

By-law 2021-111

A By-law of the City of Greater Sudbury to Regulate the Erection of Signs and Advertising Devices

Whereas sections 8, 9 and 10 of the *Municipal Act, 2001* authorize a municipality to pass by-laws necessary or desirable for municipal purposes;

And Whereas subsection 10(2) of the *Municipal Act, 2001* provides that a municipality may pass by-laws respecting structures including signs;

And Whereas sections 99 and 99.1 of the *Municipal Act, 2001*, refer to specific municipal powers with respect to structures and signs;

And Whereas sections 9, 10 and 23.1 through 23.5 of the *Municipal Act, 2001*, authorize a municipality to delegate its powers and duties subject to restrictions;

And Whereas section 63 of the *Municipal Act, 2001*, provides that a by-law may prohibit or regulate the placing or standing of an object on or near a highway, and may provide for the removal and impounding of any object placed or standing on or near a highway;

And Whereas section 425 of the *Municipal Act, 2001*, authorizes a municipality to pass by-laws providing where a person who contravenes a by-law of the municipality under that Act is guilty of an offence;

And Whereas Council for the City of Greater Sudbury has determined that it is important to regulate Signs within the geographic limits of the City of Greater Sudbury for the purpose of authorizing only Signs that:

- (a) protect and enhance the aesthetic qualities and visual character of the City of Greater Sudbury;
- (b) are compatible with their context and do not detract from the public realm or contribute to Sign clutter;
- (c) are appropriate in size, number and location to the Property or Premises, activity or use to which they pertain;
- (d) are consistent with the planning and urban design objectives of the City of Greater Sudbury; and
- (e) do not create a distraction or safety hazard for pedestrians or motorists;

And Whereas Council for the City of Greater Sudbury has determined that it wishes to regulate the location, size, number, construction, alteration, repair and maintenance of all outdoor signs authorized under this By-law;

Now Therefore, Council of the City of Greater Sudbury hereby enacts as follows:

Part 1 – Terminology

Terminology

1. In this By-law the terms set out below shall have the following meanings:

“Abandoned Sign” means any Sign located on a Property which becomes vacant or unoccupied for a period of ninety days (90) days or more, or any Sign which pertains to a time, date, event or purpose which has passed or no longer applies;

“Advertising Device” means any device or object including a Sign or Sign Structure Erected so as to call attention to something for the purpose of making it known to the public;

“Agricultural Directional Ground Sign” means a form of Permanent Sign used only to advertise and provide directions to a Property from which farm products, produce, trees or plants grown or produced on that Property, are being sold and which is not necessarily located on the Property being advertised or to which directions are being provided;

“Agricultural Directional Sign” means a form of Temporary Sign used only to advertise and provide directions to a Property from which farm products, produce, trees or plants grown or produced on that Property are being sold;

“Alter” means to make a change to a Sign or Sign Structure including to remove and replace the Sign or Sign Structure, to add, remove or rearrange parts of the Sign or Sign Structure but does not include changing Copy or replacing parts of the Sign with similar parts for maintenance purposes. “Alteration” and “Altered” shall have the same meaning as Alter;

“Awning” means a space frame system covered with non-rigid materials designed in a moveable, retractable or fixed position, which is attached to and projecting from a Building or Structure but does not form an integral part thereof. Awning does not include a Canopy;

“Awning Sign” means a form of Permanent Sign which is contained within or affixed to the surface of an Awning and which does not project beyond the limits of the surface of the Awning;

“Banner Sign” means a form of Temporary Sign made from cloth, canvas, plastic, or other lightweight, non-rigid material advertising or promoting a special event or an event or activity which has an educational, religious or charitable purpose and which is secured or mounted to a Building or permanent Ground Sign, but does not include a Poster Sign, Flag Sign, Awning Sign, Canopy Sign, Window Sign or Inflatable Sign;

“Bed and Breakfast” means an establishment that provides sleeping accommodation (including breakfast and other meals, services, facilities and amenities for the exclusive use of guests) for the travelling or vacationing public within a single detached dwelling that is the principal residence of the proprietor of the establishment;

“Bed and Breakfast Sign” means a form of Permanent Sign which is used only to identify or advertise a Bed and Breakfast operating on the Property on which it is Erected;

“Billboard Sign” means a form of Permanent Ground Sign or Wall Sign Erected and maintained by a Person, or Business engaged in the sale or rental of the space on the Sign to a client for the purpose of advertising a Business, goods, or services not necessarily sold, offered or conducted on the Premises where the Sign is located;

“Building” means a Structure consisting of walls, roof and floor or a structural system serving the same purpose as defined in the *Building Code Act*, S.O. 1992, Chapter 23;

“Business” means an establishment in which one or more Persons are employed in conducting, managing, or administering an endeavor or means of livelihood and includes the administrative offices of a government agency, a non-profit organization, or a charitable organization;

“Canopy” means a roof like structure unenclosed by building walls projecting from the exterior face of a Building but does not include an Awning;

“Canopy Sign” means a form of Permanent Sign which is contained within or affixed to the surface of a Canopy and which does not project beyond the limits of the surface of the Canopy;

“Changeable Copy” means that part of a Ground Sign which is designed to convey a temporary message which can be changed mechanically;

“City” means the municipal corporation of the City of Greater Sudbury or the geographic area of the City of Greater Sudbury as the context requires;

“Contractor Sign” means a form of Temporary Sign which is used only to identify a trade or company undertaking renovations or construction at the Property where the Sign is Erected and includes a Lawn Bag Sign;

“Copy” means the words, letters, numerals, graphics, logos, and artwork on the Display Surface whether removable, permanent or movable by physical, mechanical or electronic means;

“Council” means the Council of the City of Greater Sudbury;

“Directional Sign” means a form of Permanent Sign Erected on a Property used only to identify an entrance, exit, or parking area on that Property for the purposes of directing Persons or for regulating the movement of traffic or pedestrians on that Property or for identifying Business name, logo or both of a Business operating on the Property;

“Display Surface” means the surface of a Sign in which, upon which, against which, or through which, the Copy of the Sign is displayed, and includes all those areas within a continuous perimeter enclosing the extreme limits of all the writing, display or presentation constituting such Display Surface, together with any other display material forming an integral part of such Sign or used to differentiate the background against which such Sign is placed, but does not include any structural element used solely for supporting the said Sign;

“Drive-Through Service Facility” means a Building or Structure or part thereof where goods and/or services are offered to the public within a parked or stationery vehicle that is in a designated queuing space by way of a service window, kiosk, or automated machine where goods, money or materials are exchanged;

“Driveway” means a passageway that provides vehicular access to parking areas, loading spaces, Buildings or Structures, on a Property, from a Road Allowance or private access road;

“Election Sign” means a form of Temporary Sign used only to advertise or promote the election of a political party or candidate for public office in a federal, provincial or municipal election or to oppose or take a position with respect to a question, issue, law or by-law submitted to the electors in a federal, provincial or municipal election;

“Electronic Billboard Sign” means a Permanent Sign which is erected and maintained by a Person engaged in the sale or rental of the space on the Sign to a client for the purpose of advertising a Business, person, activity, goods, products or services not necessarily sold,

offered or conducted on the Property where the Sign is located, and incorporates a technology or method allowing the information displayed on the Sign to be changed electronically either on or off site, without physically or mechanically replacing the Display Surface or its components but does not include a Portable Electronic Sign;

“Electronic Message Board” means that part of a Ground Sign which is designed to display temporary messages which can be changed by electronic means;

“Erect” means display, attach, affix, post, Alter, construct, place, locate, install or relocate. Erected, Erecting and Erection shall have the same meaning as Erect;

“Façade” means the entire exterior Building wall including a parapet and any protrusion of walls along the building, but does not include the Building wall of any structure erected above the top Storey of the Building;

“First Storey” means the Storey of a Building or Structure whose:

- (a) finished ceiling is located at least 1.8 m above finished Grade; and,
- (b) finished floor level is situated closer to finished Grade than that of any other such Storey in the same Building;

“Flag Sign” means a form of Temporary Sign which is double-faced and made of cloth or lightweight non-rigid material that is attached by one edge to a metal or plastic pole which is placed into the ground or a weighted stand;

“Fuel Price Sign” means a part of a form of Permanent Ground Sign that is used only to display the current price of fuel, and on which the price information is changed from time to time manually or electronically;

“Fuel Station Canopy Sign” means a sign located on the canopy structure above the pump island;

“Grade” means the average elevation of the finished surface of the ground where it meets the exterior face of a Building or Structure;

“Ground Sign” when used to refer to a Permanent Sign, means a Sign affixed to the ground in a permanent fashion by one or more self-supporting or free-standing Structures and “Ground Sign” when used to refer to a Temporary Sign, means a Sign affixed to or on the ground by a stake, a metal or wire frame, weights placed on the base of the Sign Structure or other such non-permanent means;

“Home Occupation” means an occupation, business, trade or craft conducted for gain or profit as an accessory use to a dwelling unit by one or more Persons residing therein and may include not more than one Person as an employee who does not reside in the dwelling unit;

“Home Occupation Sign” means a form of Permanent Sign which is used only to identify or advertise a Home Occupation operating on the Property on which it is Erected;

“Illuminated” means the lighting of a Sign by artificial means and “Illumination” and “Illuminate” has a similar meaning;

“Inflatable Sign” means a form of Sign that is an Advertising Device designed to be inflated and which is tethered to the ground, a Building, Structure, or similar support;

“Information Sign” means a form of Permanent Sign that is less than 0.5m² in size which states the address of the Building or Property to which the Sign pertains or directs or warns pedestrians or motorists or communicates information or instructions to Persons;

“Lawn Bag Sign” is a form of Contractor Sign that is constructed of an opaque plastic bag, cardboard or a similar material that is placed over a metal or wire frame and pushed into the ground, which is used only to identify a trade or company undertaking renovations or construction at the Property where the Sign is Erected;

“Menu Board Sign” means a form of Permanent Sign Erected as part of a Drive - Through Service Facility and used only to display and order products and services available at the Business located on the Property and to which the Sign relates;

“Municipal By-law Enforcement Officer” includes any Municipal By-law Enforcement Officer appointed by Council for the enforcement of this By-law and a duly sworn member of the Greater Sudbury Police Service;

“Mural” means a painting, illustration, or decoration applied to a free-standing Sign or the exterior wall of a Building or a Structure and that is otherwise not a Sign as defined by this By-law;

“New Development Sign” means a form of Temporary Sign used only to advertise the development of the Property on which it is Erected;

“New Development Directional Sign” means a form of Temporary Sign used only to advertise and provide directions to a new building project which is offered for sale or lease;

“Official Sign” means a Sign required by and Erected in accordance with any statute, regulation or by-law or other directive of any federal, provincial or municipal government or agency, board or commission thereof;

“Permanent Sign” means a Sign permanently Erected on a Property or permanently affixed to any Structure or Building;

“Permit Issuer” means, in the case of a Permanent Sign, the City employee holding the position of Chief Building Official for the City and in the case of a Temporary Sign, the City employee holding the position of Manager of By-law and Animal Care and Control or any successor position and includes any Person filling the role in an acting or interim capacity and any authorized designate;

“Person” includes but is not limited to an individual, sole proprietorship, partnership, association, or corporation and any other entity to which the context can apply according to the law;

“Portable Sign” means a form of Temporary Sign which can readily be relocated from one location to another and which does not rely on a building or fixed foundation for its structural support but does not include a Contractor Sign, a Flag Sign, a Sidewalk Sign, an Agricultural Directional Sign, a Real Estate Directional Sign or a Portable Electronic Sign;

“Portable Electronic Sign” is a form of Temporary Sign which: (a) can readily be relocated from one location to another; (b) does not rely on a building or fixed foundation for its structural support; and (c) incorporates a technology or method allowing the information displayed on the Sign to be changed electronically either on or off site, without physically or mechanically replacing the Display Surface or its components;

“Poster Sign” means a form of Temporary Sign which takes the form of 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 or placard;

“Pre-Menu Board Sign” means a form of Permanent Sign Erected as part of a Drive-Through Service Facility and used only to display products and services available at the Business located on the Property and to which the Sign relates;

“Premises” means an area of a Building occupied or used by a Business or enterprise. In a multiple tenancy Building occupied by more than one (1) Business, each Business area

shall be considered a separate Premises. Each individual unit proposed and/or registered in a Plan of Condominium shall also be considered a separate Premises;

“Projecting Sign” means a form of Permanent Sign not directly supported from the ground but generally Erected perpendicular to a supporting Building wall but does not include a Wall Sign;

“Property” means an area of land under one registered ownership, other than a Road Allowance, having specific boundaries, and capable of legal transfer and includes any Building, Structures thereon. “Properties shall have the same meaning as Property;

“Property Line” means any boundary of a Property or the vertical projection thereof;

“Property Owner” means a Person who is the registered owner of the Property on which a Sign or Sign Structure is Erected and includes a receiver or manager, or a mortgagee in possession, a beneficial owner of the Property or other similar Person;

“Province” means the Province of Ontario. “Provincial” shall have the same meaning as Province;

“Public Authority” means the City, the Provincial Government, the Federal Government and any board, commission or body established or exercising any power or authority under a statute with respect to the affairs or purposes of the City;

“Real Estate Sign” means a form of Temporary Sign Erected on a Property for the sole purpose of announcing the sale, lease, or rental of that Property or a Building or part of a Building located thereon;

“Real Estate Open House Directional Sign” means a form of Temporary Sign used only to provide directions to a Property or Building that is offered for sale and where an open house is being conducted and to identify the Business holding or sponsoring the open house;

“Roof Sign” means a form of Sign, the entire Display Surface of which is above the lowest point at which the roof meets the Building;

“Road Allowance” means a public thoroughfare for vehicular and pedestrian traffic which is assumed and maintained year-round by and under the jurisdiction of the City of Greater Sudbury or the Province of Ontario;

“Sidewalk” means the area within the Road Allowance that is between the Property Line and the roadway and is constructed for pedestrian travel by the public;

“Sidewalk Sign” means a form of freestanding Temporary Sign with no more than two faces joined at the top of the Sign typically shaped like an “A” or “T” that is intended for temporary use during the hours of the Business to which it applies and that is constructed in a manner and of materials such that it can be placed and moved manually by a Person without mechanical aid;

“Sight Triangle” means the triangular portion of a Property which:

- (a) is situated adjacent to an intersection at grade either of two or more roads or of a road and a railway right-of-way; and
- (b) is delineated by:
 - (i) the two intersecting Property Lines abutting such roads or such road and such railway right-of-way; and
 - (ii) a straight line drawn to connect a pair of points located on said Property Lines at a distance of: 7.5 m for a local road or railway right-of-way; 9.0 m for an arterial road or a Provincial Highway; 15 m for an automobile service station;

provided that where the said Property Lines do not intersect at a point, their point of intersection shall be deemed to be the point of intersection of the projected tangents to the said Property Lines, drawn through their extremities;

and "Sight Triangle" also means the triangular area of a Property enclosed by a line at grade along the limits of a Driveway and the Street Line measured to a point 3 metres back from the intersection of the Street Line with the Driveway and a diagonal line drawn between these two points;

“Sign” means any visual medium used to convey information by way of words, pictures, images, graphics, emblems, or symbols, or any device used for the purpose of providing direction, identification, advertisement, or the promotion of a Business, Person, product, activity, service, event or idea;

“Sign Area” means:

- (a) in the case of a Sign having one Display Surface, the total area of the Display Surface;
- (b) in the case of a Sign having two Display Surfaces which are separated by the thickness of the Sign Structure and the thickness is not used as a Display Surface, the area of one Display Surface;
- (c) in the case of a Sign having three or more Display Surfaces, the total area of all the Display Surfaces, to a maximum Sign Area equal to twice the permitted Sign

Area for a Sign with a single Display Surface and provided the Sign Area is divided equally amongst the Display Surfaces;

- (d) in the case of a free-standing number, letter, picture, image, graphic, emblem, symbol, or shape, the area of the smallest rectangle which will enclose the number, letter, picture, image, graphic, emblem, symbol, or shape;

“Sign Owner” includes the Property Owner of the Property on which a Sign is Erected; any Person described on a Sign or whose name, business, address or telephone number appears on the Sign or who has installed the Sign, or who is in lawful control of the Sign, or who benefits from the message on the Sign; and in the case of a Sign for which a Sign Permit has been issued, the Person to whom the Sign Permit was issued. For the purposes of this By-law there may be more than one Sign Owner for any given Sign;

“Sign District” has the meaning in section 35;

“Sign Permit” means a permit issued pursuant to this By-law;

“Sign Structure” means anything used to support or brace a Display Surface and which is placed on or in or attached to the ground and shall include the framework, bracing and support of a Sign;

“Sign Height” means the vertical distance from the Grade below the Sign to the highest physical point of the Sign including any Sign Structure;

“Storey” means a horizontal division of a Building from a floor to the ceiling directly above such floor, regardless of whether or not such floor constitutes an overhanging mezzanine, a gallery or a balcony, and includes an attic, basement or cellar but does not include any crawl space or other area that is unusable by virtue of its inaccessibility;

“Street Line” means a Property Line dividing a Property from a Road Allowance;

“Structure” means anything that is Erected, built or constructed of parts joined together and attached or fixed permanently to the ground or any other structure;

“Temporary Sign” means a Sign not permanently erected on a Property or permanently affixed to any Structure or Building;

“Traffic Control Device” means any Sign, signal-light traffic control system, traffic signal, marking, or device, placed or erected by the authority of Council, for the purpose of regulating, warning or guiding traffic;

“Traffic Control Signal System” means a traffic control signal system as described in Section 13 of the *Highway Traffic Act*,

“Unsafe Sign” means a Sign that is not maintained in a good state of repair or is structurally unsound or otherwise poses a risk or danger to Persons or property;

“User Fee By-law” means the City’s Miscellaneous User Fee By-law 2021-60 as amended, replaced or restated from time to time;

“Utility Pole” includes a light standard or utility pole owned by the City, Greater Sudbury Utilities Inc. or Hydro One, and includes a combination light standard and utility pole;

“Vehicle/Trailer Sign” means a Sign which is painted on or affixed to a motor vehicle or trailer which is parked and visible from a Road Allowance and is intended for use as a Sign, unless said motor vehicle or trailer is used in the normal day-to-day operation of the Business being identified or advertised by the Sign;

“Wall Sign” means a form of Permanent Sign which is painted on or permanently affixed to a single wall of a Building or Structure but does not include a Mural;

“Window Sign” means a form of Permanent Sign painted, etched, or attached to the interior or exterior surface of a window and which is intended to be seen from off the Property;

“Zone” means a designated area of land use shown on any map of the Zoning By-law. “Zoned” shall have the same meaning as Zone; and

“Zoning By-law” means By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury, as amended, restated or replaced from time to time.

Part 2 – Interpretation/Conflict/Administration

Interpretation

2.-(1) Whenever this By-law refers to a Person or thing with reference to gender or to gender neutral, the intention is to read the By-law with the gender applicable to the circumstances.

(2) References to items in the plural include the singular, as applicable.

(3) The words “include”, “including” and “includes” are not to be read as limiting the phrases or descriptions that precede them. Any examples provided are intended to be representative examples and not intended to be an exhaustive list.

(4) Headings are inserted for ease of reference only and are not to be used as interpretation aids.

(5) Specific references to laws in the By-law are printed in italic font and are meant to refer to the current laws applicable with the Province of Ontario as at the time the By-law was enacted, as they are amended, restated or replaced from time to time.

(6) Any reference to periods of time, stated in numbers of days, shall be deemed applicable on the first business day after a Sunday or Statutory holiday if the expiration of the time period occurs on a Sunday or statutory holiday.

(7) The obligations imposed by this By-law are in addition to obligations otherwise imposed by law or contract.

(8) All references to dimensions are centimetres "cm" or metres "m" and all references to area are square centimetres "cm²" or square metres "m²" unless otherwise indicated.

(9) Terms with capitals shall be read with the meaning in section 1, and other words shall be given their ordinary meaning.

Severability / Conflict

3.-(1) If any section, subsection, part or parts of this By-law is declared by any court of law to be bad, illegal or ultra vires, such section, subsection, part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.

(2) Nothing in this By-law relieves any Person from complying with any provision of any federal or provincial legislation or any other by-law of the City.

(3) Compliance with this By-law does not relieve a Person from complying with the requirements of applicable provincial or federal statutes or regulations, including but not limited to the relevant provisions of the *Ontario Building Code*.

(4) Signs may also be subject to the provisions of other by-laws in addition to this By-law, as well as restrictions or regulations that are lawfully imposed by any governmental authority having jurisdiction to make such restrictions or regulations.

(5) Where a provision of this By-law conflicts with the provisions of another by-law in force in the City or any of the provisions of any federal or provincial states or regulation, the provision

that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.

(6) Nothing in this By-law shall exempt a Person from the requirement to obtain a Building Permit where the *Ontario Building Code* requires a Building Permit for the Sign proposed to be Erected.

Administration/ Delegation

4.-(1) The administration of this By-law is assigned to the Permit Issuer who is delegated the authority to:

- (a) take all actions and make all decisions required of the Permit Issuer under this By-law;
- (b) perform all administrative functions and conduct all enquiries, inspections or investigations referred to herein and those incidental to and necessary for the due administration and implementation of this By-law; and
- (c) establish and amend from time to time, such forms, documents, agreements, and such standards, protocols and procedures as the Permit Issuer may determine are required to implement and administer this By-law, and sign such forms, documents and agreements as required.

(2) The Permit Issuer may delegate the performance of any one or more functions under this By-law to one or more Persons from time to time as the occasion requires and may impose conditions upon such delegation and may revoke any such delegation.

(3) Unless specifically provided to the contrary in this By-law, the decisions of the Permit Issuer are final and not subject to appeal.

Part 3 – Application of By-law & Exceptions

Application

5.-(1) Except as expressly provided to the contrary in this By-law, this By-law shall apply to all Signs on all Properties within the geographic limits of the City of Greater Sudbury.

(2) Every Person who Erects or uses a Sign or authorizes or causes a Sign to be Erected or continue to be Erected, shall ensure that the Sign complies with all the provisions and requirements of this By-law, the *Building Code Act, 1992*, S.O. 1992, c. 23 as amended, restated or replaced from time to time and any applicable law.

Deemed to Erect

6.-(1) In the absence of evidence to the contrary, satisfactory to the Municipal By-law Enforcement Officer, every Person who is a Sign Owner shall be deemed to have Erected a Sign, caused or authorized a Sign to be Erected or continue to be Erected.

(2) The onus is on a Person who is a Sign Owner to provide evidence satisfactory to the Municipal By-law Enforcement Officer to overcome the assumption in subsection 6(1).

(3) In the absence of evidence to the contrary or satisfactory to the Municipal By-law Enforcement Officer, a Person shall be deemed to have Erected a Sign if the Person is the Property Owner of the Property on which the Sign is Erected.

Where By-Law Does Not Apply

7. Despite subsection 5(1), the provisions of this By-law shall not apply to:
- (a) any Sign that is located totally within a Building and which is not visible from the exterior of the Building;
 - (b) a Sign Erected for the purpose of public safety;
 - (c) an Official Sign;
 - (d) emblems or flags of patriotic, civic, educational or religious organizations;
 - (e) commemorative plaques or cornerstones that do not advertise;
 - (f) Murals; or
 - (g) a Sign Erected by or authorized to be erected by a Public Authority on Property owned or occupied by the Public Authority.

Exemption - Existing Signs

8.-(1) Despite subsection 5(1), this By-law does not apply to any Sign that is lawfully Erected on the day this By-law or a predecessor by-law comes or came into force, if the Sign or Advertising Device is not substantially Altered, except as provided in subsection 8(5).

(2) Where a Sign referred to in subsection 8(1) is substantially Altered, subsection 8(1) shall no longer apply and that Sign shall be brought into full conformity with this By-law.

(3) For the purposes of subsection 8(1), neither of the following constitute a substantial Alteration of a Sign:

- (a) anything done to preserve the condition of the Sign or to prevent the deterioration of the Sign including the restoration of a Sign by removing or replacing worn out, missing, damaged or broken parts of the Sign; or

- (b) a change to the Copy, provided however that a change from a Sign identifying or advertising a Business operating on the Premises or Property as the case may be, to a Sign identifying or advertising a Business not operating on the Premises or Property as the case may be, shall constitute a substantial Alteration.

(4) Any Person who makes or authorizes a substantial Alteration to a Sign lawfully Erected or displayed on the day this By-law comes into force shall do so in compliance with this By-law.

(5) Subsection 8(1) does not apply to exempt an Electronic Billboard Sign from the requirements of Section 40 or to exempt an Electronic Message Board from the requirement of Section 41 of this By-law.

Part 4 – General Rules

Erect in Compliance with By-law

9. No Person shall Erect a Sign, cause or authorize a Sign to be Erected or continue to be Erected unless the Sign is of a type authorized to be Erected under this By-law and the Sign is Erected in accordance with and is otherwise compliant with this By-law.

Undertaking Action of Erecting a Sign

10.-(1) Only the Property Owner of the Property on which the Sign is to be Erected or a Person holding a valid Sign Painter/Erector License issued by the City of Greater Sudbury pursuant to By-law 2004-350, being A By-Law of the City of Greater Sudbury to Provide for the Licensing and Regulation of Various Businesses, as amended or restated, or any successor by-law may undertake the action of Erecting a Permanent Sign once the Permanent Sign has been authorized by a Sign Permit and any necessary inspections have occurred.

(2) Only the Property Owner of the Property on which the Sign is to be Erected or a Person holding a valid Mobile Sign Dealer License issued by the City of Greater Sudbury pursuant to By-law 2004-350, being A By-Law of the City of Greater Sudbury to Provide for the Licensing and Regulation of Various Businesses, as amended or restated, or any successor by-law may undertake the action of Erecting a Portable Sign or an Electronic Portable Sign once the Portable Sign or Electronic Portable Sign as the case may be, has been authorized by a Sign Permit.

Sign Permit Required / Not Required

11.-(1) Except as provided to the contrary in subsection 11(2), no Person shall Erect a Sign, cause a Sign to be Erected or authorize or permit a Sign, to remain Erected unless a Sign Permit for that Sign was issued pursuant to this By-law.

(2) Notwithstanding subsection 11(1), a Sign Permit is not required to Erect any of the following categories of Signs, provided that both the Sign and the Sign Structure comply with the regulatory provisions of this By-law applicable to the type of Sign Erected and with all maintenance and safety requirements of this and any other applicable by-law:

- (a) Agricultural Directional Sign;
- (b) Agricultural Directional Ground Sign;
- (c) Bed and Breakfast Sign;
- (d) Contractor Sign;
- (e) Election Sign;
- (f) Home Occupation Sign;
- (g) Information Sign less than 0.5 m²;
- (h) Lawn Bag Sign;
- (i) New Development Directional Sign;
- (j) Poster Sign;
- (k) Real Estate Sign;
- (l) Real Estate Open House Directional Sign;
- (m) Sidewalk Sign;
- (n) a Sign having a Sign Area less than 650 cm²; or
- (o) advertising placed on public transit shelters, City buses, street furniture or street fixtures where such advertising has been approved by the City.

(3) A Sign Permit is not required for maintenance or repair of a Sign using materials identical to the materials of the component being maintained or repaired, provided however, a Sign Permit is required where the foundation or Sign Structure of a Sign is being Altered.

(4) Subject to subsection 11(5), a change in the Copy displayed by a Sign or a change of the Display Surface does not constitute an Alteration so as to require a Sign Permit.

(5) Despite subsection 11(4), a Sign Permit is required to:

- (a) Alter a Ground Sign to include Changeable Copy or an Electronic Message Board; or

- (b) change from a Sign identifying or advertising a Business operating on the Premises or Property on which the Sign is Erected, to a Sign identifying or advertising a Business not operating on the Premises or Property on which the Sign is Erected.

Prohibition - Third Party Advertising

12.-(1) No Person, shall Erect or cause or authorize a Sign to be Erected or permit a Sign to continue to be Erected if the Sign does not specifically identify or advertise a Business, Person, activity, goods, products or services located on or provided at the Premises or Property as the case maybe, where the Sign is Erected, unless otherwise specified in this By-law.

(2) For clarity, Subsection 12(1) does not prohibit the Erection, in accordance with this By-law of:

- (a) an Electronic Billboard Sign;
- (b) a Billboard Sign;
- (c) an Agricultural Directional Ground Sign;
- (d) a Contractor's Sign or Lawn Bag Sign;
- (e) a Real Estate Sign;
- (f) a Sign authorized to be Erected in a Road Allowance; or
- (g) a Sign for which a Permit has issued pursuant to subsection 24(2).

Prohibited Sign Types

13. No Person shall Erect or cause or authorize a Sign to be Erected or permit a Sign to continue to be Erected if the Sign:

- (a) is a Roof Sign;
- (b) is a Vehicle/Trailer Sign;
- (c) is an Abandoned Sign;
- (d) is an Unsafe Sign;
- (e) is an Inflatable Sign;
- (f) may, in the opinion of the Municipal By-law Enforcement Officer, cause confusion with a Traffic Control Device, Sign or signal; or
- (g) is not expressly authorized by this By-law.

Prohibitions - Location / Erection

14.-(1) No Person shall Erect a Sign, cause or authorize a Sign to be Erected or continue to be Erected:

- (a) within or overhanging any Road Allowance or other City Property unless the Sign:
 - (i) is Erected with the written consent of the City or pursuant to a written agreement with the City; or
 - (ii) is otherwise authorized by this By-law to be Erected within or overhanging a Road Allowance or other City Property;
- (b) within a Sight Triangle;
- (c) in a location or manner which, in the opinion of the Municipal By-law Enforcement Officer, impedes the necessary view of a pedestrian or motorist;
- (d) in a location or in a manner which obstructs or otherwise impedes:
 - (i) any fire escape, fire exit or door, any window required for natural ventilation or natural lighting or required as an emergency escape, or a fire fighter's access panel or skylight, or so as to prevent or impede free access from or to any part of a Building;
 - (ii) the utilization of a parking space, loading space, Driveway or aisle unless additional parking spaces or loading spaces are provided to comply with the requirements of the Zoning By-law; or
 - (iii) the functioning of any flue or air intake, or any exhaust system;
- (e) in the case of a Sign with a Sign Height greater than 0.75 metres;
 - (i) within 3.0 metres of any Driveway; or
 - (ii) where the Sign may impede the visibility of an access from any Road Allowance to any Property; or
- (f) by means of nailing, screwing, taping or otherwise fastening to a tree.

(2) No Person shall Erect or cause or authorize a Sign to be Erected on a Property or permit a Sign to remain Erected on a Property unless the Person is the Property Owner or has the written consent of the Property Owner of that Property.

Illumination

15.-(1) No Person shall Erect a Sign which is Illuminated or cause or authorize a Sign which is Illuminated to be Erected or continue to be Erected unless:

- (a) the Sign and source of Illumination are designed and located so as to prevent light trespass beyond the Sign Structure and the Display Surface;
- (b) the Sign is illuminated only using down-lighting or back-lighting or both;
- (c) any down-lights used to illuminate the Sign are designed to emit direct light below or at the horizontal only; and

- (d) the Sign is of a type authorized under this By-law to be Illuminated.

(2) No Person shall Erect a Sign which is Illuminated or cause or authorize a Sign which is Illuminated to be Erected or continue to be Erected, on any non-residential use Premises or Property, in a location that is less than 30 metres from a Zone that permits only residential uses unless:

- (a) the Sign is Erected on the opposite side of the Road Allowance to a Zone Permitting only residential uses; and
- (b) the Sign is a Wall Sign facing a Road Allowance.

Electrical

16.-(1) Every Sign Owner shall ensure that where applicable, the Sign, including any wiring and connections, conforms at all times to the regulations of the Ontario Electrical Safety Authority and the *Ontario Electrical Safety Code*.

(2) Every Sign Owner of a Sign Erected within 3.0 metres of any electrical distribution line owned by a public utility shall obtain the approval of the appropriate public utility for the Sign.

Maintenance and Good Repair

17.-(1) Every Sign Owner shall maintain or cause its Sign and Sign Structure to be maintained in accordance with the following standards:

- (a) all exposed surfaces of the Sign and Sign Structure are covered or finished with a durable weather resistant protective finish;
- (b) there is no peeling or flaking of paint and no corrosion on the Sign or Sign Structure;
- (c) all electrical and lighting components of the Sign and Sign Structure are continuously operative;
- (d) all Display Surfaces and the Sign Structure are intact and operative and do not contain deteriorating, peeling, broken, torn or cracked parts;
- (e) any Display Surface required to cover and protect any electrical component, lamp, or Sign box from weather elements is intact at all times; and
- (f) in the case of an Electronic Message Board, an Electronic Billboard Sign or a Portable Electronic Sign, there is no malfunction which creates a danger or distraction to the public.

(2) Any Sign Owner who removes or causes a Display Surface to be removed for repair or replacement, shall cause the repaired or replacement Display Surface to be installed or re-installed within ten calendar days of its removal.

Part 5 – Sign Permits – Application / Issuance / Revocation, etc.

Application for Sign Permit

18.-(1) The Permit Issuer shall from time to time, establish one or more forms for use in applying for a Sign Permit to Erect or Alter a Sign.

(2) The application for a Sign Permit shall include the postal address of the applicant and if the applicant is not the Property Owner, shall also include the postal address for the Property Owner of the Property on which the Sign is to be Erected.

(3) Any communication or notice pertaining to the application for a Sign Permit sent by regular post to the postal address on the application for a Sign Permit for the applicant shall be deemed good and sufficient notice, whether or not received, unless the applicant:

- (a) has notified the Sign Permit Issuer in writing of a change of address; or
- (b) directed the Sign Permit Issuer to forward notices to the Property Owner or to any Sign Owner rather than the applicant.

Use Proper Form

19.-(1) Every applicant for a Sign Permit shall use the form prescribed by the Permit Issuer for the type of Sign applied for. The application for a Sign Permit shall be executed by the applicant, and in the case of an application by a partnership or a corporation, by an authorized signing officer of the partnership or corporation to verify the correctness of the information submitted.

(2) A separate application shall be required for each Sign for which a Sign Permit is requested.

Submission of Application

20.-(1) Every applicant for a Sign Permit shall submit with the application:

- (a) subject to subsections 20(4) and 20(5), the applicable fee in the amount determined in accordance with the User Fees By-law then in effect for the City for the type of Sign to which the Sign Permit application applies;

- (b) a plan of the Property on which the Sign will be situated, drawn to scale showing all measurements in metric and including:
 - (i) the location of all existing Buildings and setbacks from Property Lines;
 - (ii) the location of all entrances to the Property from any abutting Road Allowance;
 - (iii) the location of any entrances to Buildings on the Property;
 - (iv) the proposed location of the proposed Sign on the Property or Building on the Property as the case may be and the location of all existing Signs on the Property; and
 - (v) distance from the centreline of the nearest street intersection;
- (c) drawings showing:
 - (i) Sign dimensions, in metric measure;
 - (ii) Sign Area in metric measure;
 - (iii) Sign Height;
 - (iv) number of Display Surfaces;
 - (v) any Illumination details;
- (d) the proposed Copy for the Sign;
- (e) particulars of the Business or activity to be identified, promoted or advertised by the Sign, indicating whether or not the Business operates on the Property on which the Sign is proposed to be Erected;
- (f) authorization of the Property Owner of the Property on which the Sign is to be Erected, in cases where the Property Owner is not the applicant;
- (g) in the case of a Permanent Sign, complete drawings and specifications covering the construction of the Sign and Sign Structure including but not limited to drawing of the proposed Sign drawn to scale setting out:
 - (i) particulars of the proposed method of attachment of the Sign to the Property or Building as the case may be;
 - (ii) dimensional elevation drawings indicating the Sign Height;
 - (iii) foundation base and column details, if applicable;
 - (iv) the weight of the proposed Sign;
 - (v) the construction materials to be used in the Sign; and
 - (vi) where applicable, such other information as the Permit Issuer may require to determine that the Sign has been designed and will be constructed in compliance with the applicable structural provisions of the *Ontario Building Code*;

- (h) where required by the Permit Issuer, in the case of a Permanent Sign, scaled drawings of any Building upon which it is proposed to locate the Sign and the Sign Structure, as may be necessary to determine whether the structure of such Building will carry the additional loads and stresses imposed by the Erection of such Sign and Sign Structure and where applicable, to determine façade area;
- (i) where the application relates to a Sign which requires structural design in accordance with the *Ontario Building Code*, drawings which have been designed by a registered professional engineer;
- (j) where a Sign is subject to the regulation of a Public Authority other than the City by virtue of the Sign's location or type, the written permission of the Public Authority having jurisdiction;
- (k) where the Sign will be located within 400 metres of a controlled access highway under the jurisdiction of the Province of Ontario, the written approval of the Ministry of Transportation for the Sign; and
- (l) such further and other documents or material as the Permit Issuer may request to process the application and determine compliance with this By-law or other applicable law.

(2) The Permit Issuer may circulate applications to other City departments for review and comment and may consider such input in making a decision on an application.

(3) The application of the *Ontario Building Code* to any Sign Permit application for a Permanent Sign will be considered by the Permit Issuer and where the Permit Issuer determines that the *Ontario Building Code* applies to a Sign, any permit issued pursuant to the *Ontario Building Code* will be deemed to satisfy the requirement for a Sign Permit under this By-law.

(4) Despite paragraph 20(1)(a), any applicant for a Sign requiring a building permit pursuant to the *Ontario Building Code* shall not be required to pay the applicable fee for the Sign Permit in addition to the fee for the building permit, however, a Sign Permit must be applied for and obtained prior to the Erection or Alteration of any Sign in compliance with this By-law.

(5) Despite paragraph 20(1)(a), no fee shall be payable for an application for a Sign Permit to Erect a Portable Sign or a Portable Electronic Sign:

- (a) for a period not exceeding two days, where the sign is used for non-commercial purposes on a Property which is zoned "Residential" under the Zoning By-law; or

- (b) where the applicant submits with an application for a Sign Permit for a Portable Sign or Portable Electronic Sign, as the case may be, evidence satisfactory to the Permit Issuer, that the applicant is a not-for-profit organization, a not-for-profit corporation or a registered charity.

Withdrawal of Application

21. An applicant for a Sign Permit may withdraw the application at any time before the Sign Permit is issued.

Expiry of Application

22. Where an application for a Sign Permit remains incomplete or inactive for six (6) months after it is made, the application is deemed to have expired.

Refusal to Issue Sign Permit

23.-(1) The Permit Issuer shall refuse to issue any Sign Permit if:

- (a) the application is incomplete;
- (b) the Sign, Sign Structure or in the case of an Awning Sign or Canopy Sign, the Awning or Canopy would not comply with this By-law, the *Ontario Building Code* if applicable, or any other federal or provincial statute or regulation, if the Sign, Sign Structure, Awning or Canopy were to be Erected in accordance with the application;
- (c) the applicant has any outstanding fees owing to the City with respect to a Sign Permit previously issued to the applicant, or has any unpaid fines or enforcement costs arising out of or resulting from any by-law contravention;
- (d) the proposed Sign is to be Erected on a Property on which an existing Sign is Erected which does not comply with this By-law;
- (e) the application is inconsistent with this By-law or the Permit, if issued, would result in an inconsistency with maximum permitted time periods or frequency or number of Signs, for such Sign as set out in this By-law or otherwise be inconsistent with this By-law;
- (f) in the case of a Sign overhanging a Road Allowance the applicant has not provided evidence of compliance with paragraph 14(a);
- (g) the Sign is identifying or advertising a Business that is in violation of any City by-law;

- (h) would result in both one or more Flag Signs and one or more Portable Signs being Erected on the same Property; or
- (i) would result in both one or more Flag Signs and a Portable Electronic Sign being Erected on the same Property.

(2) Where an application is incomplete, the Permit Issuer may notify the applicant orally or in writing, mailed to the address in the application for such purpose, to advise of the deficiency and the date on which the application will expire if the applicant has not remedied the deficiency by the specified date.

(3) The decision of the Permit Issuer to issue or refuse to issue a Sign Permit is final and not subject to appeal.

Issuance of Sign Permit

24.-(1) The Permit Issuer shall issue a Sign Permit to the applicant unless the Permit Issuer is satisfied that there is a reason to refuse its issuance in accordance with this By-law.

(2) Despite Subsection 12(1), the Permit Issuer may issue a Sign Permit to a not-for-profit organization, a not-for-profit corporation or a registered charity to Erect a Portable Sign or a Portable Electronic Sign for the purpose of posting a message which promotes an event or activity related to or sponsored by the applicant not-for-profit organization, not-for-profit corporation or corporation or registered charity, which event or activity will take place on a Property other than the Property on which the Sign is located.

Sign Permit - Content

25. The Permit Issuer shall set out on the face of every Sign Permit issued under this By-law:

- (a) the type of Sign authorized by the Sign Permit;
- (b) the by-law under the authority of which the Sign Permit is issued;
- (c) the name of each Sign Permit holder;
- (d) either the municipal address or legal description or both, of the Property and where applicable, the Premises, where the Sign is to be Erected;
- (e) where applicable, the approved location of the Sign on the Property or Premises;
- (f) a description of the Sign authorized under the Sign Permit;

- (g) any special conditions which apply to the Sign Permit;
- (h) the date of issuance of the Sign Permit;
- (i) where applicable, the expiry date of the Sign Permit;
- (j) such other information as the Permit Issuer may determine to be appropriate;
- and
- (k) the signature of the Permit Issuer.

Limited Term - Portable Signs, Flag Signs, Banner Signs and Portable Electronic Signs

26. The Permit Issuer shall limit a Sign Permit:

- (a) for a Portable Sign to a term of 1 month, 2 months, 3 months, 4 months, 5 months, 6 months or 12 months and limit the number of Sign Permits issued for a Portable Sign in any calendar year so the maximum number of Portable Signs on a Property, determined in accordance with Section 53, is not exceeded;
- (b) for a Flag Sign to a term of 1 month, 2 months, 3 months, 4 months, 5 months, 6 months or 12 months and limit the number of Sign Permits issued for a Flag Sign in any calendar year so the maximum number of Flag Signs on a Property, determined in accordance with Section 53, is not exceeded;
- (c) for a Banner Sign to a term of 30 consecutive days and limit the number of Sign Permits issued for a Banner Sign to two (2) in any calendar year for any Property; and
- (d) for a Portable Electronic Sign to a term of 1 month, 2 months, 3 months, 4 months, 5 months, 6 months or 12 months and limit the number of Sign Permits issued such that no more than one Portable Electronic Sign is Erected on any Property at any time.

Expiry of Sign Permit

27.-(1) A Sign Permit, if not earlier revoked, shall expire in the event that the Permit Holder does not Erect or Alter the Sign as authorized by the Sign Permit:

- (a) within three (3) months after the date of the issuance of the Sign Permit, in the case of a Sign Permit for a Portable Sign or a Portable Electronic Sign; or
- (b) within six (6) months after the date of issuance of the Sign Permit, in the case of a Sign other than a Portable Sign or a Portable Electronic Sign.

(2) A Sign Permit, if not earlier revoked, shall automatically expire, without any requirement for notice by the City on the earliest of:

- (a) the removal of the Sign for which the Sign Permit was issued or the completion of the Alteration authorized by the Sign Permit;
- (b) the date specified in the Sign Permit as the expiry date; and
- (c) in the case of a Sign which overhangs a Road Allowance, upon the expiry or other termination of any written consent or agreement authorizing the Sign.

Revocation of Sign Permit

28.-(1) The Permit Issuer may revoke a Sign Permit in any the following circumstances:

- (a) the Sign Permit has been issued in error;
- (b) the Sign to which the Sign Permit relates does not conform to this By-law, or does not conform to the *Building Code* or any other applicable regulation or legislation;
- (c) the Sign Permit has been issued as a result of false, mistaken, incorrect, or misleading statements or undertakings on the application;
- (d) the Sign does not conform with the plans, documents or other information submitted as part of the approved application for the Sign;
- (e) the Sign does not conform with the terms and conditions of the issued Sign Permit;
- (f) a Person to whom an order has been issued pursuant to this By-law has failed or refused to comply with such order;
- (g) the Sign Owner has, in the opinion of the Permit Issuer, contravened this By-law or any other by-law or any applicable law;
- (h) the Business, product, activity or service to which the Sign relates ceased to operate or is no longer available or has expired;
- (i) the Sign Owner requests in writing that the Sign Permit be revoked;
- (j) the Sign Permit was issued on the basis of a variance and the Sign is not compliant with the variance granted or with any terms and conditions imposed as a condition of the variance; or
- (k) the Permit Holder has failed to secure an inspection required pursuant to section 34.

(2) The Permit Issuer shall advise the Sign Permit holder in writing of the revocation of the Sign Permit and the reason for the revocation by mailing notice to the Permit holder at the address for service shown on the application for the Sign Permit. Notice shall be effective on the 5th day after mailing, whether or not it is actually received.

(3) Nothing herein shall prevent a Person who held a Sign Permit which was revoked from applying for a new Sign Permit.

Effect of Expiry / Revocation

29. Upon the revocation or expiry of a Sign Permit, a Sign Owner shall immediately remove the Sign formerly authorized by the Sign Permit, whether or not a new application for a Sign Permit has been submitted.

Refunds

30.-(1) Subject to subsection 30(2) and 30(3), upon the written request of the applicant, the Permit Issuer may issue a refund of:

- (a) such part, if any, of the application fee as the Permit Issuer in their sole discretion determines is appropriate, based on the amount of work done, where the applicant for the Sign Permit requests in writing that the application for a Sign Permit be cancelled, prior to issuance; or
- (b) all of the application fee where the Sign Permit was issued in error.

(2) Despite subsection 30(1), there shall be no refund of the application fee for a Sign Permit where:

- (a) a Sign Permit is revoked on the basis that the Sign Permit was issued as the result of false, mistaken, incorrect or misleading statements, information or undertakings on the application;
- (b) the Sign for which the Sign Permit application is made has been displayed prior to the issuance of a Sign Permit; or
- (c) an application for a Sign Permit is refused.

(3) Despite subsection 30(1), where the application is for a Permanent Sign which requires a building permit, any refund of an application fee shall be determined by By-law 2005-165, Being a By-law of the City of Greater Sudbury Respecting Construction, Demolition, Change of Use Permits, Inspections and Fees, as amended, replaced or restated from time to time, instead of in accordance with subsections 30(1) and 30(2).

Effect of Sign Permit

31. The granting of a Sign Permit under this By-law does not authorize any Person to do anything in contravention of any by-law of the City, any provincial or federal statute or any regulation thereunder.

Obligation to Produce

32. The Person to whom the Sign Permit is issued shall produce the Sign Permit for inspection on request of a Municipal By-law Enforcement Officer.

No Ownership in Sign Permit

33.-(1) No Person shall enjoy a vested right in the continuance of a Sign Permit and whether issued, expired, revoked or otherwise terminated, the Sign Permit and any value of such Sign Permit shall continue to be the Property of the City.

(2) No Person shall be entitled to assign their interest in a Sign Permit.

Inspections

34.-(1) No Person shall Erect or cause a Permanent Sign authorized by a Sign Permit to be Erected or remain Erected unless the Permit Issuer has first inspected and approved in writing the excavation and foundation for the Permanent Sign.

(2) Any Person who has Erected or authorized or caused a Permanent Sign to be Erected pursuant to a Sign Permit shall arrange with the Permit Issuer for a final inspection and shall take such steps as may be required by the Permit Issuer to secure final approval of the Erection of the Sign.

(3) The Sign Owner shall bear the onus of scheduling each inspection by the Permit Issuer. The obligation of complying with all requirements to secure the approval of the Permit Issuer shall rest with the Property Owner.

Part 6 – Permanent Signs

Sign Districts

35. For the purposes of this By-law, the following Sign Districts are established by reference to the Zone categories as set out in the Zoning By-law and are identified in the Tables in section 37:

RES A	Residential A Zone Categories: R1, R2, RMH
RES B	Residential B Zone Categories: R3, R4
COM	Commercial Zone Categories: C1, C2, C3, C4, C5, C6, C7

IND	Industrial Zone Categories: M1-1, M1, M2, M3, M4, M5, M6
INS	Institutional Zone Categories: I, P
RA	Rural Area Zone Categories: RU, A, RS, SLS
OS	Open Space Zone Categories: OSC, OSP, OSR, OSW, EP, FD

Permanent Signs - Read Together

36. Sections 37 to 45 of this By-law are interdependent and shall be read together.

Permanent Signs - Regulation by Type

37.-(1) Tables 1 to 7 of this By-law identify the types of Permanent Signs authorized to be Erected and the regulations applicable to each type of Sign.

(2) No Person shall Erect, cause or authorize a Permanent Sign to be Erected or continue to be Erected unless:

- (a) in the case of Properties in the Sign District identified in the heading of Table 1 to 7 inclusive, the Sign is of a type listed in a column on that table; and
- (b) the Sign complies with the requirements of the rows affecting that column, and all other applicable provisions of this By-law; and
- (c) the Sign relates to a use permitted in the Zone under the Zoning By-law, except where specifically authorized to the contrary under this By-law.

Table 1 Residential A Sign District R1, R2, RMH			
Permanent Sign Types	Bed and Breakfast Sign	Home Occupation Sign	Wall Sign for authorized non-residential uses
Zone permitted	R1 (all) R2 (all)	R1 (All) R2 (All) RMH	RMH
Maximum Number of Signs Per Property	1 Ground Sign or 1 Wall Sign	1 Ground Sign or 1 Wall Sign	1
Maximum Sign Height	Ground Sign - 1.2 m	Ground Sign 1.2 m	---
Maximum Sign Area	0.40 m ²	0.40 m ²	1.0 m ²
Illumination Subject to s. 15	Yes	Yes	Yes
Minimum Setback from all Property Lines	Ground Sign 3.0 m	Ground Sign 3.0 m	---
Additional Regulation	---	---	s.44

**Table 2
Residential B Sign District
R3 & R4**

Permanent Sign Types	Awning Sign or Canopy Sign	Bed and Breakfast Sign	Ground Sign	Home Occupation Sign	Wall Sign
Zones permitted	R3 (All) R4	R3 (All)	R3 (All) R4	R3 (All) R4	R3 (All) R4
Maximum Number of Signs Per Property	1 per Premise	1 Ground Sign or 1 Wall Sign	1	1 Ground Sign or 1 Wall Sign	---
Maximum Sign Height	2.75 m minimum clearance above Grade	Ground Sign 1.2 m	4.0 m	Ground Sign 1.2 m	Lesser of 4.5 m or the base of windows on any story above the ground floor
Maximum Sign Area	50% of the area of the Awning or the Canopy	0.40 m ²	2.0 m ²	0.40 m ²	25% of the external Façade of that part of the Building occupied by a Business
Illumination Subject to s.15)	Yes	Yes	Yes	Yes	Yes
Minimum Setback from all Property Lines	---	Ground Sign 3.0 m	3.0 m	Ground Sign 3.0 m	---
Additional Regulation	---	---	---	---	s. 44

**Table 3
Commercial Sign District - Part 1
C1, C2, C3, C4, C5, C6 & C7**

Permanent Sign Types	Awning Sign or Canopy Sign	Billboard Sign or Electronic Billboard Sign	Directional Sign	Home Occupation	Electronic Message Board Sign
Zones Permitted	All	C2, C3, C6	All	All except C5, C7	All
Maximum Number of Signs Per Property	1 per Premise	1	---	1 Ground or Wall Sign	1 as part of a Ground Sign
Maximum Sign Height	2.75 m minimum clearance above Grade	8.0 m	---	Ground Sign 1.2 m	---
Maximum Sign Area	50% of the area of the Awning or the Canopy	20.0 m ² if Ground Sign. If Wall Sign, See Maximum Sign Area of Wall Sign	0.5 m ²	0.40 m ²	30% of the maximum area of a Ground Sign
Illumination Subject to s. 15	Yes	Yes	Yes	Yes	Yes
Minimum Setback from all Property Lines	---	3.0 m	---	Ground Sign 3.0 m	3.0 m
Additional Regulation	Footnote 1	Billboard - s. 40 Electronic Billboard - s.41	---	---	s. 42

Footnote to Table 3 Part 1

1. Only permitted non-residential uses

**Table 3
Commercial Sign District - Part 2
C1, C2, C3, C4, C5, C6 & C7**

Permanent Sign Types	Ground Sign	Menu Board Sign	Pre-Menu Board Sign	Projecting Sign	Wall Sign	Window Sign
Zones permitted	All			All	All	All
Maximum Number of Signs Per Property	1 for each 200 m or less of the Street Line	1 per drive through lane	1 per drive through lane	1 per Premises	---	1 per Premises
Maximum Sign Height	7.5 m	3.0 m	3.0 m	Minimum 2.75 m above Grade	2.75 m minimum clearance above Grade	---
Maximum Sign Area	0.3 times the length of the Street Line, maximum 15 m ²	4.0 m ²	2.0 m ²	3.0 m ²	25% of the external Façade of that part of the Building occupied by a Business	0.5 m ²
Illumination Subject to s. 15	Yes	Yes	Yes	Yes	Yes	Yes
Minimum Setback from all Property Lines	3.0 m	3.0 m	3.0 m	---	---	---
Additional Regulation	Footnote 1 & Footnote 2	---	---	---	s. 44	s. 45

Footnotes to Table 3 Part 2

1. If more than one Ground Sign is permitted on a Property, each Ground Sign shall be located no less than 60 m. from any other Ground Sign on the same Property.
2. Shall be located no less than 15 m from a residential zone in a C2, C3, C5 or C7 zone.

**Table 4
Industrial Sign District
M1-1, M1, M2, M3, M4, M5 & M6**

Permanent Sign Types	Awning Sign or Canopy Sign	Billboard Sign or Electronic Billboard Sign	Directional Sign	Electronic Message Board Sign	Ground Sign	Projecting Sign	Wall Sign
Zones Permitted	All	M1, M1-1, M3	All	All	All	All except M5 & M6	All
Maximum Number of Signs Per Property	1 per Premise	1	---	1 as part of a Ground Sign	1 for each 200 m or less of the Street Line	1 per Premises	---
Maximum Sign Height	2.75 m minimum clearance above Grade	8.0 m	1.5 m	---	7.5 m	Minimum 2.75 m above Grade	Lesser of 4.5 m or the base of windows on any Storey above the ground floor
Maximum Sign Area	50% of the area of the Awning or the Canopy	20.0 m ²	0.3 m ²	30% of the maximum Sign Area of a Ground Sign	0.3 times the length of the Street Line, maximum 15 m ²	1.0 m ²	25% of the external Façade of that part of the Building occupied by a Business
Illumination Subject to s. 15	Yes	Yes	Yes		Yes	Yes	Yes
Minimum Setback from all Property Lines	---	3.0 m	---	3.0 m	3.0 m	3.0 m	---
Additional Regulation	Footnote 1	Billboard - s.40 Electronic Billboard - s.41	---	s. 42	Footnote 1 & Footnote 2	---	s. 44

Footnotes to Table 4

1. If more than one Ground Sign is permitted on a Property each Ground Sign shall be located no less than 60 m from any other Ground Sign on the same Property.
2. Shall be located no less than 15 m from a residential zone in a M1-1 or M1 zone.

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**Table 5
Institutional Sign District
I & P**

Permanent Sign Types	Awning Sign or Canopy Sign	Directional Sign	Electronic Message Board Sign	Ground Sign	Wall Sign
Zones permitted	All	All	All	All	All
Maximum Number of Signs Per Property	1 per Premise	---	1 as part of a Ground Sign	1 for each 200 m or less of the Street Line	---
Maximum Sign Height	2.75 m minimum clearance above Grade	---	---	7.5 m	Lesser of 4.5 m or the base of windows on any Storey above the ground floor
Maximum Sign Area	50% of the area of the Awning or the Canopy	0.3 m ²	30% of the maximum area of a Ground Sign	0.3 times the length of the Street Line, maximum 15 m ²	25% of the external Façade of that part of the Building occupied by a business
Illumination Subject to s. 15	Yes	Yes		Yes	Yes
Minimum Setback from all Property Lines	---	---	3.0 m	3.0 m	---
Additional Regulation	---	---	s. 42	Footnote 1	s. 44

Footnote to Table 5

1. If more than one Ground Sign is permitted on a Property, each Ground Sign shall be located no less than 60 m from any other Ground Sign on the same Property.

**Table 6
Rural Area Sign District
RU, A, AS, SLS**

Permanent Sign Types	Agricultural Directional Ground Sign	Bed and Breakfast Sign	Directional Sign	Ground Sign	Home Occupation Sign	Wall Sign
Zones permitted	A, RU	A, RU, RS	A, RU	A, RU	A, RU, RS	A, RU
Maximum Number of Signs Per Property	1	1 Ground or 1 Wall Sign	---	1	1 Ground or 1 Wall Sign	---
Maximum Sign Height	4.0 m		---	3.0 m		---
Maximum Sign Area	3.0 m ²	0.55 m ²	0.3 m ²	4.0 m ²	0.55 m ²	2.0 m ²
Illumination	Yes		Yes	Yes		Yes
Minimum Setback from all Property Lines	3.0 m	Ground Sign 3.0 m	---	3.0 m	Ground Sign 3.0 m	3.0 m
Additional Regulation	s. 39	---	---	---	---	s. 44

Table 7
Open Space Sign District
OSC, OSP, OSR, OSW, EP & FD

Permanent Sign Types	Directional Sign	Electronic Message Board Sign	Home Occupation Sign	Ground Sign	Wall Sign
Zone permitted	OSR, OSC, OSP, FD	OSR, OSC, OSP, FD	FD	OSR, OSC, OSP, FD	OSR, OSC, OSP, FD
Maximum Number of Signs Per Property	---	1 as part of a Ground Sign	1 Ground Sign or 1 Wall Sign	1	---
Maximum Sign Height	---	---	Ground Sign 1.2 m	7.5 m	
Maximum Sign Area	0.3 m ²	30% of the maximum area of a Ground Sign	0.40 m ²	4.0 m ²	25% of the external Façade of that part of the Building occupied by a business
Illumination	Yes		Yes	Yes	Yes
Minimum Setback from all Property Lines	---	Ground Sign 3.0 m	Ground Sign 3.0 m	3.0 m	---
Additional Regulation	Footnote 2	s. 42	Footnote 1	Footnote 2	s.44 Footnote 2

Footnotes to Table 7

1. Only on a legal existing Property.
2. Only for permitted non-residential uses.

Additional Regulation

38. All provisions of sections 39 to 45 and all general application provisions of this By-law apply in addition to the requirements of section 37 with respect to that type of Sign, whether or not specified in the section.

Agricultural Directional Ground Sign - Additional Regulation

39. No Person shall Erect, cause or authorize an Agricultural Directional Ground Sign to be Erected or continue to be Erected more than 10 kilometres from the Property to which the Agricultural Directional Ground Sign relates.

Billboard Sign - Additional Regulation

40. No Person shall Erect, cause or authorize a Billboard Sign to be Erected or continue to be Erected in a location which is:

- (a) within a setback required by the Zoning By-law between a Building and any Property Line;
- (b) less than 100 m from lands Zoned for residential uses; or
- (c) less than 100 m from another Billboard Sign.

Electronic Billboard Sign - Additional Regulation

41. No Person shall Erect, cause or authorize an Electronic Billboard Sign to be Erected or continue to be Erected if:

- (a) the Electronic Billboard Sign:
 - (i) displays any visible effects including but not limited to motion, fading, dissolving, fading, flashing, intermittent or blinking light, scrolling or the illusion of such effects;
 - (ii) emits sound;
 - (iii) displays any Copy in an interactive manner; or
 - (iv) takes the form of a Portable Sign;
- (b) any change from one message to another in the Copy of the Electronic Billboard Sign:
 - (i) is not completed in 0.1 second or less;
 - (ii) does not involve a change of the entire Copy; or
 - (iii) includes a partial, incremental or sequential change of Copy;

- (c) the Copy on the Electronic Billboard Sign is not displayed continuously in a static manner without animation and without any change or any visual effects for 10 seconds or less;
- (d) the Electronic Billboard Sign is not equipped with an operating automatic light sensor that is set to control the brightness of the Illumination of the Sign in compliance with the provisions of this By-law;
- (e) the Illumination from the Electronic Billboard Sign:
 - (i) projects onto any adjacent Property or Premise;
 - (ii) increases the light levels within 10.0 metres of any point of the Display Surface by more than 3.0 lux above the ambient lighting level;
 - (iii) exceeds 5,000 nits during the period between sunrise and sunset; or
 - (iv) exceeds 300 nits during the period between sunset and sunrise; or
- (f) the Electronic Billboard Sign is Erected in a location which is not:
 - (i) 200.0 metres or more from any other Electronic Billboard Sign or any Ground Sign with an Electronic Message Board;
 - (ii) 120.0 metres or more from the centerline of a street intersection with Traffic Control Devices or an at Grade railway crossing; or
 - (iii) 100.0 metres or more from lands Zoned for residential uses.

Electronic Message Board Sign - Additional Regulation

42. No Person shall Erect, cause or authorize an Electronic Message Board to be Erected or continue to be Erected unless:

- (a) the Electronic Message Board is part of a Permanent Ground Sign;
- (b) the Copy on an Electronic Message Board is displayed continuously in a static manner without animation and without any change or any visual effects for not less than 30 seconds;
- (c) there are no visible effects on the Electronic Message Board including but not limited to motion, fading, dissolving, flashing, intermittent or blinking light, scrolling or the illusion of such effects;
- (d) the intensity of the Illumination of the Electronic Message Board is maintained at a constant level;
- (e) the Illumination of an electronic message on the Electronic Message Board:
 - (i) does not project onto any adjacent Property or Premises;
 - (ii) does not increase the light levels within 10.0 metres of all points of the Display Surface by more than 3.0 lux above the ambient lighting level;

- (iii) does not exceed 5,000 nits during the period between sunrise and sunset; and
- (iv) does not exceed 300 nits during the period between sunset and sunrise; and
- (f) the Electronic Message Board is Erected in a location which is not 100.0 metres or more from any other Electronic Message Board.

Fuel Price Sign and Fuel Station Canopy Sign

43.-(1) Where an automotive service station of gas bar use is authorized within a Zone, an Illuminated Fuel Price Sign with a maximum Sign Area of 1 m² is permitted as part of a Ground Sign.

(2) Where an automotive service station of gas bar use is authorized within a Zone, an Illuminated Fuel Station Canopy Sign is permitted on all sides with a 2.75m minimum clearance above grade and no portion of the sign extending beyond the limits of the canopy face.

Wall Sign - Additional Regulation

44.-(1) No Person shall Erect, cause or authorize a Wall Sign to be Erected or continue to be Erected which:

- (a) is in a location other than the first storey, except as provided in subsection 44(2);
- (b) extends beyond the extremity of the wall to which it is attached;
- (c) extends more than 0.5 m from the wall to which it is attached; or
- (d) is not parallel to the wall to which it is attached.

(2) Despite paragraph 44.-(1)(a) a Wall Sign may be Erected on the uppermost Storey of a Building provided the Sign Area of the Wall Sign does not exceed 10% of the area of the uppermost Storey.

Window Sign - Additional Regulation

45. No Person shall Erect, cause or authorize a Window Sign to be Erected or continue to be Erected except on the First Storey of a Building.

Part 7 – Temporary Signs

Temporary Signs - Read Together

46. Section 47 and section 48 of this By-law are interdependent and shall be read together.

Temporary Signs - Regulation by Type

47.-(1) Tables 8 to 13 of this By-law identify the types of Temporary Signs Permitted on a Property and the regulations applicable to each such type of Temporary Sign.

(2) No Person shall Erect, cause or authorize a Temporary Sign to be Erected or continue to be Erected unless:

- (a) in the case of Properties in the Sign District Zone identified in the heading of the table, the Sign is of a type listed in a column of that table;
- (b) the Sign complies with the requirements of the rows affecting that column and all other applicable provisions of this By-law; and
- (c) the Sign relates to a use permitted in the Zone under the Zoning By-law, except where specifically authorized to the contrary under this By-law.

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Table 8 - Temporary Signs RES A - Residential A Sign District RES B - Residential B Sign District				
Column 1	Column 2	Column 3	Column 4	Column 5
Temporary Sign Type	Number of Signs	Maximum Sign Area	Maximum Ground Sign Height	Additional regulations
Contractor Sign or Lawn Bag Sign	1 per Property Contractor Sign may be a Ground Sign or Wall Sign	0.60 m ²	1.2 m	s. 50
Election Sign	---	1.50 m ²	2.0 m	s. 51
Lawn Bag Sign	1 per Property	0.6 m ²	---	---
New Development Sign	1 per Property or plan of subdivision	10.0 m ²	7.5 m	s. 52
Real Estate Sign	1 Ground Sign or 1 Wall Sign per Property	1.0 m ²	---	s. 54

**Table 9 - Temporary Sign
COM - Commercial Sign District**

Column 1	Column 2	Column 3	Column 4	Column 5
Temporary Sign Type	Number of Signs	Maximum Sign Area	Maximum Ground Sign Height	Additional regulations
Banner Sign	1 per Business	6.0 m ²	---	s. 26(c) s. 49
Contractor Sign or Lawn Bag Sign	1 per Property Contractor Sign may be Ground Sign or Wall Sign	0.60 m ²	1.2 m	s. 50
Election Sign	NA	1.50 m ²	2.0 m	s. 51
Flag Sign	Determined in accordance with subsection 52(3)	1.2m ²	4.5 m	s. 53 s. 26(b)
Portable Electronic Sign	1 per Property	5.0 m ²	2.5 m	s. 55
New Development Sign	1 per Property or plan of subdivision	10.0 m ²	7.5 m	s. 52
Portable Sign	Determined in accordance with subsection 52(3)	5.0 m ²	2.5 m	s. 53 s. 26(a)
Real Estate Sign	1 Ground Sign or 1 Wall Sign per Property	4.0 m ²	--	s. 54

**Table 10 - Temporary Signs
IND - Industrial Sign District**

Column 1	Column 2	Column 3	Column 4	Column 5
Temporary Sign Type	Number of Signs	Maximum Sign Area	Maximum Ground Sign Height	Additional regulation
Banner Sign	1 per Business	6.0 m ²	---	s. 26(c) s. 49
Contractor Sign or Lawn Bag Sign	1 per Property Contractor Sign may be Ground Sign or Wall Sign	0.60 m ²	1.2 m	s. 50
Election Sign	NA	1.50 m ²	2.0 m	s. 51
Flag Signs	Determined in accordance with subsection 53(3)	1.2m ²	4.5 m	s. 53 s.26(b)
Portable Electronic Sign	1 per Property	5.0 m ²	2.5 m	s.55
New Development Sign	1 per Property or plan of subdivision	10.0 m ²	7.5 m	s. 52
Portable Sign	Determined in accordance with subsection 53(3)	5.0 m ²	2.5 m	s. 53 s.26(a)
Real Estate Sign	1 Ground Sign or 1 Wall Sign per Property	4.0 m ²	---	s. 54

Table 11 - Temporary Signs INS - Institutional Sign District				
Column 1	Column 2	Column 3	Column 4	Column 5
Temporary Sign Type	Number of Signs	Maximum Sign Area	Maximum Ground Sign Height	Additional Regulation
Banner Sign	1 per Business	6.0 m ²	---	s. 26(c) s. 49
Contractor Sign or Lawn Bag Sign	1 per Property Contractor Sign may be Ground Sign or Wall Sign	0.60 m ²	1.2 m	s. 50
Election Sign	NA	1.50 m ²	2.0 m	s. 51
Flag Signs	Determined in accordance with subsection 53(3)	1.2m ²	4.5 m	s. 53 s.26(b)
Lawn Bag Sign	1 per Property	0.6 m ²	---	s. 50
Portable Electronic Sign	1 per Property	5.0 m ²	2.5 m	s. 55
Portable Sign	Determined in accordance with subsection 53(3)	5.0 m ²	2.5 m	s. 53 s. 26(2)
Real Estate Sign	1 Ground Sign or 1 Wall Sign Per Property	4.0 m ²	---	s. 54

**Table 12 - Temporary Signs
RA - Rural Area Sign District**

Column 1	Column 2	Column 3	Column 4	Column 5
Temporary Sign Type	Number of Signs	Maximum Sign Area	Maximum Ground Sign Height	Additional Regulation
Banner Sign	1 per Business	6.0 m ²	---	s. 26(c) s. 49
Contractor Sign or Lawn Bag Sign	1 per Property Contractor Sign may be Ground Sign or Wall Sign	0.60 m ²	1.2 m	s. 50
Election Sign	NA	1.50 m ²	2.0 m	s. 51
New Development Sign	1 per Property or plan of subdivision	10.0 m ²	7.5 m	s. 52
Real Estate Sign	1 Ground Sign or 1 Wall Sign Per Property	4.0 m ²	---	s. 54

**Table 13 - Temporary Signs
OS - Open Space Sign District**

Column 1	Column 2	Column 3	Column 4	Column 5
Temporary Sign Type	Number of Signs	Maximum Sign Area	Maximum Ground Sign Height	Additional Regulation
Banner Sign	1 per Business	6.0 m ²	---	s. 26(c) s. 49
Contractor Sign or Lawn Bag Sign	1 per Property Contractor Sign may be Ground Sign or Wall Sign	0.60 m ²	1.2 m	s. 50
Election Sign	---	1.50 m ²	2.0 m	s. 51
New Development Sign	1 per Property or plan of subdivision	10.0 m ²	7.5 m	s. 52
Real Estate Sign	1 Ground Sign or 1 Wall Sign Per Property	4.0 m ²	---	s. 54

Additional Regulations

48. All provisions of sections 49 to 55 and all general application provisions of this By-law apply in addition to the requirements of section 47 with respect to that type of Sign, whether or not specified in the section.

Banner Sign - Additional Regulation

49. No Person shall Erect, cause or authorize a Banner Sign to be Erected or continue to be Erected:

- (a) in a manner other than by hanging the Banner Sign on or from the exterior wall of a Building on the Property;
- (b) on a Property other than the Property on which the event or activity to which the Banner Sign pertains is being held;
- (c) while another Temporary Sign of any type is Erected on the Property; or
- (d) for a purpose other than to advertise or promote a special event or an event or activity which has an educational, religious or charitable purpose.

Contractor Sign and Lawn Bag Sign - Additional Regulation

50.-(1) No Person shall Erect or authorize or permit the Erection or continuing Erection of a Contractor Sign or a Lawn Bag Sign on a Property for a period longer than the start of the renovations or construction five (5) days after the completion of the renovations or construction on the Property.

(2) No Person shall Erect or authorize or permit the Erection or continuing Erection of both a Lawn Bag Sign and a Contractor Sign other than a Lawn Bag Sign on the same Property at the same time.

Election Sign - Additional Regulation

51.-(1) No Person shall Erect, cause or authorize an Election Sign to be Erected or continue to be Erected in a location which is within fifty (50) metres of the exterior main entrance to a polling station or the front façade of the Building which contains the polling station, whichever distance is greater.

(2) No Person shall Erect, cause or authorize an Election Sign to be Erected or continue to be Erected:

- (a) in the case of a federal or provincial election or by-election, for a period longer than the day after the writ of an election or by-election is issued until seventy-two (72) hours following the end of the voting day for that election; or
- (b) in the case of a municipal election, for a period longer than the day after the nomination date, as determined in accordance with the *Municipal Elections Act, 1996* until seventy-two (72) hours following the end of the voting day for that election.

(3) For the purposes of this section, Sign Owner includes the candidate promoted by the Election Sign.

New Development Sign - Additional Regulation

52.-(1) No Person shall Erect, cause or authorize a New Development Sign to be Erected or continue to be Erected in a location other than on the Property under development.

(2) Where a New Development Sign has been Erected on a Property, a maximum of two (2) Ground Signs, each having a maximum individual area of 10 m² shall be permitted on a Property adjacent to the street intersection nearest to the Property being advertised on the New Development Sign, in addition to a New Development Sign, provided the Property Owner of the Property on which the Signs are located has consented to each Sign being Erected on the Property.

Portable Signs and Flag Signs - Additional Regulation

53.-(1) No Person shall Erect, cause or authorize a Portable Sign or a Flag Sign to be Erected or continue to be Erected unless:

- (a) the Portable Sign or Flag Sign is located 3.0 metres or more from:
 - (i) any adjacent Property Zoned for residential purposes; and
 - (ii) any Driveway;
- (b) in the case of a Portable Sign is located 45.0 metres or more from any other Portable Sign on the same Property;
- (c) in the case of a Flag Sign is located 15.0 metres or more from any other Flag Sign on the same Property; and
- (d) the Portable Sign or Flag Sign is supported or anchored in a secure fashion, but not using concrete blocks, sandbags or other unsightly means.

(2) No Person shall Erect, cause or authorize a Portable Sign or a Flag Sign to be Erected or continue to be Erected which:

- (a) contains an intermittent or flashing light source or which includes the illusion of intermittent or flashing light by means of animation or an externally mounted light source; or
- (b) contains more than two (2) Display Surfaces.

(3) No Person shall Erect, cause or authorize a Portable Sign to be Erected or continue to be Erected if it would result in:

- (a) more Portable Signs on a Property than the number identified in Column 2 of Table 14 below for a Property which has a Street Line length set out in on the same line in Column 1; or
- (b) more Portable Signs on a Property in a calendar year than the number identified in Column 3 of Table 14 below for a Property which has a Street Line length as set out on the same line in Column 1 for that Property; or
- (c) both Portable Signs and Flag Signs being Erected on the same Property.

(4) No Person shall Erect, cause or authorize a Flag Sign to be Erected or continue to be Erected if it would result in:

- (a) more Flag Signs on a Property than the number identified in Column 4 of Table 14 below for a Property which has a Street Line length set out in on the same line in Column 1; or
- (b) more Flag Signs on a Property in a calendar year than the number identified in Column 5 of Table 14 below for a Property which has a Street Line length as set out on the same line in Column 1 for that Property.

(5) No Person shall Erect or cause or authorize a Flag Sign to be Erected on Property on which a Portable Electronic Sign is Erected.

(6) Despite subsection 53(5), in the event that a Portable Electronic Sign is Erected on a Property, the Portable Electronic Sign shall be considered a Portable Sign for the purposes of determining the number of Portable Signs on a Property for the purposes of Table 14.

Table 14					
Permitted Number of Portable Signs OR Flag Signs Erected on a Property					
NOTE: only Portable Signs or Flag Signs may be Erected at any one time					
Column 1	Portable Signs		OR	Flag Signs	
	Column 2	Column 3		Column 4	Column 5
Length of Street Line	Maximum Number of Portable Signs on Property at any time	Maximum Number of Portable Signs on a Property in a Calendar Year		Maximum Number of Flag Signs on Property at any time	Maximum Number of Flag Signs on a Property in a Calendar Year
76.0 metres or less	1	2		2	4
76.1 to 137.0 metres	2	4		4	8
137.1 to 183.0 metres	3	6		6	12
183.1 to 244.0 metres	4	8		8	16
244.1 to 305.0 metres	5	10		10	20
over 305.0 metres	6	12		12	24

Real Estate Sign - Additional Regulation

54. No Person shall Erect, cause or authorize a Real Estate Sign to be Erected or continue to be Erected on a Property for a period of time longer than 30 days after the sale, lease or rental of the Premises or Property being advertised by the Real Estate Sign.

Portable Electronic Signs

55.-(1) No Person shall Erect, cause or authorize a Portable Electronic Sign to be Erected or continue to be Erected on a Property if:

- (a) the Portable Electronic Sign:
 - (i) displays any visible effects including but not limited to motion, fading, dissolving, fading, flashing, intermittent or blinking light, scrolling or the illusion of such effects;
 - (ii) emits sound; or
 - (iii) displays any Copy in an interactive manner;
- (b) there is an Electronic Billboard Sign or a Ground Sign with an Electronic Message Board already Erected on the Property;

- (c) it would result or does result in more than one Portable Electronic Sign being Erected on the Property; or
- (d) the Portable Electronic Sign has more than two Display Surfaces.

(2) No Person shall Erect, cause or authorize a Portable Electronic Sign to be Erected or continue to be Erected unless:

- (a) any change from one message to another in the Copy of the Portable Electronic Sign:
 - (i) is completed in 0.1 second or less;
 - (ii) involves a change of the entire Copy; and
 - (iii) does not include a partial, incremental or sequential change of Copy;
- (b) the Copy on the Portable Electronic Sign is displayed continuously in a static manner without animation and without any change or any visual effects for 10 seconds or less;
- (c) the Portable Electronic Sign is equipped with an operating automatic light sensor that is set to control the brightness of the Illumination of the Sign in compliance with the provisions of this By-law;
- (d) the Portable Electronic Sign is powered independently and not by power cords run from a power source in a Building; and
- (e) the Portable Electronic Sign is supported or anchored in a secure fashion, but not using concrete blocks, sandbags or other unsightly means;

(3) No Person shall Erect, cause or authorize a Portable Electronic Sign to be Erected or continue to be Erected unless the Portable Electronic Sign is located:

- (a) 3.0 metres or more from the Property line for the Property on which it is Erected;
- (b) 3.0 metres or more from any adjacent Property Zoned for residential purposes;
- (c) 45.0 metres or more from any Portable Sign on the same Property;
- (d) 200.0 metres or more from the centerline of a street intersection with Traffic Control Devices or an at Grade railway crossing; and
- (e) 200.0 metres or more from any Electronic Billboard or any Ground Sign with an Electronic Message Board Erected on another Property.

(4) No Person shall Illuminate or cause or authorize the illumination or continuing Illumination of a Portable Electronic Sign after sunset or before sunrise on any day.

(5) During the permitted hours of Illumination set out in subsection 55(4) no Person shall cause or authorize the Illumination from the Portable Electronic Sign to:

- (a) project onto any adjacent Property or Premises;

- (b) increase the light levels within 10.0 metres of any point of the Display Surface by more than 3.0 lux above the ambient lighting level; or
- (c) exceed 5,000 nits.

(6) No Person shall operate or cause or authorize the operation or continuing operation of a Portable Electronic Sign after sunset or before sunrise on any day.

Part 8 – Signs Within a Road Allowance

Signs Within a Road Allowance - Read Together

56. Sections 57 and 58 of this By-law are interdependent and shall be read together.

Temporary Signs Within a Road Allowance - Regulation by Type

57. Despite paragraph 14(1)(a), the following types of Signs may be Erected within a Road Allowance provided the Sign complies with the requirements of Columns 2 to 5 in the same row in Table 15, and all other applicable provisions of this By-law.

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Table 15					
Temporary Signs within a Road Allowance					
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Sign Type Permitted	Number of Signs	Maximum Sign Area	Maximum Sign Height	Setback	Additional Regulation
Agricultural Directional Sign	1 per agricultural operation	1.5 m ²	2 m	see s. 59	s. 59
New Development Directional Sign	1 per development	1.5 m ²	2 m	see s. 60	s. 60
Poster Sign	no limit	45 cm in width 60 cm in length	Maximum 2.14 m above Grade	---	s. 61
Sidewalk Sign	1 per Premise	1.50 m ²	1.2 m	See s. 62	s. 62
Real Estate Open House Directional Sign	1 per open house	0.6 m ²	---	See s. 63	s. 63
Signs by Consent or Agreement	In accordance with consent or agreement				

Additional Regulations

58. All provisions of sections 59 to 63 and all general application provisions of this By-law apply in addition to the requirements of section 57 with respect to that type of Sign, whether or not specified in the section.

Agricultural Directional Sign - Additional Regulation

59. No Person shall Erect, cause or authorize an Agricultural Directional Sign to be Erected or continue to be Erected:

- (a) within the median of a Road Allowance;
- (b) within 50 m of the centerline of a street intersection;
- (c) within 3 m of the edge of the travelled portion of a Road Allowance; or

- (d) within 5 m of a fire hydrant, a transit shelter or bus stop; or
- (e) except during the days and hours that the farm products, produce, trees or plants can be purchased.

New Development Directional Sign - Additional Regulation

60.-(1) No Person shall Erect, authorize or permit the Erection or the continuing Erection of a New Development Directional Sign:

- (a) within the median of a Road Allowance;
- (b) within 50 m of the centerline of a street intersection;
- (c) within 3 m of the edge of the travelled portion of a Road Allowance; or
- (d) within 5 m of a fire hydrant, a transit shelter or bus stop;

(2) No Person shall Erect, authorize or permit the Erection or the continuing Erection of a New Development Directional Sign (“NDDS” for the purpose of table 16) for a period that begins prior to the time and date set out in Column 2 or extends longer than the time and date identified in Column 3 of table 16 in the circumstances identified in Column 1 of table 16.

Table 16		
Column 1 Circumstances	Column 2 Earliest Day and Time to Erect a NDDS	Column 3 Latest Day and Time to Remove a NDDS
A statutory holiday falls on a Friday	7:00 p.m. on the Thursday prior to the statutory holiday	6:00 a.m. on the following Monday
A statutory holiday falls on a Monday	7:00 p.m. on a Friday	6:00 a.m. on the following Tuesday
No statutory holiday falls on either a Friday or a Monday	7:00 p.m. on a Friday	6:00 a.m. on the following Monday

(3) No more than three (3) New Development Directional Signs shall be permitted to be located on any one (1) corner of a street intersection.

Poster Sign - Additional Regulation

61.-(1) No Person shall Erect, authorize or permit the Erection or the continued Erection of a Poster Sign:

- (a) except on a Utility Pole which is not located in the median of a Road Allowance;
- (b) within the median of a Road Allowance;

- (c) if an Official Sign is already Erected on the Utility Pole;
- (d) on a Traffic Control Sign or any other device used by the City to control traffic and parking;
- (e) in a Sight Triangle;
- (f) for any purpose except to give notice of a non-commercial event or activity, a non-profit event or activity;
- (g) for a period beginning sooner than five (5) days prior to the date of the event or activity of which notice is being given or extending more than forty-eight hours after the date of, or the last day of the event or activity of which notice is being given by the Poster Sign;
- (h) in a manner which covers or overlaps in whole or in part, any other Poster Sign; or
- (i) using any method other than rope, twine, plastic or nylon straps.

(2) Despite anything else herein, the Permit Issuer, Greater Sudbury Utilities Inc. or Hydro One Utilities may, remove or authorize the removal of a Poster Sign from a Utility Pole in order to maintain, clean or take down the Utility Pole upon which it is displayed.

Sidewalk Sign - Additional Regulation

62. No Person shall Erect, cause or authorize a Sidewalk Sign to be Erected or continue to be Erected:

- (a) except during the actual hours of operation of the Business that it is advertising;
- (b) except in a location which:
 - (i) is on the sidewalk in front of the Premises where the Business it is advertising operates;
 - (ii) is more than two (2) metres from the entrance to the Business being promoted on the Sidewalk Sign;
 - (iii) maintains at all times, an unobstructed 1.5 metres wide clearway for pedestrian movement along the sidewalk on which the Sidewalk Sign is Erected; and
 - (v) does not impede unrestricted free and safe movement for any pedestrian, bicycle, vehicle or other conveyance on any other sidewalk, path, Road Allowance or Driveway near the Sidewalk Sign.
- (c) which has more than two (2) Display Surfaces; or
- (d) which is Illuminated.

Real Estate Open House Directional Sign - Additional Regulation

63. No Person shall Erect, authorize or permit the Erection or the continuing Erection of a Real Estate Open House Directional Sign:

- (a) In a location which is
 - (i) within the median of a Road Allowance;
 - (ii) within 50 m of the centerline of a street intersection;
 - (iii) within 3 m of the edge of the travelled portion of a Road Allowance; or
 - (iv) within 5 m of a fire hydrant, a transit shelter or bus stop;
- (b) prior to the day of the open house or after the conclusion of the open house being advertised by the Real Estate Open House Directional Sign; or
- (c) which is Illuminated.

Part 9 – Variances and Appeals

64.-(1) For the purposes of this section 64 and section 65:

“Sign Variance Committee” shall be the Committee of Adjustment appointed by Council; and

“Variance Official” shall be the person appointed by Council to act as the City’s Consent Official, pursuant to the *Planning Act*, R.S.O. 1990, c. P.13, as amended or replaced from time to time.

(2) Any Person may submit an application for a variance to the regulations in this By-law for Permanent Signs, but not for Temporary Signs. A variance does not include a request:

- (a) for a Sign of a type prohibited by this By-law;
- (b) to authorize a Sign in a Zone not authorized under this By-law;
- (c) to authorize a Sign which directs attention to a business, product, goods, activity or service that is conducted, sold or offered elsewhere than the Premises or Property, if not already authorized by this By-law;
- (d) which alters the rules around brightness, transition times, and restrictions on special effects; or
- (e) which allows messages to be shown in a digital or electronic format except in an Electronic Billboard Sign or an Electronic Message Board.

(3) An application for a variance from any provision of this By-law pertaining to Permanent Signs shall be submitted to the Variance Official, in the form established by the Variance Official and accompanied by the applicable fee determined in accordance with the User Fee By-law and

such additional documents, plans or other material as the Variance Official in their sole discretion, determines is necessary to assess the application.

(4) The Variance Official shall reject any application which refers to a form of Temporary Sign, is incomplete or contains a request of a type identified in subsection 64(2) as not being a variance.

(5) The Variance Official shall circulate the application for a variance to the Permit Issuer and may in their discretion, circulate the application for a variance to such other City departments as the Variance Official determines to be appropriate, for review and comment and may consider such comments in making a decision on the application.

(6) The Variance Official may authorize a variance from a requirement of this By-law, where in the opinion of the Variance Official, after consideration of any comments received on the circulation in subsection 64(5):

- (a) approval of the variance maintains the general intent and purpose of this By-law;
- (b) approval of the variance will not adversely affect public safety;
- (c) approval of the variance will not adversely affect adjacent Properties;
- (d) approval of the variance will not Alter the character of the area where it is located;
- (e) approval of the variance is not contrary to the public interest;
- (f) the variance is not a significant variance from this By-law;
- (g) approval of the variance has regard for any design guidelines or other policies of the City related to area character;
- (h) there are special circumstances or conditions applicable to the Property or Building where the Sign is proposed to be Erected and these circumstances or conditions are not shared by others with similar Properties or Buildings and the special circumstances or conditions were not created by the applicant; and
- (i) strict application of the provisions of this By-law would create practical difficulties or unusual hardship for the applicant.

(7) The onus shall be on the applicant to provide all information in support of the application for a variance.

(8) Where the Variance Official approves a variance from the provisions of this By-law the Variance Official may impose such conditions as the Variance Official in their sole discretion determines must be satisfied before a Sign Permit can be issued. The Variance Official shall give notice in writing of their decision to the applicant at the address in application for variance

and to the Permit Issuer. If the application is approved, the Variance Official shall advise the applicant of any conditions imposed. If the application is refused, the Variance Official shall advise the applicant of any right and the process to appeal the decision to the Sign Variance Committee.

(9) If a variance is approved, the Permit Issuer may issue a Sign Permit reflecting the variance and any conditions imposed by the Variance Official.

(10) The approval of a variance shall expire upon the earlier of:

- (a) six (6) months from the date of the issuance of the Sign Permit associated with the variance unless the Sign has been Erected in accordance with the Sign Permit; or
- (b) the removal or substantial Alteration of the Sign.

Appeal of Refusal to Grant Variance

65.-(1) Where the Variance Official refuses an application for variance, the applicant may apply in writing to the Variance Official for a hearing before the Sign Variance Committee, within thirty (30) days of the refusal and shall submit with such application, an administrative fee in an amount determined in accordance with the User Fee By-law.

(2) On receipt of a request for a hearing, the Variance Official shall review the request to determine if the request is timely, applies to a variance and that the administrative fee in an amount determined in accordance with the User Fee By-law has been paid.

(3) If the application is complete and the applicable fee paid, the Variance Official shall set a date, time and place for a hearing of the appeal before the Sign Variance Committee and give notice of the date, time and place of the hearing to the applicant for the hearing.

(4) On the date and time scheduled for the hearing, or such later date as may be set or consented to by the Sign Variance Committee, the Sign Variance Committee may hear and view any evidence provided by the Variance Official and by the applicant for the hearing and may:

- (a) uphold or deny the refusal to grant a variance on the grounds open to the Variance Official; and
- (b) in the event that the refusal to grant a variance is overturned, impose conditions on the approval of a variance as if the Sign Variance Committee were the Permit Issuer.

(5) The onus is on the applicant for the variance to provide evidence satisfactory to the Sign Variance Committee that the variance being applied for should be approved.

(6) If a variance is approved by the Sign Variance Committee, the Permit Issuer may issue a Sign Permit reflecting the variance and any conditions established by the Sign Variance Committee.

(7) The approval of a variance by the Sign Variance Committee shall expire upon the earlier of:

- (a) six (6) months from the date of the issuance of the Sign Permit associated with the variance unless the Sign has been Erected in accordance with the Sign Permit; or
- (b) the removal or substantial Alteration of the Sign.

(8) The decision of the Sign Variance Committee shall be final.

Part 10 – Penalties and Enforcement

False Statement - Deemed Violation

66. The making of a false or intentionally misleading recital of fact, statement or representation in any application form required by this By-law shall be deemed to be a violation of the provisions of this By-law.

Enforcement - No Obstruction Etc.

67. This By-law may be enforced by a Municipal By-Law Enforcement Officer.

Right of Entry - Inspection

68.-(1) A Municipal By-law Enforcement Officer acting pursuant to this By-law may, at any reasonable time, enter and inspect any Property, for the purpose of carrying out an inspection to determine whether there is compliance with any one or more of the following:

- (a) the requirements of this By-law;
- (b) an order made pursuant to this By-law or the *Municipal Act, 2001*; or
- (c) an order made pursuant to section 431 of the *Municipal Act, 2001*.

(2) A Municipal By-law Enforcement Officer shall not enter a place being used as a dwelling unless:

- (a) the consent of the owner or occupant is first obtained, ensuring the owner or occupant is first advised that entry may be denied and, in such circumstance, entry can only occur thereafter under authority of a warrant;
- (b) a warrant issued under section 158 of the *Provincial Offences Act* is obtained;
- (c) a warrant issued under section 439 of the *Municipal Act, 2001* is obtained;
- (d) a warrant is issued under subsection 386.3 of the *Municipal Act, 2001* is obtained;
- (e) an order issued under section 438 of the *Municipal Act, 2001* is obtained; or
- (f) the delay necessary to obtain a warrant or the consent of the Owner or occupant would result in the immediate danger to the health or safety of any Person.

(3) For the purposes of conducting an inspection, a Municipal By-law Enforcement Officer may, in accordance with the provisions of section 436 of the *Municipal Act, 2001*:

- (a) require the production for inspection of documents or things relevant to the inspection;
- (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- (c) require information from any Person concerning a matter related to the inspection; and
- (d) alone or in conjunction with a Person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of the inspection.

(4) A Municipal By-law Enforcement Officer performing a duty under this By-law may be accompanied by a Person under their direction.

No Obstruction

69.-(1) No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Person exercising a power or performing a duty under this By-law.

(2) Any Person who provides false information to a Person exercising a power or performing a duty under this By-law shall be deemed to have hindered or obstructed such Person in the performance of their duty.

(3) No Person shall fail to identify themselves to a Municipal By-law Enforcement Officer when requested to do so.

Offence

70.-(1) Every Person who contravenes any of the provisions of this By-law and any director or officer of a corporation who knowingly concurs in such contravention is guilty of an offence and on conviction is liable to a fine as provided for in the *Provincial Offences Act*.

(2) For the purposes of subsection 70(1), each day on which a Person contravenes any of the provisions of this By-law shall be deemed to constitute a separate offence under this By-law.

(3) If an order has been issued under this By-law and the order has not been complied with, the contravention of the order shall be designated as a continuing offence for each day that the order is not complied with.

(4) For purposes of this By-law, an offence is a second or subsequent offence if the act giving rise to the offence occurred after a conviction had been entered for the same offence at an earlier date.

(5) The levying and payment of any fine as provided for under the *Provincial Offences Act* shall not relieve a Person from the necessity of compliance with the obligations under this By-law.

Removal of Sign

71.-(1) Where a Sign is Erected in contravention of this By-law, is not removed on the expiry of the Permit, is not removed on the expiry of a time frame set out in this By-law, or is otherwise in contravention of this By-law, a Municipal By-law Enforcement Officer may, where in the opinion of the Municipal By-law Enforcement Officer, it is practical to do so in the circumstances, immediately pull down or remove the Sign or cause the Sign to be pulled down, removed and stored or disposed of at the expense of the Sign Owner and without liability to the City.

(2) The City or the owner of a Utility Pole on which a Poster Sign is Erected may remove or authorize the removal and disposal of any Poster Sign which is not Erected in accordance with this By-law or remains Erected beyond the time permitted by this By-law, without notice or compensation to any Person.

(3) Where a Sign is Erected in contravention of this By-law or is otherwise in contravention of this By-law and in the opinion of the Municipal By-law Enforcement Officer, it is not practical in the circumstances to follow the process in subsection 71(1), or the Municipal By-law Enforcement Officer, in their discretion, chooses to not follow the process in subsection 71(1), may forward or cause to be forwarded, an order by personal service or regular post, to any Sign

Owner or Sign Owners. The order may require that the Sign be permanently removed and not replaced with any Sign in contravention of this By-law or that the Sign be made to comply with this By-law not later than the date and time stipulated in the order. The order may advise that if the Sign is not so removed or made to comply within the specified period of time, then the City may pull down and remove the Sign without any further notice.

(4) If the order set out in subsection 71(3) is not complied with within the specified period of time, the Municipal By-law Enforcement Officer may direct City forces or an independent contractor to enter upon the Property or Premises to pull down and remove the Sign.

(5) Any Sign removed in accordance with subsection 71(1) or 71(3) may, in the sole discretion of the Municipal By-law Enforcement Officer, be disposed of or be stored by the City or an independent contractor for a period of not less than thirty days. In the event the Municipal By-law Enforcement Officer chooses to store the Sign, then during the storage period the Sign Owner or their agent, during the storage period is entitled to redeem such Sign, upon completing a Signed acknowledgment and release in the form prescribed by the Municipal By-law Enforcement Officer and upon making payment satisfactory to the City of the amounts set out in the User Fee By-law then in effect.

(6) The City may, without notice or liability, destroy or otherwise dispose of any Sign which has been removed and stored for thirty days without being redeemed in accordance with subsection 71(5) or which was removed and not stored by the City.

(7) Nothing in this By-law shall limit the City from enforcing the provisions of this By-law by any other action or remedy permitted in law.

(8) The City, its officers, agents, employees and contractors shall not be responsible for any damage that may result from the tearing down, removal, storage or disposition of any Sign pursuant to this By-law.

(9) Where the City incurs costs pursuant to this section, the cost thereof including interest thereon at the rate established under the User Fee By-law as the interest rate payable on overdue accounts, from the date the costs were incurred until payment in full, may be recovered from the Property Owner of the Property on which the contravention occurred, by action or by adding same to the property tax rolls for the Property and collecting them in the same manner as property taxes.

Service of Orders

72. Service of an order issued under section 71(3) shall be given to each Person, by delivering personally to the Person or by mailing to an Owner by registered mail at the address shown in the tax records for the City as the address for mailing tax bills. Service will be deemed effective upon delivery, or on the fifth day after mailing, whether or not it is actually received.

Comply with Order

73. Every Person who is served with an order under this By-law shall comply with the requirements of the order within the time period specified in the order.

Prohibition Order

74. When a Person has been convicted of an offence under this By-law, the Ontario Court (Provincial Division), or any court of competent jurisdiction thereafter may, in addition to any other penalty imposed on the Person convicted, issue an order prohibiting the continuation of the offence or doing of any act or thing by the Person convicted directed towards the continuation of the offence.

Enforcement Fees

75.-(1) Enforcement fees shall be payable in accordance with the provisions of the User Fee By-law then in effect.

(2) Any fee payable pursuant to subsection 75(1) shall be in addition to any fine levied upon conviction of an offence under this By-law or in addition to the costs incurred for remediation, as the case may be.

(3) No fee payable pursuant to subsection 75(1) shall be waived or cease to be payable in the event that no charge is laid or a charge that is laid does not lead to a conviction.

Part 11 – General

Confidential Information

76.-(1) The Permit Issuer is authorized to collect personal information for the purposes of administering this By-law.

(2) All information submitted to and collected by the City in accordance with this By-law shall, unless the City Clerk determines otherwise, be available for disclosure to the public in

accordance with the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56 (MFIPPA).

(3) In the event that any Person is submitting information to the City or to the Permit Issuer in any form, as required under this By-law, where such information is confidential or proprietary or otherwise may be exempt from disclosure under the MFIPPA, the Person submitting the information shall so identify that information upon its submission to the City or the Permit Issuer and shall provide sufficient details as to the reason for its purported exemption from disclosure.

Short Title

77. This By-law and any amendments hereto may be referred to as the "Sign By-law".

Repeal

78. By-law 2007-250 and every By-law amending By-law 2007-250 are hereby repealed.

Effective Date

79. This By-law shall come into full force and effect on September 1, 2021.

Read and Passed in Open Council this 29th day of June, 2021

_____ Mayor

_____ Clerk