.5.2 The application for a variance to this by-law shall be in the form as may be approved by the *Chief Building Official* from time to time and shall be accompanied by:

- (1) the prescribed fee; and
- (2) a completed application for a *sign* permit variance, where applicable.

2.5.3 Minor variances from the provisions of this by-law may be authorized by *Council*, or if *Council* so delegates, by a committee of *Council* or by any other committee or employee so designated by *Council*.

2.6 BUILDING PERMITS

2.6.1 Notwithstanding the provisions of article 2.1.1 of this by-law, no *sign* permit shall be required for the following *signs* provided the *erection* of such *signs* comply with all other provisions of this by-law and that a valid building permit is issued by the *City* to permit the *erection* of such *sign*:

- (1) *pole signs* exceeding 7.5 m (24.6 ft.) in *height* above finished *grade erected* or installed in accordance with subsection 3.4;
- (2) *roof signs* exceeding 10 m² (108 sq. ft.) *erected* or installed in accordance with subsection 3.5;
- (3) *Billboard signs erected* or installed in accordance with subsection 3.7;

SECTION 3 REGULATIONS

3.1 PROHIBITIONS

3.1.1 No *person* shall:

- (1) *erect*, locate or display a *sign* without a permit where a permit is required under this by-law;
- (2) *erect*, locate or display a *sign* for which a permit has been obtained except in accordance with the approved plans and drawings submitted as part of the permit application;

- (3) *erect*, locate or display a *sign* in a manner that is not in accordance with the regulations of this by-law or the conditions of any variance granted under this by-law;
- (4) *erect*, locate or display a type of *sign* which is not specifically permitted under this by-law;
- (5) *erect*, locate or display a *sign* which is on, over, partly on or over *public property*, including any road allowance;
- (6) *erect*, locate or display any *sign* on any utility pole or light standards which is not located on private *property*.

3.1.2 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:

- (1) any *sign* or other *Advertising device* in such a location or manner as to obstruct the line of vision of pedestrian or vehicular traffic;
- (2) any *sign* within any *sight triangle*;
- (3) any *sign* or other *Advertising device* having a flashing light or lights within 30 m (98.4 ft.) of any *property line* of any land zoned residential, institutional, park or public space as designated by the *City's* comprehensive zoning by-law;
- (4) revolving beacons or spot lights;
- (5) any *sign* with animation, lights or lighting which will adversely affect adjacent properties or vehicular traffic;
- (6) any *sign* or other *Advertising device* having a flashing light or lights within 20 m (65.6 ft.) of a *street line*;
- (7) *signs* which make use of words as "Stop", "Look", "One-Way", "Danger", "Yield" or any other similar words or phrases, symbols, lights or characters in such a manner as may tend to interfere with, mislead, or confuse drivers;
- (8) any *sign* which in the opinion of *Council* is indecent or may tend to corrupt or demoralize;
- (9) any business *sign* on lands zoned for only residential use;
- (10) any institutional *sign* on *residential lands* which *sign* exceeds 1.5 m² (16 sq. ft.) in area;
- (11) an *Abandoned sign*; or
- (12) a *sign* interfering with or obstructing the view of 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*.

3.1.3 No *person* shall *erect*, nail or otherwise attach any *sign* or cause any *sign* to be *erected*, nailed or otherwise attached to or upon any *property* managed and controlled by a public utility commission or of a local board as defined in the Municipal Act except upon the express written consent of the said public utility commission or local board.

3.1.4 No exterior *sign* shall be *erected* overhanging a sidewalk or other pedestrian walkway unless the vertical distance, measured from the bottom of the

overhanging portion of the *sign* to the surface of the sidewalk is at least 2.4 m (7.87 ft.) or in accordance with the Ontario Building Code as it may change from time to time.

- 3.1.5 No *sign face* shall be *erected* within 0.6 m (1.97 ft.) of the vehicular travelled portion of a private lane or roadway, or of a motor vehicle parking area unless the minimum vertical distance between *grade* and the bottom of the overhanging *sign face* is at least 4.25 m (13.94 ft.) or in accordance with the Ontario Building Code as it may change from time to time.
- 3.1.6 Where *signs* or other *Advertising devices* are regulated by more than one *Authority Having Jurisdiction* such *signs* or other *Advertising devices* shall be *erected* in accordance with the regulations of the most restrictive regulating authority.
- 3.1.7 No *person* shall *erect* or cause the *erection* of 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 that location.
- 3.1.8 No *person* shall attach, affix or display or cause the display or attachment of any *sign* or advertisement on a vehicle or trailer which is parked or located for the primary purpose of displaying said *sign* or advertisement.
- 3.1.9 Unless specified elsewhere in this By-law, *sign* permits for any *sign* shall be issued only for businesses or uses located on the *property* on which the *sign* is to be located.

3.2 GROUND SIGNS

- 3.2.1 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 *City's* comprehensive zoning by-law or 3 m (9.84 ft.), whichever is the lesser.
- 3.2.2 No *ground sign* shall be *erected* which:
 - (1) exceeds 3 m (9.84 ft.) in *height* of *sign*;
 - (2) exceeds 0.3 m² (3.2 sq. ft.) in area on *residential lands*;
 - (3) exceeds 9 m² (96 sq. ft.) in area per side or visible face.
- 3.2.3 No *person* shall *erect* on any *lot* more than one *ground sign* for every 20 m (65.6 ft.) of the *frontage* of the *lot* on which the *ground sign* is located. Where a *lot* has less than 20 m (65.6 ft.) of *frontage* the *owner* may *erect* one *ground sign*.
- 3.2.4 A *sign face* of a *ground sign* may include a *changing Copy sign* with a *sign area* not exceeding 50 percent of the *sign face* of the *ground sign*.
- 3.2.5 A *ground sign* shall not be located within 3 m (9.84 ft.) of a driveway entrance or exit.
- 3.2.6 No *ground sign* shall be located in the rear or side of a *lot* in a commercial or industrial zone located adjacent to a Provincial highway.

3.3 PORTABLE GROUND SIGNS

- 3.3.1 A *portable ground sign* shall be located completely on private *property*;

- 3.3.2 No *portable ground sign* shall be located closer to:
- (1) any *street line* or other *property line* than 1 m (3.28 ft.);
 - (2) any *street line* than 2 m (6.5 ft.) where the *portable sign* exceeds 1 m (3.28 ft.) in *height of sign*;
 - (3) any other *portable ground sign* than 30 m (98.4 ft.), on the same *lot*, except that a *property* with less than 30 m (98.4 ft.) of *frontage* may have one *portable sign*.
- 3.3.3 No *person* shall *erect a portable ground sign* which:
- (1) exceeds 2 m (6.5 ft.) in *height of sign*;
 - (2) exceeds 4.6 m² (50 sq. ft.) in area per side or visible face;
 - (3) has more than two sides or visible faces;
 - (4) is located within 6 m (19.68 ft.) of a driveway entrance/exit or intersection of two *streets*, when the setback is less than the *height of the sign*;
 - (5) is located on private *property* closer than 1 m (3.28 ft.) from a municipal sidewalk;
 - (6) is on *residential lands* except an *election sign*; or
 - (7) is in or on a required parking space on a *property*.
- 3.3.4 *Portable ground signs* may be illuminated or luminous provided such lighting does not consist of flashing lights, moving lights, or intermittent or activated lighting of any kind.
- 3.3.5 All electrical cables, extensions, wires or outlets of every nature or kind attached to, or relating in any way to, a *portable sign* must comply with the regulations of the Electrical Safety Authority.
- 3.3.6 No *person* shall *erect a portable ground sign* on a *property* without first obtaining written permission from the *owner* of the *property*.
- 3.3.7 A maximum of six (6) *portable ground sign* permits per calendar year may be issued to each eligible municipal *property*.
- 3.3.8 Subject to article 3.3.7 a *portable ground sign* shall not be *erected* or displayed for more than thirty (30) consecutive days from the date the permit is issued.
- 3.3.9 No *portable ground sign* permit shall be issued unless a minimum of twenty one (21) days have passed since the expiry date endorsed on any previous *portable ground sign* permit issued for each *property line* abutting a *street*.

3.4 POLE SIGNS

- 3.4.1 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 *City's Zoning By-law* or 3 m (9.84 ft.), whichever is the lesser.
- 3.4.2 No *pole sign* shall be *erected* which:
- (1) exceeds 9 m (29.53 ft.) in *height of the sign*;
 - (2) exceeds 20 m² (215 sq. ft.) in area per side of visible face; or

(3) is intended to be on lands zoned for residential use.

3.4.3 No *person* shall *erect* on any *lot* more than one *pole sign* for every 60 m (197 ft.) of the *frontage* of the *lot* on which the *pole sign* is located.

3.5 ROOF SIGNS

3.5.1 A *roof sign* shall be setback at least 1 m (3.28 ft.) from the face of the building on which such *roof sign* is *erected*.

3.5.2 No *roof sign* shall be *erected* which:

- (1) is constructed of *Combustible materials*;
- (2) does not have a clear space at least 1.22 m (4 ft.) from the underside of the *sign* to the level of the roof or top of the building except for the *sign's* support structure;
- (3) has any face exceeding 10 m² (108 sq. ft.) in area per visible side or visible face;
- (4) *height* exceeds the maximum building *height* from *grade* as prescribed by the *City's* zoning by-law.

3.6 WALL SIGNS

3.6.1 No *wall sign* shall be *erected* which:

- (1) is not *erected* against the exterior wall of the building to which the *wall sign* is to be attached;
- (2) projects more than 0.3 m (1 ft.) from the wall of the building;
- (3) exceeds 10 m² (108 sq. ft.) or 25% of the area of the face of the building on which it is installed, whichever is the lesser;
- (4) exceeds 0.3 m² (3.2 sq. ft.) in area on a building on *residential lands*;
- (5) does not have at least 2.4 m (7.87 ft.) clearance between *grade* and the underside of the *wall sign*;

3.6.2 No *person* shall *erect* more than one *wall sign* for each 100 m² (1,076 sq. ft.) of building wall face, notwithstanding that any building which does not have a building face 100 m² (1,076 sq. ft.) in area may have one *wall sign* on the building face fronting on the *street*.

3.7 BILLBOARDS

3.7.1 No *billboard* shall be *erected* in a zone other than one so zoned by the *City's* Comprehensive Zoning By-law 2140(97) as Highway Commercial (HC) or Highway Commercial/Industrial (HCI) zone.

3.7.2 No *person* shall *erect* on any *lot* more than one *billboard* for every 305 m (1000 ft.) of *frontage* of the *lot* on which the *billboard* is located. Where a *lot* has less than 305 m (1000 ft.) of *frontage*, the *owner* may *erect* one (1) *Billboard sign* provided it is in accordance with article 3.7.4.

3.7.3 The maximum *sign area* of a *Billboard sign* shall be 20 m² (215 sq. ft.) per *sign face*.

- 3.7.4 No part of a *Billboard sign* shall be:
- (1) located closer than 305 m (1000 ft.) from any from any other *Billboard sign* in any direction on the same *lot* or neighbouring *lot(s)*;
 - (2) located closer than 305 m (1000 ft.) measured in a straight line from a residential zone;
 - (3) exceed 15 m (49.2 ft.) in *height*;
 - (4) located closer than 7.5 m (24.60 ft.) to the *street line* or the setback line for the main building as established by the *City's Comprehensive Zoning By-law* for the applicable zone, whichever is the lesser.
- 3.7.5 Where a *Billboard sign* is permitted, it may be illuminated or non-illuminated, single or double face only.

3.8 INFLATABLE SIGNS

- 3.8.1 No *person* shall *erect* or cause the *erection* of an *inflatable sign* without a permit.
- 3.8.2 An *inflatable sign* shall only be permitted on a *property* with a minimum *frontage* of 15 m (49.2 ft.).
- 3.8.3 One *inflatable sign* shall be permitted for each *property* at any one time.
- 3.8.4 An *inflatable sign* shall be located:
- (1) a minimum of 3 m (9.84 ft.) from any *property line*;
 - (2) a minimum of 3 m (9.84 ft.) from any driveway entrance and / or exit;
 - (3) a minimum of 10 m (32.8 ft.) from any ground or *portable ground sign* on the same *property* or abutting *property*;
 - (4) a minimum of 100 m (328 ft.) measured in a straight line from any residential *property*; and
 - (5) a minimum of 50 m (164 ft.) from a traffic light standard.
- 3.8.5 An *inflatable sign* shall have a maximum *height* of 7 m (23 ft.) from grade and a maximum width of 6 m (19.68 ft.).
- 3.8.6 *Sign permits to erect or display inflatable signs* shall be issued for periods of a maximum of fourteen (14) consecutive days. No more than two (2) permits shall be issued for a single business on the *property* on which the *sign* is to be displayed in a calendar year.
- 3.8.7 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 the previous *inflatable sign* permit issued on the same *property*.
- 3.8.8 *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.
- 3.8.9 All *inflatable signs* shall be properly secured to the satisfaction of the *Chief Building Official* or their designate.

- 3.8.10 In addition to the information required in article 2.1.2, every application submitted for an *inflatable sign* shall be supplemented with proof of insurance that a minimum of \$2,000,000.00 of valid comprehensive liability insurance is in effect and that the *City* is named as an additional insured.

3.9 SIDEWALK SIGNS

- 3.9.1 Any *property* which pays business taxes with respect to a business situated within the *City*, provided such business is operating in a commercial zone as provided in the *City's* comprehensive zoning by-law, may *erect* one (1) *sidewalk sign* in the front yard of such business provided such *sign* complies with the following regulations set forth in this subsection.

- 3.9.2 A *sidewalk sign* shall only be displayed or *erected* on municipal *property* abutting the business in cases where it is not possible because of the size of the *lot*, to locate a *ground sign* or *portable ground sign* entirely on the same *lot* as the business for which the permit applies.

- 3.9.3 In addition to the information required in article 2.1.2, every application submitted for a *sidewalk sign* shall be supplemented with proof of insurance that a minimum of \$2,000,000.00 of valid comprehensive liability insurance is in effect and that the *City* is named as an additional insured.

- 3.9.4 A *sidewalk sign*:

- (1) shall be no larger than 0.6 m (1.97 ft.) wide x 1.2 m (3.94 ft.) high or 0.6 m (1.97 ft.) in depth;
- (2) shall be displayed only between sunrise and sunset of every business day and shall be taken indoors at all other times;
- (3) shall not be located within 3 m (9.84 ft.) of a driveway entrance;
- (4) shall not be located within 10 m (32.8 ft.) of a *ground sign* and 25 m (82 ft.) of a *portable ground sign* on the same *lot*;
- (5) shall not impede pedestrian traffic and at minimum provide for an unobstructed width of 1.5 m (4.92 ft.) for a pedestrian walkway;
- (6) shall be properly maintained to the satisfaction of the *Chief Building Official* or the *Municipal Law Enforcement Officer*.

3.10 BED AND BREAKFAST ACCOMMODATION SIGNS

- 3.10.1 Only one (1) *sign* per Bed and Breakfast Establishment will be permitted per *property* and the *City* shall supply the *sign* in accordance with the provisions of the *City of Thorold Bed and Breakfast By-law*. Any other proposed *sign* on the *property* intended to indicate a Bed and Breakfast Establishment must be approved by *City Council* through the variance process as described in subsection 2.5 of this by-law.

- 3.10.2 No *signs* other than those approved in accordance with article 3.11.1 shall be permitted advertising the Bed and Breakfast Establishment on the *property* or anywhere else in the *City of Thorold*.

- 3.10.3 The *sign* supplied by the *City* may be used as a *ground sign* or located on the building.

- 3.10.4 When used as a *ground sign*, the *sign* supplied by the *City* shall:
- (1) not exceed 1.5 m (4.92 ft.) in *height* including support posts;
 - (2) not be located in a *sight triangle*, and
 - (3) not be located closer than 1 m (3.28 ft.) to a *property line*.

3.11 POSTERING

- 3.11.1 No *person* shall affix or place a *poster* or cause a *poster* to be affixed unless such *poster* meets the requirements of this by-law.
- 3.11.2 A *person* shall only affix or place a *poster* that shall:
- (1) indicate the name, address and telephone number of the *person* responsible for the placing of the *poster*;
 - (2) be no greater than 0.28 m x 0.43 m (11 in. x 17 in.); and
 - (3) conform to the shape of the object it is posted on.
- 3.11.3 *Posters* shall be removed within twenty-four (24) hours following the scheduled event advertised.
- 3.11.4 No *person* shall affix or place a *poster* or cause a *poster* to be placed or affixed if the *poster* conveys a message with respect to an unlawful activity or an activity which a Peace Officer or *Municipal Law Enforcement Officer* has reason to believe is unlawful.
- 3.11.5 Both lawfully and unlawfully *erected posters* within the *City* may be removed and disposed of without notice by the *City* in accordance with its maintenance schedule.
- 3.11.6 *Posters* are exempt from complying with the provisions of sentence 3.1.1(5) of this by-law, provided that all other provisions of this by-law are met.

3.12 COMMUNITY EVENT SIGNS / BANNERS

- 3.12.1 *Community Event Signs* may be *erected* for a period from forty-five (45) days prior to the event to not more than two (2) days after the event at which time the *sign* shall have been removed.
- 3.12.2 *Community Event Signs* shall be *erected* in compliance with the *portable ground sign* provisions of subsection 3.3 as well as the provisions for *posting* under subsection 3.11, whichever is more applicable.
- 3.12.3 Notwithstanding the provisions of sentence 3.1.1(5), *Community Event Signs* and *banners* are permitted to be located within the non-roadway portion of a road allowance, provided that all other provisions of this by-law are met.
- 3.12.4 While the *erection* of any *Community Event Sign* and privately installed *banner* are exempt from the requirements of article 2.1.1, the installation of *banners* over a municipal roadway not only requires a permit but also the payment of an installation fee as described in Schedule "A".
- 3.12.5 *Banners erected* over municipal roadways shall be co-ordinated through the *City* of Thorold Operations Department, with the time frames for *erection* and removal at the discretion of the Director of Operations or his designate.

3.13 NEIGHBOURHOOD EVENT SIGNS

- 3.13.1 *Neighbourhood event signs* may be *erected* for a period from three (3) days prior to the event to not more than one (1) day after the event at which time the *sign* shall have been removed.
- 3.13.2 Each *Neighbourhood event sign* shall:
- (1) not exceed 0.9 m (3 ft.) in any dimension or exceed 0.6 m² (6.5 sq. ft.) in *sign area*; and
 - (2) indicate the address and date of the event.
- 3.13.3 *Neighbourhood event signs* shall be *erected* in compliance with the *portable ground sign* provisions of 3.3 as well as the provisions for *postering* under subsection 3.12 whichever is more applicable.
- 3.13.4 Notwithstanding the provisions of sentence 3.1.1(5), *Neighbourhood event signs* are permitted to be located within the non-roadway portion of a road allowance, provided that all other provisions of this by-law are met.

3.14 REAL ESTATE AND DEVELOPMENT SIGNS

- 3.14.1 One (1) *real estate sign* shall be permitted for each *street line* of the *property* on which the *sign* is *erected*.
- 3.14.2 No *person* shall affix, *erect*, or otherwise display a *real estate sign* which:
- (1) exceeds 1 m² (10.76 sq. ft.) on *residential lands*;
 - (2) exceeds 10 m² (108 sq. ft.) on lands other than *residential lands*.
- 3.14.3 An *open house sign* may be *erected* from sunrise to sunset of the same day of the event.
- 3.14.4 Notwithstanding the provisions of sentence 3.1.1(5), an *open house sign* is permitted to be located within the non-roadway portion of a road allowance, provided that all other provisions of this by-law are met.
- 3.14.5 Notwithstanding the provisions of sentence 3.1.1(5), *New home development signs* are permitted to be located within the non-roadway portion of a road allowance, provided that all other provisions of this by-law are met.
- 3.14.6 Notwithstanding the provisions of 3.14.5, *New home development signs* shall be prohibited from being displayed on, over, partly on or over the non-roadway portion of a road allowance directly adjacent to other *public property* such as but not limited to; public parks, municipal buildings, community centres, or fire stations.
- 3.14.7 *New home development signs* shall be limited to groupings of not more than three (3) *signs*, provided that the groupings are:
- (1) restricted to two corners of a *street* intersection; and
 - (2) restricted to two (2) per *street* block and not placed closer than 100 m (328 ft.) from any other grouping of *New home development signs* on the same side of the *street*.

3.14.8 A *New home development sign* shall:

- (1) contain no more than two (2) *sign faces*, each *sign face* having a maximum area of 1.5 m² (16 sq. ft.); and
- (2) be a maximum *height* of 1.2 m (3.94 ft.).

3.14.9 No *person* shall affix, *erect* or otherwise display a *New home development sign*:

- (1) on a median or any other location on a *street* that obstructs a sight line or otherwise interferes with *street* maintenance, or impedes the movement of pedestrians or vehicular traffic, or otherwise creates a hazard;
- (2) closer than 10 m (32.8 ft.) to a transit stop;
- (3) closer than 5 m (16.4 ft.) to a drive way intersection with a *street line*; and
- (4) before 5:00 p.m. on a Friday and all such *signs* shall be removed no later than 7:00 a.m. of the immediately following Monday, provided that where a Friday or Monday is a statutory holiday, the hours shall be extended only to the extent necessary to include the statutory holiday.

3.14.10 No *person* shall affix, *erect* or otherwise display any *development Sign* exceeding 10 m² (108 sq. ft.) in area.

3.14.11 *Development Signs* not pertaining to an active development or development application shall be deemed to be abandoned and must be removed within sixty (60) days of the ceasing of activity.

3.15 CONSTRUCTION SITE AND HOME IMPROVEMENT SIGNS

3.15.1 One (1) *Construction site sign* is permitted for each *street line* of the project on which the *sign* is to be *erected*. An additional *Construction Site Sign* may be *erected* along each *street line* of a project provided:

- (1) that each *Construction Site Sign* is a minimum of 100 m (328 ft.) from any other *Construction Site Sign* located on the same *street line* and on the same project; and
- (2) that the combined total *sign area* of the two *Construction Site Signs* located on the same *street line* and on the same project shall not exceed 60 m² (645.8 sq. ft.).

3.15.2 *Construction Site Signs* must be removed from the *Construction* site within sixty (60) days of the first occupancy of the project;

3.15.3 A *Construction Site Sign*:

- (1) may have a maximum *height* of 7.5 m (24.6 ft.), a maximum of two (2) *sign faces* and the maximum *sign area* permitted shall be 60 m² (645.8 sq. ft.);
- (2) shall have a minimum setback of 3 m (9.84 ft.) from any *property line*; and
- (3) shall have a minimum setback of 3 m (9.84 ft.) from any driveway entrance or exit.

- 3.15.4 A *home improvement sign* is exempt from the provisions of sentence 3.1.2(9) provided it is in accordance with the other provisions of this by-law.
- 3.15.5 A *home improvement sign* shall not be affixed, *erected* or otherwise displayed any more than two (2) days prior to the commencement of the project and shall be removed no later than two (2) days following the completion of the project.

3.16 MISCELLANEOUS SIGNS

- 3.16.1 A *directional sign* shall have a maximum *sign area* of 0.75 m² (8 sq. ft.), a maximum *height* of 1.2 m (3.94 ft.) and be located no closer than 0.6 m (1.97 ft.) to the *street line* or a driveway entrance or exit.
- 3.16.2 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 *premises* at all times.

3.17 SIGN MAINTENANCE

- 3.17.1 The *owner* of any *sign* is responsible for the maintenance of such *signs* or other *Advertising devices* and every *owner* shall ensure that every *sign* or other *Advertising device* is kept in good repair and in compliance with the provisions of this by-law.
- 3.17.2 Maintenance or repairs using materials identical to the materials of the component being maintained or repaired does not constitute an *alteration* so as to require a permit to be issued.

SECTION 4 ADMINISTRATION AND ENFORCEMENT

4.1 ENFORCEMENT

- 4.1.1 Where a *sign* or any part thereof is *erected*, located or displayed on *Public property* except where specifically permitted within this by-law or where a permit has been granted, a *Municipal Law Enforcement Officer* may remove or cause the *sign* to be removed immediately without notice at the expense of the *sign owner*.
- 4.1.2 Where a *sign* or any part thereof is *erected*, located or displayed in a manner that is unsafe or poses a health and/ or safety concern to the public, a *Municipal Law Enforcement Officer* may remove or cause the *sign* to be removed immediately without notice at the expense of the *sign owner*.
- 4.1.3 The *Municipal Law Enforcement Officer* may, by written notice, require any *person* who:
- (1) has caused a *sign* or other *Advertising device* to be *erected* without first having obtained a permit to do so; or
 - (2) having obtained a permit has caused a *sign* or other *Advertising device* to be *erected* contrary to the approved plans in respect of which the permit was issued, 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 other *Advertising device* within 72 hours of receiving said written notice from the *Municipal Law Enforcement Officer*.

- 4.1.4 The notice referred to in article 4.1.3 above may be given:
- (1) by *personal* service upon the party being served;
 - (2) by prepaid registered mail sent to the last address of the party being served on the records of the *City*; or
 - (3) by prominently posting a *Copy* of the notice on the *sign* in respect of which the notice is given, or on the *property* upon which the *sign* is located.
- 4.1.5 Where the notice is given in accordance with sentence 4.1.4(2) above, it is deemed to have been received by the party on the fifth day after mailing or posting of the notice.
- 4.1.6 The costs incurred by the *City* in removing a *sign* under this section shall have priority lien status under the Municipal Act and may be added to the collector's roll and collected in the same manner as municipal taxes as per the fees set out in Schedule "A".
- 4.1.7 Any *sign* removed by the *City* shall be stored by the *City* for thirty (30) days, during which time the *sign owner* may redeem such *sign* upon payment of the applicable fee prescribed in Schedule "A".
- 4.1.8 Where a *sign* has been removed by the *City* and stored for a period of thirty (30) days, and the *sign* has not been redeemed by the *owner* during that period, the *City* may dispose of the *sign* without further notice and without any further obligation to the *sign owner* or any other *person*.
- 4.1.9 Except as expressly provided for in this by-law, nothing in this by-law shall be deemed to affect any requirement for a building permit under the Building Code Act, or any requirement for site plan approval under the Planning Act, nor shall issuance of a building permit under the Building Code Act or approval of site plan under the Planning Act effect the requirement of this by-law or any condition of approval imposed under this by-law.

4.2 OFFENCES

- 4.2.1 Every *person* who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to a fine under the *Provincial Offences Act, R.S.O. 1990, c.P.33*, as amended.
- 4.2.2 Where a *person* has been convicted of an offence under this by-law, the Court in which the conviction has been entered and any Court of competent jurisdiction thereafter may, in addition to any other remedy or penalty provided for by law, make an order prohibiting the continuation or repetition of offence by the *person* convicted.

4.3 VALIDITY

- 4.3.1 Where a provision of this by-law conflicts with a provision of any applicable government regulation, the provision that established the higher standard to protect the health, safety and welfare of the general public shall prevail.
- 4.3.2 If a Court of competent jurisdiction declares any section or part of a section of this by-law to be invalid, it is the intention of *Council* that the remainder of the by-law shall continue to be in force unless the Court makes an order to the contrary.

4.4 TRANSITION RULES

- 4.4.1 This by-law shall not apply to a *sign* or other *Advertising device* that was lawfully *erected* on the day the by-law came into force and the *sign* or other *Advertising device* is not substantially *altered*, and the maintenance and repair of the *sign* or other *Advertising device* or a change in the message displayed is deemed not in itself to constitute an *alteration*.

4.5 FORCE AND EFFECT

- 4.5.1 By-law No. 155-2012 and all amendments thereto are hereby repealed.
- 4.5.2 This by-law shall 44-2018 shall come into force and effect upon the date of passing

Read a first, second and third time and finally passed by Council this 17th day of April, 2018.

A. T. (Ted) Luciani, Mayor

Donna Delvecchio, City Clerk