



CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2014-02

A BY-LAW TO REGULATE THE ERECTION AND MAINTENANCE OF SIGNS AND OTHER ADVERTISING DEVICES IN THE TOWN OF NEWMARKET.

WHEREAS Section 11 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended (the "Act") provides that a lower-tier municipality may pass by-laws respecting matters within its spheres of jurisdiction;

AND WHEREAS Subsection 11 (3) 7 of the *Act* provides that municipalities may pass by-laws respecting structures, including fences and signs;

AND WHEREAS the Municipal Council of the Town of Newmarket (the "Town") deems it necessary and in the public interest to regulate signs displayed within the *Town*;

AND WHEREAS the Municipal Council of the *Town* enacted By-law 2009-79 on September 21, 2009;

AND WHEREAS it is deemed necessary to repeal by-law 2009-79.

THEREFORE BE IT ENACTED by the Municipal Council of the *Town* as follows:

1.0 **DEFINITIONS:**

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

"ADVERTISING DEVICE" means any designed device or object creating a design and intended to be erected or located or affixed on any property; this shall include flags, *banners*, pennants, lights, *inflatable* devices, or any object intended for advertising purposes;

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

"ANIMATED SIGN" means a *sign* or part thereof, which using electronic technology displays moving images and/or text and/or includes the rotation, oscillation or movement of the sign in part or in whole but does not include an *Electronic Changeable Copy* or *Mechanical Copy*;

"APPLICANT" means the person who applies for a sign permit or a variance from the provisions of this by-law.

"AWNING SIGN" means a *sign copy* painted on or affixed flat to the surface of an awning;

"BANNER" means a *sign* made from cloth, plastic or a similar lightweight non-rigid material;

"BILLBOARD SIGN" means an outdoor *sign* that advertises goods, products, or services that are not sold or offered on the property where the *sign* is located, and is either single sided or double sided and shall allow for one *mechanical copy* side;

“BUILDER” means a *person* or corporation proposing to undertake or undertaking the construction of new homes, apartment developments or condominium developments within the *Town*;

“BUILDING CODE” means regulations made under Section 34 of the *Ontario Building Code Act*, S.O. 1992, c.23;

“BUSINESS” means a *commercial* or *employment* activity carried on or permitted under the *Zoning By-law*;

“CANDIDATE” means an *individual* who is seeking election to a public office, whether for a federal, provincial or municipal election;

“CHIEF BUILDING OFFICIAL” means the *person* and his/her designate so appointed by *Council* pursuant to the *Building Code Act, 1992*;

“COMMERCIAL” means a *Commercial zone* as defined in the *Zoning By-law*;

“CONSTRUCTION INFORMATION SIGN” means a *sign* that is erected for a temporary period that identifies, or provides information relating to or advertising the development or the construction of a building on the lands which the *sign* is erected and not the sale of lots elsewhere or the realtor’s, developer’s or *Owner’s business* in general;

“CONTINUOUS SCROLLING COPY” means electronic or computer controlled *sign copy* where text continuously scrolls across the sign face in a pre-arranged sequence to display a temporary message.

“DIRECTIONAL SIGN” means any on *premises sign*, which gives directions or instructions for the control of vehicular or pedestrian traffic and shall include both entry and exit signage;

“DEVELOPMENT SIGN” means a sign that advertises only the development in which the sign is located and not the sale of lots elsewhere or the realtor’s, developer’s or *Owner’s business* in general.

“DIRECTOR” means the Director, Legislative Services of the *Town* and his/her designate;

“ELECTION SIGN” means a *sign* advertising or promoting the election of a political party or a candidate for public office in a federal, provincial or municipal election;

“ELECTION SIGN DEPOSIT” means a fee as set out in the *Fees and Charges By-law* that must be paid by a *candidate* prior to the display of election signage pursuant to the provisions of this By-law;

“ELECTRONIC CHANGEABLE COPY” means electronic and/or computer controlled *sign copy* where static images or static information are displayed in a pre-arranged sequence and the intensity of illumination is maintained at a constant level, and includes *continuous scrolling copy*;

“EMPLOYMENT” means an *Employment zone* as defined in the *Zoning By-law*;

“FEES AND CHARGES BY-LAW” means the General Fees and Charges By-law, as amended for the Legislative Services Department;

“FASCIA SIGN” means a *sign* applied to or erected on and entirely supported by the wall of a building or structure.

“FRONTAGE” means the length of the property line of any one lot parallel to and along each legally accessible public *street*, except for corner lots shall mean the total length of the property lines on all legally accessible public *streets*;

“GROUND SIGN” means a *sign* directly supported by the ground without the aid of any other building or structure, which *sign* includes the names of *Owner(s)* and address and/or advertising goods, products, services or events that are sold, offered, or provided on the *premises* on which the *sign* is located;

“HOARDING SIGN” means a temporary, non-*illuminated sign*, erected on construction hoarding which is subject to a development agreement of the Town, associated with the development of property, which advertises or identifies the development of the property on which the *sign* is located;

“HOME OCCUPATION SIGN” means a *sign* that identifies any home-based *business*, where such use of the property complies with the *Zoning By-law*;

“ILLUMINATED SIGN” means a *sign* that provides artificial light directly, or through any transparent or translucent material, from a source of light connected with such *sign*, or a *sign illuminated* by a light focused upon or chiefly directed at the surface of the *sign*;

“INCIDENTAL SIGN” means a sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as “drive-thru,” “telephone,” “private parking,” “entrance,” “washroom,” “loading dock,” “staff only,” and other similar directives.

“INFLATABLE SIGN” means a *sign* or *advertising device* designed to be airborne and tethered to the ground, a vehicle or any other structure and shall include balloons and any other *inflatable* devices. Classification of *Inflatable Sign* shall not relieve it from any other *sign* classification of this By-law;

“INSPECTOR” means the By-law Enforcement Officer appointed by the *Town* or such *person* designated by the municipality;

“INSTITUTIONAL” means an *Institutional Zone* as defined in the *Zoning By-law*;

“MATERIALS” means the products and assemblies that individually or as an assembly constitute the *sign* or portion thereof;

“MECHANICAL COPY” means a *sign copy* where the display surface physically changes to reveal alternate messages, including but not limited to tri-vision or flip disc *signs*;

“MENU BOARD SIGN” means a *sign* erected as part of a drive-thru facility and used to display and order products and services available at the drive-thru business.

“MOBILE SIGN” means a non-*illuminated sign* designed to be capable of being readily moved from one location to another is usually built on a trailer or other solid platform and may include wheels.

“MURAL” means any type of display or artistic endeavour painted on or otherwise affixed directly to any side(s) of a building or structure.

“MURAL SIGN” means any type of display or artistic endeavour painted on or otherwise affixed directly to any side(s) of a building or structure that includes text or a logo that is intended for advertising purposes;

“NEW HOME DEVELOPMENT” means a new *residential* project, which is the subject of a development agreement and which may be comprised of one or more registered plans of subdivision, condominium development or condominium plan exemption;

“NEW HOME DEVELOPMENT SIGN” means a non-*illuminated sign*, which is not permanently installed or affixed to the ground and where the purpose of the *sign* is to direct attention to the sale of new homes or condominiums;

“NON-PROFIT SIGN” means a *sign* located, erected, or displayed on private property or approved *Town* property to advertise a non-profit or charitable event by a non-profit organization, charity or place of worship;

“OWNER” means the *Owner*, authorized agent, lessee, or occupier of the *premises* upon which a *sign* or *advertising device* is located;

“PARKING AREA” means an off-*street*, open, unobstructed area of land consisting of a minimum of two (2) but not more than five (5) parking spaces which is accessed by a driveway;

“PARKING LOT” means an open area other than a street used for the temporary parking of five (5) or more motor vehicles and available for public use whether for free or for compensation as accommodation for clients, customers or residents;

“PERSON” means an individual, business, firm, body corporate, corporation, association, or municipality;

“PORTABLE SIGN” means a free standing sign erected on but not permanently anchored to the ground and includes, but is not limited to, signs commonly referred to as A-Frame Sign, T-Frame Sign, Advertising Flag Sign or Sandwich Board but shall not include a Banner Sign, Inflatable Sign or Mobile Sign.

“PREMISES” means land or a part of land under registered ownership and includes all buildings and structures thereon;

“PROJECTING SIGN” means a *sign* attached to a building or structure, which projects horizontally from the building/structure;

“PROPERTY” means a lot and includes all buildings, and structures thereon;

“REAL ESTATE SIGN” means a temporary non-*illuminated sign* installed, erected or displayed for the notification that a *premises* or portion thereof is available for or offered for sale, rent or lease;

“RESIDENTIAL” means a *Residential zone* as defined in the *Zoning By-law*;

“SHOPPING CENTRE” means a group of *commercial* establishments, whether or not under one ownership, having a common *parking area* or *parking lot*;

“SIGHT TRIANGLE” means in the case of a corner lot, the triangular space formed by the *street lines* and a line drawn from a point in one

street line to a point in the other *street line*, measured along the *street* from the point of intersection of the *street lines*;

“SIGN” means any surface, structure and other component parts, which are used or capable of being used as a visual medium to attract attention to a specific subject matter for identification, information or advertising purposes and includes an *advertising device*;

“SIGN AREA” means the entire area of all *sign faces* on one *sign structure*.

“SIGN COPY” means any colour, graphic, logo, symbol, word, numeral, text, image, message, picture or combination thereof displayed on a single *sign face* and includes *Electronic Changeable Copy* and *Mechanical Copy*;

“SIGN FACE” means that portion of a *sign*, excluding the *sign structure*, upon which, as part of, against or through which the message of the *sign* is displayed. The *sign face* is an area composed of individually installed letters, numerals, or shapes, the *sign face* shall mean the area enclosing the letters, numerals, or shapes;

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

“SIGN PERMIT” means a written permission to locate, erect or display a *sign* or *signs* issued by the *Director* pursuant to the provisions of this By-law;

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

“STREET” means any highway;

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

“TEMPORARY SIGN” means a *sign* comprised of a plastic (poly bag) *sign sleeve* or a coroplast *sign face* and which is temporarily anchored into the ground;

“TOWN” means the Corporation of the *Town* of Newmarket;

“URBAN CENTRE ZONE” means an *Urban Centre Zone* as defined in the *Zoning By-law*;

“VARIANCE REVIEW COMMITTEE” means the Sign and Variance By-law Committee;

“WINDOW SIGN” means a *sign* located on the interior of a *premises* and which is located, erected or displayed in the interior of a window, window section or window pane and is intended to be seen from outside a *premises*;

“ZONE” means the area of a defined land use in the *Town Zoning By-law* passed under the *Planning Act*, as amended, from time to time;

“ZONING BY-LAW” means the *Zoning By-law* of the *Town* passed under the *Planning Act*, as amended, from time to time.

2.0 ADMINISTRATION:

2.1 Interpretation:

- a) A word interpreted in the singular number has a corresponding meaning when used in the plural.
- b) The imperial measurements found in this By-law in brackets are provided for information only and are intended to be an approximate conversion of the metric measurements. The metric or Standard International measurements shall be deemed to be the standards established by this By-law and, wherever there is a variance between the metric or SI measurements and the imperial measurements, the metric or SI measurements shall apply.

2.2 This By-law shall be administered by the *Director* of the *Town*.

2.3 The *Building Code* shall be administered by the *Chief Building Official* as appointed by Council.

2.4 Where any *sign* proposed to be erected may be considered as more than one form of *sign* permitted by this By-law or as a combination of forms of *signs* permitted by this By-law, such *sign* shall conform to the most restrictive provisions of this By-law.

2.5 This By-law does not apply to a *sign* that was lawfully erected and displayed on the day this By-law comes into force if the *sign* is not substantially altered and the maintenance and repair of the advertising device or a change in the message or contents displayed is deemed not in itself to constitute a substantial alteration.

2.6 The maximum height of a *sign* shall be ascertained by measuring the distance from the level of the ground immediately below such *sign* to the highest point thereof, provided that in the event the level of the *street* or sidewalk adjacent to such *sign* as erected is higher than the level of the ground upon which the *sign* is erected, the height shall be measured from the level of such *street* or sidewalk.

Responsibility for compliance with this By-law:

2.7 Neither the granting of a *sign permit* nor the approval of the plans, drawings, and specifications nor inspections made by the *Town* shall in any way relieve the *Sign Owner* or any other *person* from full responsibility for carrying out work or having the work carried out in complete accordance with the requirements of this By-law or any other By-law applicable to the *sign*.

2.8 The *Sign Owner* is solely responsible for and pays for any damage to persons or *property*, caused by a *sign*.

3.0 GENERAL PROVISIONS:

3.1 No *person* shall erect, install, post, display or maintain any *signs* on a *premises* within the *Town* except such *signs* as are permitted by this By-law.

3.2 Unless otherwise expressly provided in this By-law, no *person* engaged in a *business* shall erect, install, post, display or maintain or cause to be erected, installed, posted, displayed or maintained any *sign* on any

premises except on the *premises* upon which such *business* is located and provided the written consent of the registered *Owner* of the property is obtained.

- 3.3 No *sign* shall be erected in a parking space required under the *Town's Zoning By-law*.
- 3.4 No *sign* shall obstruct the view of any pedestrian or motor vehicle driver, visibility of warning devices, railway, traffic and municipal *street signs* or cause an unreasonable distraction, so as to cause an *unsafe* condition in the opinion of an *Inspector* under this By-law.
- 3.5 A *sign* shall display only non-electronic static copy unless otherwise permitted in accordance with **Section 25.0** of this By-law.
- 3.6 No *sign* shall be supported entirely or partly by the roof of a building or structure, other than a *sign structure*, or shall project above the roof of a building or structure.
- 3.7 Flashing, *animated* or noise emitting *signs* of any size are strictly prohibited.
- 3.8 A sign attached or displayed on a vehicle or trailer which is parked or located for the primary purpose of displaying said sign or advertisement shall be strictly prohibited.

4.0 REQUIREMENT FOR SIGN PERMIT:

- 4.1 No *person* shall erect, install, post, display or alter any *sign* on a *premises* within the *Town* for which a *sign permit* is required and has not been obtained.
- 4.2 No person shall deviate from an approved plan, drawing, or specification for which a *sign permit* or building permit has been obtained, without the prior written permission of the *Director* or the *Chief Building Official* respectively and such permission may be conditional on a new *sign permit* or building permit being applied for and obtained.

5.0 SIGNS NOT REQUIRING A SIGN PERMIT:

- 5.1 Notwithstanding **Section 4.1**, a *sign permit* is not required for the following *signs*, but such *signs* shall comply with all other requirements of this By-law:

Sign type / Description	Applicable Zones	Provisions
Official <i>Signs</i> / Public Safety <i>Signs</i>	All <i>Zones</i>	Pursuant to Section 28.0
Incidental Sign	All <i>Zones</i> except <i>Residential</i>	Maximum height of 0.9 metres (2.95 ft) and shall be permitted to display the name or logo of a use on the lot. Shall be located on Private Property
Trespassing, safety or other warning <i>sign</i>	All <i>Zones</i> except <i>Residential</i>	Not exceeding 0.5m ² (5.38 sq. ft.) in <i>sign</i> area. Illumination not permitted
	<i>Residential Zone</i>	Not exceeding 0.2m ² (2.15 sq. ft.) Illumination not permitted

Address Sign	All Zones	Not exceeding 0.2 m ² (2.15 sq. ft.) in sign area Shall be located on private property
Flag of corporations, educational, religious, or charitable organizations	All Zones	Not more than three (3) flags per premises. Each flag shall not exceed 7.62m (25.0 ft.) in height and shall have a maximum area of 2.7m ² (29.0 sq. ft.)
Emblems or insignia of patriotic, civic, educational, religious or charitable organizations.		Emblems or insignia shall not exceed 7.62m (25.0 ft.) in height and shall have a maximum area of 2.7m ² (29.0 ft ²)
Home Occupation Sign	Residential Zone	Maximum sign area of 0.2 m ² (2.15 sq. ft.) One sign may be erected where the use of the property for any Home based business complies with the Zoning By-law. Such sign shall be erected or displayed in the form of a Fascia Sign, Projecting Sign, Window Sign or Ground Sign. Illumination not permitted.
Real Estate Sign located, erected or displayed for the notification that a premises or part thereof is available for or offered for sale, rent or lease.	All Zones	Maximum sign area of 1.0m ² (10.7 sq. ft.) in a Residential zone. For all other zones a maximum area of 4.0m ² (43 sq. ft.) One (1) sign per street line of the property on which the sign is erected.
Garage Sale Sign	All Zones	Must be removed 72 hours after posting Shall not be located on the center median of a roadway.
Open House Sign	All Zones	Must be removed 72 hours after posting Shall not be located on the center median of a roadway.
Residential Contractor Advertising Sign	All Zones	Must be erected no more than seven (7) days prior to the commencement of the project and removed from the property immediately after the project is completed. Shall be located on private property.
Entrance Gate Sign- located at the entrance to a subdivision/apartment or condominium complex	Residential Zone and Urban Centre Zone	One (1) sign per frontage Maximum sign area 2.32m ² (25.0 sq. ft.) Minimum ground clearance 0.91m (3.0 ft.) Maximum height 7.5m (24.6 ft.)
Menu Board Sign	Urban Centre Zone and Commercial Zone	Maximum Sign Area 4m ² (43.06 sq. ft.)
Public transit or any street furniture/fixture advertising	All Zones	As approved by the Town or Region
Window Sign	All Zones	Shall be non-flashing

- 5.2 Where a *sign* not requiring a *sign permit* has been erected, installed, posted, displayed, maintained or otherwise displayed in contravention of any provision of this By-law, **Subsection 31.2** shall apply.

6.0 SIGN PERMIT APPLICATIONS:

- 6.1 No *person* shall erect, display or *alter*, or cause or permit to be erected, displayed or altered, a *sign* within the *Town*, unless otherwise exempted, without first obtaining a *sign permit* from the *Director* pursuant to this By-law. All *signs* shall comply with all other applicable *Town* by-laws and all other applicable law.

- 6.2 Every *applicant* for a *sign permit* shall complete a *sign permit* application form as prescribed by the *Town*, submit all necessary plans, drawings, and specifications and pay all applicable fees as set out in the *Fees and Charges By-law*.

- 6.3 *Sign Permit* Information

All plans, drawings, and specifications accompanying a *sign permit* application form shall be provided in duplicate and shall meet the requirements as set out in the prescribed form.

- 6.4 No *sign permit* shall be issued until approvals have been obtained, where applicable, from the following:

- a) The Lake Simcoe Region Conservation Authority, pursuant to the Conservation Authorities Act, R.S.O. 1990, c. C.27;
- b) The Chief Building Official pursuant to the *Building Code Act, 1992*;
- c) The Regional Municipality of York, pursuant to any other applicable regional by-laws;
- d) Newmarket Hydro; and
- e) Any other applicable governmental authority.

- 6.5 No *sign permit* shall be issued by the *Director* unless the application meets all the requirements of this By-law and any other applicable laws or unless a variance has been granted pursuant to **Section 33.0**.

- 6.6 No more than four (4) *sign permits* per *sign* type shall be issued to a single *business* on the *premises* on which the *sign* is to be displayed, in a calendar year.

- 6.7 No *applicant* shall submit false or misleading information or documents or make omissions that may mislead in connection with any application for a *sign permit*, detail of construction or revision thereto.

- 6.8 The *applicant* shall be responsible to comply with this By-law and the approved plans, drawings and specifications and to ensure that each set of plans, drawings, and specifications approved by the *Town* is identical in every respect. Failure to do so shall not relieve the *applicant* of the responsibility for complying with every requirement of the By-law, should any discrepancies between the plans, drawings, or specifications and the erected sign become apparent to the *Town*.

- 6.9 Revisions may be made to the application or approved documents provided they do not require significant additional work by the *Town*. An administration fee as set out in the *Fees and Charges By-law* will be charged for all revisions.

- 6.10 An application for a *sign permit* shall be deemed to have been abandoned six (6) months after the date of filing, unless such application has been diligently pursued or a *sign permit* has been issued.

7.0 EXPIRATION OF PERMIT:

- 7.1 Every *sign permit* issued by the *Town* for the erection, display or alteration of a *sign* expires and is null and void where the *business*, product, activity or service to which the *sign* relates ceases to operate or is no longer available at the *premises* where the *sign* is located.

- 7.2 Notwithstanding **Subsection 7.1**, the following expiration periods apply:

- a) *Sign permits* for *Inflatable Signs*, and *Mobile Signs* shall expire twenty-one (21) days from the date of issuance;
- b) *Sign permits* for *Portable Signs* shall expire one (1) calendar year from the date of issuance;
- c) *Sign permits* for *Billboard Signs* shall expire five (5) years from the date of issuance.

- 7.3 Where a *sign permit* has expired, the *sign owner* shall immediately remove the sign from the *premises*.

8.0 TRANSFER OF PERMIT:

- 8.1 A *sign permit* is non-transferrable from one business location to another.

9.0 REVOCATION OF PERMIT:

- 9.1 A *sign permit* may be revoked by the *Town* where:

- a) the *sign* does not conform to this By-law and amendments thereto;
- b) the *sign* does not conform to any regulation, law or requirements of any governmental authority having jurisdiction over the area where the sign is situated;
- c) the *sign permit* has been issued as the result of false, mistaken, incorrect, or misleading statements, or undertakings in the application;
- d) the erection, display or alteration of the sign authorized by the *sign permit* has not, in the opinion of the *Director*, been seriously commenced within six months of the date of issuance of the sign permit;
- e) an order has been issued and the *sign* has not been brought into compliance with the by-law within forty-eight (48) hours, or;
- f) any fees applicable to the *sign* under the *Fees and Charges By-law* have not been paid;
- g) the *sign permit* was issued on the basis of a variance issued under **Section 33.0** with conditions and there has not been compliance with a condition imposed, or a condition has been breached; or
- h) where the *sign permit* has been issued in error by the *Town*.

10.0 MAINTENANCE:

- 10.1 The *sign owner* shall maintain, or ensure that such *sign* is maintained in a proper state of repair so that such *sign*:

- a) is fully operative at all times;
- b) in compliance with any approved plans, drawings, and specifications; and
- c) does not become unsightly, unsafe or damaged.

- 10.2 Maintenance or repairs using material identical to the *materials* of the component being maintained or repaired for the continuance of the *business* does not constitute an alteration so as to require a *sign permit* to be issued.

11.0 LOCATION:

- 11.1 No *sign* shall be erected, placed, or permitted to stand on or overhang public property, including sidewalks or boulevards, except as hereinafter expressly provided for *Hoarding Signs*, *Projecting Signs* and *Real Estate Signs*.
- 11.2 Notwithstanding any of the provisions of this By-law, no *person* shall post any *sign* on any tree, post, pole or fence, or erect any *sign* on any property owned by or under the jurisdiction of the *Town*, without the prior written consent of the *Town*.
- 11.3 No *sign* other than a *Fascia Sign* shall:
- a) be permitted within 10.67 metres (35.0 feet) of a traffic light;
 - b) be erected upon or supported by a parapet; or,
 - c) be erected upon or supported by a firewall or its parapet.
- 11.4 No *sign* shall be located upon any building as to obstruct any window, door, roof access hatch, skylight or fire escape so as to prevent the free access of firefighters to any part of the building at any time.

12.0 STRENGTH OF BUILDINGS:

No *sign* shall be erected on any building unless such building has been designed by a Professional Engineer to carry the additional dead and wind loads due to the erection of such *sign*.

13.0 SIGN MATERIALS:

- 13.1 Every *sign* attached to the exterior wall of a building shall be safely and securely anchored thereto by means of approved metal anchors, bolts, chains, wire ropes, or steel rods. No wooden blocks or anchorage with wood used in connection with screws or nails shall be considered proper anchorage except in the case of *signs* attached to buildings with walls of wood. Staples, nails or holdfasts driven into masonry walls shall not be considered proper support or anchorage for *signs*. No *sign* shall be supported in any manner by an unbraced parapet wall, except as provided for in **Subsection 11.3 b)** of this By-law.
- 13.2 Notwithstanding **Subsections 13.3, 13.4 and 13.5**, all *Ground Signs*, *Fascia Signs* and *Projecting Signs* and the *sign structure* shall be constructed entirely of metal or other non-combustible *materials*.
- 13.3 Notwithstanding **Subsection 13.2** thereof, *Ground Signs* constructed wholly or partly of combustible *materials* may be erected in the *Downtown Urban Centre Zone* and *Historic Downtown Urban Centre Zone* provided that such *signs* shall not exceed a height of 3.66 metres (12.0 feet), measured from the level of the ground immediately below such *sign* to the highest point thereof.
- 13.4 Notwithstanding **Subsection 13.2** thereof, *Fascia Signs* constructed wholly or partly of combustible *materials* may be erected in the *Downtown Urban Centre Zone* and *Historic Downtown Urban Centre Zone* provided that such *signs* are not located within 0.61 metres (2.0 feet) of any window

above the first storey or within 0.91 metres (3.0 feet) of any fire escape or exit.

- 13.5 Notwithstanding **Subsection 13.2** thereof, *Projecting Signs* constructed wholly or partly of combustible *materials* may be erected in the *Downtown Urban Centre Zone* and *Historic Downtown Urban Centre Zone*.
- 13.6 Notwithstanding any other provisions of this By-law, approved plastics may be used as facing *material* and as letters and decorations on *signs* subject to the following limitations and regulations:
- a) All parts of the sign other than the letters and decorations shall be made from non-combustible materials, the area of the display surface or facing which may be occupied or covered by letters and decorations may be made from or faced with approved plastics.
 - b) If plastics are employed in any part of a sign the finished plastic unit shall be identified either with the material manufacturer's trade name, or with the common name of the plastic material.

14.0 ILLUMINATION:

- 14.1 *Illuminated Signs* shall be designed, erected and operated so that the light from such *signs* does not project onto any adjacent premises.
- 14.2 Electric illumination shall be installed in accordance with the requirements of Newmarket Hydro.
- 14.3 External lighting shall be limited to the following:
- a) open hooded spotlights, which are a traditional form of lighting;
 - b) lighting recessed in an architectural feature adjacent to the sign;
 - c) lights concealed behind relief lettering that illuminates individual letters in silhouettes against the background panel; or
 - d) spot lighting positioned below the sign and shining upward.

In all cases lamps shall be designed to be visually unobtrusive, which determination shall be made by the Director.

15.0 SIGN AND ZONE SPECIFIC REGULATIONS:

In addition to the requirements to obtain a *sign permit* under **Section 6.0**, *signs* shall comply with the applicable *sign type* restrictions under **Sections 16.0** through to **29.0** inclusive.

16.0 **GROUND SIGNS:**

	Required Zoning	# of Signs	Frontage	Maximum Sign Area	Maximum Height	Minimum Ground Clearance	Illumination
Class A <i>^{1, 2}</i>	Commercial Employment Urban Centre*	1	Less than 243.84m (800 ft.)	27.87m ² (300 sq. ft.)	7.5m (24.6 ft.)	0.91m (3.0 ft.)	Permitted in accordance with Subsections 14.1 and 14.2 Electronic Changeable Copy permitted in accordance with Section 25.0
		2	243.84m (800 ft.) or more	46.45m ² (500 sq. ft.)	10.67m (35.0 ft)		
Class B <i>^{1, 2, 3}</i>	Downtown Urban Centre	1		2.32m ² (25.0 sq. ft.)	7.5m (24.6 ft.)	0.91m (3.0 ft.)	
	Historic Downtown Urban Centre						
Class C <i>^{1, 2}</i>	Institutional	1		2.32m ² (25.0 sq. ft.)	7.5m (24.6 ft.)	0.91m (3.0 ft.)	
Class D <i>^{1, 2}</i>	Open Space	1		13.94m ² (150 sq. ft.)			Not Permitted
	Golf Course						
Menu Board Sign	Commercial Urban Centre	1 Menu Board		4.0m ² (43 sq. ft.)	2.5 m (6.5 ft)		Permitted in accordance with Subsections 14.1 and 14.2
		1 Pre-Menu Board		2.0m ² (21.5 sq. ft.)	2.5 m (6.5 ft)		
Billboard Sign <i>^{d, 1, 4}</i>	Commercial Employment	1	Less than 300.0m (984.0ft)	18.58m ² (200 sq. ft.)	7.5m (24.6 ft.)	3.05m (10.0 ft.)	Electronic Changeable Copy permitted in accordance with Section 25.0
	Urban Centre*	2	300.0m (984.0ft) or more	Per Sign Face			
¹ Ground Signs, Billboard Signs and their structural members shall be constructed entirely of metal or other non-combustible materials.							
² Ground Signs shall not be located within 0.6m (2.0ft) of a property line.							
³ Ground Signs which are located in the Downtown Urban Centre and Historic Downtown Urban Centre Zones may be constructed in whole or in part of combustible materials, provided that such signs do not exceed a height of 3.66 metres (12.0 feet), measured from the level of the ground, immediately below such sign, to the highest point thereof.							
⁴ Subject to separation distances set out in Subsections 16.1 and 16.2							
* Excluding Downtown Urban Centre Zone or Historic Downtown Urban Centre Zone							

Billboard Signs

16.1 No person shall erect, locate or display a *Billboard Sign*:

- a) on the same *property* as a *Mobile Sign*;
- b) within a radius of 300.0 metres (984ft) of any other *Billboard Sign* or 15.0 metres (49.2ft) of any *Ground Sign*;
- c) on *property* other than *property* within an *Urban Centre Zone*, *Commercial Zone* or *Employment Zone*;
- d) on any *property* on which another *Billboard Sign* has been erected or for which a *sign permit* has been issued for a *Billboard Sign* under this by-law, except where the *property* has a *frontage* greater than 300.0 metres (984ft); or

- e) within 200 metres (656ft) of any of the following:
 - i) any *property* within a *Residential Zone* or legally used for residential purposes; or
 - ii) any *property* which is used for a school or park, or any property which is designated under Part IV or Part V of the *Ontario Heritage Act*.

16.2 No *Billboard Sign* shall be located any closer to the edge of the road allowance than the following:

- a) 4.0m (13.1ft) from the edge of the road allowance; or
- b) 1.5m (4.9ft) from any property line.

16.3 *Billboard Signs* displaying *Electronic Changeable Copy* or *Mechanical Copy* shall be subject to the applicable provisions contained in **Section 25.0**.

16.4 A *Billboard Sign* shall not contain or use more than two visible faces for advertising purposes.

16.5 A *Billboard Sign* may be illuminated but shall not be otherwise electrically animated, have any moving parts or animated message changes.

16.6 Notwithstanding **Subsection 3.2**, a *Billboard Sign* may contain third party content subject to the appropriate *sign permit* being obtained.

17.0 **FASCIA SIGNS:**

	Required Zoning		Maximum Sign Area	Maximum Height	Minimum Ground Clearance	Illumination
Class A 1, 2 ***	Commercial	All	23.22m ² (250.0 sq. ft.)		2.44m (8.0ft.) above adjoining grade	Permitted in accordance with Subsections 14.1 and 14.2 Electronic Changeable Copy permitted in accordance with Section 25.0
	Employment Urban Centre*	Corner Building	27.87 m ² (300.0 sq. ft.)			
Class B 1, 3 ***	Downtown Urban Centre*	All	23.22m ² (250.0 sq. ft.)		2.44m (8.0ft.) above adjoining grade	Permitted in accordance with Subsections 14.1 and 14.2
	Historic Downtown Urban Centre*	Corner Building	27.87 m ² (300.0 sq. ft.)			
Class C 1, 2 ***	Institutional and all other zones **		2.32 m ² (25.0 sq. ft.)		2.44m (8.0ft.) above adjoining grade	Permitted in accordance with Subsections 14.1 and 14.2
¹ Fascia Signs shall not be erected to extend above the top of the wall nor extend beyond the ends of the wall to which they are attached.						
² No portion of a <i>Fascia sign</i> shall project more than 20.32 cm (8.0 inches) from the face of the wall for signs located over private property.						
³ Fascia signs placed on the wall of a building within the <i>Historic Downtown Urban Centre Zone</i> shall be permitted to encroach to a maximum of 0.61 metres (2.0 feet) beyond the main walls of a building.						
* Excluding <i>Downtown Urban Centre Zone</i> or <i>Historic Downtown Urban Centre Zone</i>						
** excluding <i>residential zones</i>						
*** <i>Mural signs must form part of the overall area of the Mural</i>						

18.0 **PROJECTING SIGNS:**

	Required Zoning	# of Signs	Maximum Sign Area	Maximum Height	Minimum Ground Clearance	Illumination
Class A ¹	Commercial Employment Urban Centre*	1 per business	23.23 m ² (250.0 sq. ft.)		2.44m (8.0ft.) above adjoining grade	Electronic Changeable Copy permitted in accordance with Section 25.0
Class B ^{1,2}	Downtown Urban Centre Historic Downtown Urban Centre	1 per business	23.23 m ² (250.0 sq. ft.)		2.44m (8.0ft.) above adjoining grade	
Awning Signs shall be deemed to be Projecting Signs and shall be subject to the above provisions.						
¹ Projecting Signs shall not project above the roof level in Shopping Centres						
² Projecting signs placed on the wall of a building within the Historic Downtown Urban Centre Zone shall be permitted to encroach to a maximum of 0.61 metres (2.0 feet) beyond the main walls of a building						
* Excluding Downtown Urban Centre Zone or Historic Downtown Urban Centre Zone						

19.0 **MOBILE SIGNS AND PORTABLE SIGNS**

19.1 Every Mobile Sign and Portable Sign erected or installed pursuant to this By-law shall:

- a) not be located closer than 4.57 metres (15.0 feet) from the intersection of a driveway with a street line or the intersection of two street lines or 0.91 metres (3.0 feet) from any municipal sidewalk, provided that where the lot abuts a regional road or provincial highway, the sign shall be set back such distance from such road or highway as determined by the appropriate road authority provided such distance is not less than 4.57 metres (15.0 feet);
- b) not be located closer than 4.57 metres (15.0 feet) from the limits of a driveway entrance as delineated by pavement markings, driveway islands or driveway curbs or any combination thereof;
- c) not occupy a parking space within a parking lot or parking area; and,
- d) only advertise the business to which the sign permit was issued.

	Required Zoning	Maximum # of Signs	Maximum Sign Area	Maximum Dimensions	Illumination	Permit Length
Mobile Signs 1,2,3,4,5,6	<i>Commercial</i> <i>Employment</i> <i>Urban Centre*</i>	Total <i>Portable Sign</i> , and <i>Mobile Sign</i> combined restriction by <i>frontage</i> (Per <i>premises</i>): Frontage #	4.46 m ² (48.0 sq. ft.)	Including supporting structure 2.44m (8.0 ft.)	Not permitted	21 days
Portable Signs ^{5,6,7,8,9,10} Class A	<i>Commercial</i> <i>Employment</i> <i>Urban Centre*</i>	0.3-60.96m 6 (1.0- 200.0 ft.) .6126-152.4 m 9 (201.0 - 500.0 ft.) 152.7-304.8 m 12 (501.0 - 1000.0 ft.) 304.8 m + 15 (1001.0 ft. +)	1.86m ² (20.0 sq. ft.)	1.52m (5.0 ft.) in height (4.0ft.) in width	Not permitted	One (1) Calendar Year
Class B	<i>Downtown Urban Centre</i> <i>Historic Downtown Urban Centre</i>	One (1) per business	0.56 m ² (6 sq. ft.)	0.91 m (3 ft.)	Not permitted	One (1) Calendar Year
¹ <i>Mobile Signs</i> shall display the name and telephone number of the <i>Sign Owner</i> in a visible location on the <i>sign</i> .						
² <i>Mobile Signs</i> shall only advertise the business to which the <i>Sign Permit</i> was issued.						
³ <i>Mobile Signs</i> shall be comprised of a black background, within a black frame and all letters or other writings or markings shall be white.						
⁴ <i>Mobile Signs</i> shall not be located on the same property as a <i>Billboard Sign</i>						
⁵ <i>Sign permits</i> for <i>Mobile Signs</i> and <i>Portable Signs</i> shall be subject to the conditions under Subsection 7.2						
⁶ Within the <i>frontage</i> limits provided above, each <i>business</i> shall be restricted to the use of one (1) <i>Portable Sign</i> or one (1) <i>Mobile Sign</i> per <i>business premises</i> on which the <i>business</i> is located at any one time.						
⁷ <i>Portable Signs</i> shall not be placed earlier than one (1) hour before the posted hour for the opening of the <i>business</i> to which it is related and shall be removed within one (1) hour after the posted hour of the closing of the <i>business</i> to which it is related each day. Excluding Advertising Flag Signs.						
⁸ A <i>Portable Sign</i> located in the <i>Historic Downtown Urban Centre Zone</i> or <i>Downtown Urban Centre Zone</i> may be placed on the municipal sidewalk in front of the <i>business</i> and can be permitted to encroach a maximum of 0.61 meters (2.0 feet) from the main wall of the <i>building</i> facing the <i>street</i> .						
⁹ Advertising Flag Signs shall not be used in the <i>Historic Downtown Urban Centre Zone</i> or <i>Downtown Urban Centre Zone</i>						
¹⁰ Advertising Flag Signs shall not exceed 3.36 meters (11.0 feet) in height						
* Excluding <i>Downtown Urban Centre Zone</i> or <i>Historic Downtown Urban Centre Zone</i>						

20.0 BANNERS:

	Required Zoning	# of Signs	Maximum Sign Area	Maximum Height	Location	Illumination
Banners	<i>Commercial</i> <i>Employment</i> <i>Urban Centre*</i>	1 per <i>business</i>	6.0 m ² (64.58 sq. ft.)	1.0m (3.28ft)	<i>Banners</i> shall only be displayed on the first storey of a building.	Not permitted
The <i>banner</i> shall only refer to the <i>business</i> to which the <i>sign permit</i> was issued.						
<i>Banners</i> shall be permitted for display once a year per <i>business</i> to advertise a grand opening or promotional event, for a period of thirty (30) days.						
<i>Banners</i> shall not be erected or displayed to obstruct or interfere with the free use of any fire escape, exit or standpipe.						
* Excluding <i>Downtown Urban Centre Zone</i> or <i>Historic Downtown Urban Centre Zone</i>						

21.0 **SIGNS INCIDENTAL TO CONSTRUCTION:**

Construction Information Signs

21.1 A *Construction Information Sign* shall be removed when one hundred percent (100%) of the units being advertised have been sold.

Hoarding Signs

21.2 Prior to a *sign permit* being issued for a *Hoarding Sign*, the *applicant* shall provide a certificate confirming to the *Town* that a minimum of \$5,000,000.00 of valid comprehensive general liability insurance is in effect and that the *Town* is named as an additional insured.

	Required Zoning	Maximum Number	Maximum Sign Area	Maximum Height	Location
Construction Information Signs^{1,2,3} Class A	Commercial		27.87m ² (300 sq. ft.)		Minimum separation distance between <i>Construction Information Signs</i> 100.0m (328.08ft)
	Employment				
Class B^{1,2,3}	Institutional		10.0m ² (107.64 sq. ft.)		
	Urban Centre*				
Hoarding Signs^{4,5,6,7}	Downtown Urban Centre			Combined height of hoarding and signage 3.08m (10.0ft)	
	Historic Downtown Urban Centre				
	All zones				
¹ A <i>Construction Information Sign</i> shall not be erected until the development being advertised has been draft approved by Town planning staff.					
² A <i>Construction Information Sign</i> shall be located within the development that it advertises.					
³ Any person may erect one non-illuminated <i>Construction Information Sign</i> , for a period not exceeding three (3) months or until the permanent <i>Ground Sign</i> is erected, whichever shall first occur.					
⁴ <i>Hoarding Signs</i> shall only be permitted where the <i>Owner</i> has entered into an agreement with the <i>Town</i> which authorizes the hoarding and where the <i>Owner</i> has obtained a <i>sign permit</i>					
⁵ A maximum of sixty percent (60%) of the hoarding area shall be permitted to display signage and advertising materials.					
⁶ <i>Hoarding Signs</i> shall only be composed of signage and advertising material specific to the development of the site and not the <i>Owner's</i> or <i>Developer's business</i> in general					
⁷ <i>Hoarding Signs</i> shall not incorporate any <i>Electronic Changeable Copy</i> or <i>Mechanical Copy</i> .					
* Excluding <i>Downtown Urban Centre Zone</i> or <i>Historic Downtown Urban Centre Zone</i>					

22.0 **NEW HOME DEVELOPMENT SIGNS:**

22.1 No person shall place or locate a *New Home Development Sign*:

- a) within a sight triangle, on a median or any other location on a street that obstructs a sight line or otherwise interferes with street maintenance, or impedes the movement of pedestrian or vehicular traffic, or otherwise creates a hazard;
- b) closer than 10.0 metres (32.8 feet) to a transit stop;
- c) closer than 5.0 metres (16.4 feet) to a driveway intersection with a street line; or
- d) within 1.0 metre (3.2 feet) of any municipal sidewalk.

- 22.2 No *person* shall place or locate a *New Home Development Sign* on a *street* before 7:00 p.m. on a Friday and all such *signs* shall be removed no later than 6:00 a.m. of the immediately following Monday, provided that where a Friday or Monday is a statutory holiday, the hours shall be extended only to the extent necessary to include the statutory holiday.
- 22.3 Prior to a *sign permit* being issued for a *New Home Development Sign*, the *applicant* shall provide a certificate confirming to the *Town* that a minimum of \$5,000,000.00 of valid comprehensive general liability insurance is in effect and that the *Town* is named as an additional insured.
- 22.4 Where a *Builder* has erected a sales office or a model home(s) within a *new home development*, such *builder* may place one *New Home Development Sign* or one (1) *Ground Sign*, not exceeding 1.12 m² (12.0 sq. ft.), on each *residential* lot or proposed *residential* lot intended for private ownership, upon which such model home or sales office is located. For greater certainty, no such *New Home Development Sign* or *Ground Sign* may be located on any lands which are to be conveyed to the *Town* or which may form part of a municipal road allowance.

		Maximum Number	Maximum Sign Area	Maximum Height	Location
New Home Development Sign		Each <i>builder</i> limited to ten (10) <i>New Home Development Signs</i> per project	No more than two (2) <i>sign faces</i> each <i>sign face</i> with a maximum area of 1.86m ² (20.0 sq. ft.)	1.52m (5.0 ft.)	May be placed on a <i>street</i> subject to the requirements of Section 22.0
Development Sign ¹		One (1)	10.0m ² (107.64 sq. ft.)	7.62m (25.0 ft.)	Shall be located within the development that the <i>sign</i> advertises
Ground Sign or New Home Development Sign	Model Home/Sales Centre	One (1) per residential lot or proposed residential lot intended for private ownership, upon which a model home/sales office is located.	1.12m ² (12 sq. ft.)		
New Home Development Signs shall be limited to two (2) corners of a <i>street</i> intersection and a maximum of five (5) in total for each corner of the two (2) corners of the <i>street</i> intersection.					
Each <i>builder</i> shall be limited to two (2) <i>signs</i> in total for each <i>street</i> intersection					
¹ <i>Development Signs</i> shall be removed when one hundred percent (100%) of the units bring advertised have been sold					
² No such <i>New Home Development Sign</i> or <i>Ground Sign</i> may be located on any lands which are to be conveyed to the <i>Town</i> or which may form part of a municipal road allowance.					

23.0 INFLATABLE SIGNS:

- 23.1 No *person* shall place or locate an *Inflatable Sign*:
- a) within 3.0 m (9.8 ft.) of any property line;
 - b) within 3.0 m (9.8 ft.) of any driveway entrance and exit;
 - c) within 10.0 m (32.8 ft.) of any *Ground Sign* or *Mobile Sign* on the same property or abutting property;
 - d) within 92.0 m (301.0 ft.) of a residential property, measured in a straight line; or
 - e) within 50.0 m (164.0 ft) of a traffic light standard.
- 23.2 *Inflatable Signs* shall not be erected or displayed on a roof.
- 23.3 One *Inflatable Sign* shall be permitted for each property at any one time.
- 23.4 Before being issued a *sign permit* for an *Inflatable Sign*, the applicant shall provide confirmation to the *Town* that a minimum of \$2,000,000.00 of valid comprehensive general insurance is in effect and proof of insurance showing the *Town* has been named as an additional insured.
- 23.5 All *Inflatable Signs* shall be properly secured to the satisfaction of the *Town*.
- 23.6 Power cords and/or supporting devices for *Inflatable Signs* shall not be placed on or over *parking areas*, *parking lots* or pedestrian areas.

	Required Zoning	Maximum Number	Maximum Sign Area	Dimensions	Minimum Frontage	Permit Length
Inflatable Signs	Commercial Employment Institutional Urban Centre	One (1) sign per premises	42.0 m ² (451.85 sq. ft.)	Maximum Height: 7.0 m (22.96 ft.) Maximum Width: 6.0m (19.68 ft.)	15.0m (49.0 ft.)	21 days

Inflatable Signs shall only advertise the business to which the *Sign Permit* was issued.

24.0 TEMPORARY SIGNS:

- 24.1 *Temporary Signs* erected or displayed pursuant to this By-law shall:
- a) have a maximum sign face area of 0.37 square meters (4 sq. ft.) per sign face, if used as a *Non-profit sign*; and,
 - b) only be permitted for use as a *Non-Profit Signs* and *Election Signs* as set out in **Section 26.0** and **Section 27.0** respectively.

25.0 ELECTRONIC CHANGEABLE COPY AND MECHANICAL COPY:

- 25.1 *Electronic Changeable Copy* and *Mechanical Copy* may be incorporated as a component into any *Ground Sign* up to a maximum of 60% of the *sign area*, 100% of the *sign area* of a *Billboard Sign* and 100% of the *sign area* of a *Fascia Sign* or *Projecting Sign* in a *Commercial*, *Employment* or *Urban Centre Zone* provided a *sign permit* is received from the *Director* and the *sign* meets the *sign* specific requirements under this By-law.
- 25.2 For the purposes of this section, *Urban Centre Zone* shall not include the Historic Downtown *Urban Centre Zone* or the Downtown *Urban Centre Zone*.

25.3 Where a *sign* is permitted to display *Electronic Changeable Copy* or *Mechanical Copy*:

- a) the sign must comply with **Section 25.0** of this By-law;
- b) the sign must be located a minimum of 30.48 metres (100.0 feet) away from a residential zone;
- c) the transition effects shall ensure a near instantaneous change between messages and shall not include effects that have the appearance of moving text or images;
- d) the sign must not be within 15.24 metres (50.0 feet) of another sign displaying *Electronic Changeable Copy* or *Mechanical Copy*;
- e) the sign shall not be located within 22.86 metres (75.0 feet) of a street intersection or traffic light;
- f) the sign shall be erected in a manner so as not to be visible from a contiguous residential zone; and
- g) the brightness level must be lowered in accordance with ambient light conditions between the hours of 12:00 a.m. and 5:00 a.m.

25.4 *Signs* displaying *Electronic Changeable Copy* shall have a maximum transition time of one (1) second between static image displays and the changing of the *sign copy* shall not occur at intervals of less than six (6) seconds.

25.5 Where *signs* display scrolling *Electronic Changeable Copy* or *Mechanical Copy*, the *sign copy* shall not revolve at a rate faster than eight (8) revolutions per minute.

25.6 All *signs* displaying *Electronic Changeable Copy* shall come equipped with automatic dimming technology which automatically adjusts the *sign's* brightness in direct correlation with ambient light conditions.

25.7 Electric illumination only is permitted in accordance with **Subsection 14.1** and **14.2** and shall be installed in accordance with the requirements of Newmarket Hydro.

26.0 NON-PROFIT SIGNS:

26.1 A *Non-Profit Sign* shall only be located, erected or displayed on private property save and except for the public property as set out in **Subsection 26.2**

26.2 Subject to approval of the *Director*, a *Non-Profit Sign* may be located, erected, or displayed on the property of *Town* facilities or property owned and controlled by the *Town* provided that the *Non-Profit Sign* does not in any way interfere with any *signs* or other notices posted by the Corporation.

26.3 A *sign permit* for a *Non-Profit Sign* shall be issued and valid for a maximum of twenty-one (21) days prior to the fundraising event or charitable activity.

26.4 A *Non-Profit Sign* shall:

- a) be in the form of a *Temporary Sign* or *Portable Sign* or Mobile Signs according to the provisions contained in this By-law;
- b) have a maximum of two (2) faces; and
- c) be erected no sooner than twenty-one (21) days prior to, and removed no later than forty-eight (48) hours after, the fundraising event or charitable activity.

- 26.5 Before being issued a *sign permit* for a *Non-Profit Sign*, the applicant shall provide confirmation to the *Town* that a minimum of \$3,000,000.00 of valid comprehensive general insurance is in effect and proof of insurance showing the *Town* has been named as an additional insured.
- 26.6 A non-profit organization shall be permitted to erect or display up to fifty (50) *Temporary Signs* or ten (10) *Portable* or 5 Mobile Signs on private property within the *Town*. Such *Temporary Signs* or *Portable signs* or Mobile Signs shall be displayed in a manner that is consistent with the provisions of this by-law.
- 26.7 Prior to issuing a *sign permit* the *Director* may request appropriate documentation confirming the status of a non-profit organization or charitable organization.
- 26.8 The *sign permit* fee as set out in the *Fees and Charges By-law* shall be waived for *Non-Profit Signs*.

27.0 ELECTION SIGNS:

- 27.1 No candidate shall erect, display, or permit to be erected or displayed, an *Election Sign* in the *Town* unless the *Election Sign Deposit* specified in the *Fees and Charges By-law* has been deposited with the *Director* by the *Candidate* or the *Candidate's* authorized agent.
- 27.2 An *Election Sign* erected or displayed shall be located a minimum of 1.83 metres (6.0 feet) away from the face of the curb or edge of pavement and where there is a sidewalk, not within 0.6 metres (1.97 feet) of such sidewalk.
- 27.3 **Subsection 27.2** does not apply when the sidewalk is less than 0.6m (1.97 feet) from the main wall of the building, in which case the *sign* shall be placed at the furthest distance possible from the sidewalk or from the face of the curb or edge of pavement.
- 27.4 No *candidate* shall affix, erect or otherwise display an *Election Sign* or permit an *Election Sign* to be affixed, erected or otherwise displayed:
- a) within a sight triangle;
 - b) in a location where such *sign* creates an *unsafe* obstruction or visual impairment for pedestrian or vehicle traffic;
 - c) in a location where such *sign* obstructs the visibility of any traffic sign or device;
 - d) on a municipal boulevard;
 - e) on a tree, utility pole or light standard;
 - f) on the property of any premise used as a polling place or voting location on any election voting day, including those days when advance election voting is held;
 - g) in or on a vehicle that is parked on the property of any premise used as a polling place or voting location on any election voting day, including those days when advance election voting is held, if the sign is visible;
 - h) in any public park or on any road allowance abutting *Town* owned land or facility or any local board; or
 - i) unless the property owner has consented to the placement of the sign.
- 27.5 No *candidate* shall affix, erect or otherwise display an *Election Sign* or permit an *Election Sign* to be erected, affixed, or otherwise displayed prior to the issuance of writs for a provincial or federal election or thirty (30) days immediately preceding the day of a municipal election.

27.6 Notwithstanding **Subsection 27.5**, an *Election Sign* which is a *Fascia Sign* may be affixed to the face of the building or building unit which is used as a *candidate's* campaign headquarters provided:

- a) such sign complies with the provisions of this *By-law* applicable to *Fascia Signs*;
- b) the *candidate* has filed his or her party nomination paper;
- c) notwithstanding **Subsection 27.6 b)** a municipal *candidate* must have filed his or her nomination paper and paid the required nomination filing fee; and
- d) the *candidate* has paid the *Election Sign Deposit* fee as set out in the *Fees and Charges By-law*.

27.7 An *Election Sign* shall not exceed a maximum *sign* area of 1.49 m² (16.0 sq. ft.) with the exception of those placed on *Billboard Signs*.

27.8 An *Election Sign* shall be removed within seventy-two (72) hours immediately following 11:59 p.m. of the day of the election.

27.9 Where an *Election Sign* has been affixed, erected or otherwise displayed in contravention of any provision of this *By-law*, the *Town* may remove the sign immediately without notice and **Subsection 31.12** shall apply.

27.10 The Director shall return the balance of the Election Sign Deposit, following the election, after deducting the costs incurred by the *Town* in the removal of Election Signs pursuant to Subsection 27.9, including the cost of any damage within the road allowance caused by or incidental to the erection or removal of Election Signs.

28.0 EXEMPTIONS:

This *By-law* shall not apply to any *sign* or any other *advertising device* erected for government or other public purposes by the *Town*, the Regional Municipality of York, or any Provincial or Federal governmental authority.

29.0 FEES:

Fees shall be paid upon submission of an application for a *sign permit* as set out in the *Fees and Charges By-law*.

30.0 POWER OF ENTRY:

30.1 The *Town* may enter onto a *property* at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:

- (a) the provisions of this *By-law*;
- (b) an Order issued under this *By-law*; or
- (c) an Order made under Section 431 of *the Act*.

30.2 Where an inspection is conducted by the *Town*, the *person* conducting the inspection may:

- (a) require the production of documents or relevant items for inspection;
- (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies and extracts;

- (c) require information from any *person* concerning a matter related to the inspection including their name, address, phone number and identification; 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 inspection.
- 30.3 The *Town* may undertake an inspection pursuant to an Order issued under Section 438 of the *Act*.
- 30.4 The *Town's* power of entry may be exercised by an employee, *inspector* or agent of the *Town* or by a member of a police force with jurisdiction, as well by any *person* under his or her direction.

31.0 REMOVAL OF SIGNS AND ENFORCEMENT:

- 31.1 When a *sign* is erected, displayed, *altered*, repaired, or is not maintained, in contravention of the provisions of this By-law, such *sign* may be removed immediately, by the *Town*, without notice, if located on, over, partly on, or partly over, property owned by or under the jurisdiction of the *Town* at the expense of the *sign owner*, and under Section 446 of the *Act*, the *Town* may recover the costs by adding the cost to the tax roll and collecting in the same as taxes.
- 31.2 Where a *sign* not requiring a *sign permit* is erected, displayed, *altered*, repaired, or maintained in contravention of the provisions of this By-law, the Director may notify or order the owner to repair, remove or to bring the sign into compliance with the provisions of this By-law. Where such *sign owner* fails to bring the *sign* into compliance, the *Director* may remove the *sign* and charge the *sign owner* a fee as set out in the *Fees and Charges By-law*.
- 31.3 When a *sign* is erected, displayed, *altered*, repaired, or maintained in contravention of the provisions of this By-law, The *Director* may issue an order to any *person* who:
- a) has erected, displayed, *altered* or caused or permitted to be erected, displayed or altered, a *sign* on private property for which a *sign permit* has not been obtained where such *sign permit* is required under the provisions of this By-law; or
 - b) having obtained a *sign permit*, has erected or *altered*, or caused or permitted to be erected or altered, a sign on private property contrary to the *sign permit* issued.
- 31.4 The order shall require the *sign* to be brought into compliance with this By-law within fourteen (14) days and shall include reasonable particulars to identify the contravention, the location of the contravention and the date by which the sign must be brought into compliance with the By-law.
- 31.5 The order shall be served personally or posted at the address of the *business* to which the *sign* relates and/or the address supplied on the *sign permit* application.
- 31.6 Where an order has been issued and the *sign* has not been brought into compliance with this By-law within fourteen (14) days of the issuance of the order, the *Director* or *Inspector* may remove or cause to be removed, the *sign* or any part thereof and/or may take any action necessary to prevent the *sign* from being displayed in a manner that is contrary to this By-law. The *Town* may recover the cost of the removal or necessary

action by action or by adding the cost to the tax roll and collecting it in the same manner as taxes.

- 31.7 Where a *sign* has been removed by the *Town* such *sign* shall be stored for a period of thirty (30) days and the *Sign Owner* may redeem the *sign* upon payment of the storage and removal fees prescribed in the *Fees and Charges By-law*. Where a *sign* has not been redeemed within the thirty (30) day period, such *sign* may be forthwith destroyed or otherwise disposed of by the *Town* without notice or compensation and the *Sign Owner* shall be invoiced or by adding the cost to the tax roll and collecting it in the same manner as taxes.
- 31.8 Notwithstanding **Section 31.7**, upon removal, signs under 1.0m² (10 sq ft.) will be destroyed or otherwise disposed of by the *Town* without notice as the *Director* deems fit.
- 31.9 **Subsections 31.2, 31.3, 31.4, 31.5 and 31.6** do not apply to *Temporary Signs, Portable Signs or Mobile Signs*.
- 31.10 Where a *Temporary Signs, Portable Sign or Mobile Sign* is erected, displayed, *altered*, repaired, or is not maintained, in contravention of the provisions of this By-law, such *sign* shall be removed at the direction of the *Town* without notice, at the expense of the *Sign Owner*.
- 31.11 Where the number of *Portable Signs or Mobile Signs* erected or displayed on any *premises* exceeds the restrictions for those premises, the excess *signs* will be removed at the expense of the *Sign Owner*.
- 31.12 Where an *Election Sign* is removed pursuant to this By-law, any costs associated with its removal shall be deducted from the *Election Sign Deposit* in accordance with the sign removal fee prescribed in the *Fees and Charges By-law*. Any costs incurred in excess of the *Election Sign Deposit* shall be invoiced to the registered candidate. Unpaid invoices may be collected by action or the amount may be added to the tax roll and collected in the same manner as taxes.

32.0 PENALTY PROVISION:

- 32.1 Any *person* who contravenes a provision of this By-law, including an Order issued under this By-law, is guilty of an offence.
- 32.2 If a *sign* has been constructed, erected, installed, *altered*, posted, displayed or maintained in contravention of any provision of this By-law, and the contravention has not been corrected, the contravention of the provision shall be deemed to be a continuing offence for each day or part of a day that the contravention remains uncorrected.
- 32.3 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 deemed to be a continuing offence for each day or part of a day that the Order is not complied with.
- 32.4 Any *person* who is guilty of an offence under this By-law shall be subject to the following penalties:
- a) Upon a first conviction, the minimum fine shall be \$350.00 and the maximum fine shall be \$100,000.00;
 - b) Upon a second or subsequent conviction for the same offence, a fine shall be a minimum of \$500.00 and the maximum fine shall be \$100,000.00;

- c) Upon conviction for a continuing offence, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00 for each day or part of a day that the offence continues; and
 - d) Upon conviction of a multiple offence, for each offence included in the multiple offence, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00.
- 32.5 For the purposes of this By-law, “multiple offences” means an offence in respect of two (2) or more acts or omissions each of which separately constitutes an offence and is a contravention of a provision of this By-law.
- 32.6 For the 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 at an earlier date for the same offence.

33.0 VARIANCES:

- 33.1 Any person may apply for a variance from the provisions of this by-law
- 33.2 An application for a variance shall be made on the form prescribed by the *Town* and shall be accompanied by the non-refundable variance application fee in the *Fees and Charges By-law*.
- 33.3 A variance from the provisions of this By-law may be granted where it is established that the proposed *sign*:
- a) is warranted based on physical circumstances applicable to the property or premises;
 - b) is consistent with the architecture of the building or development of the property;
 - c) is consistent with buildings and other features of properties or premises within 120.0 metres (393ft) of the proposed sign;
 - d) will not alter the essential character of the area;
 - e) will not adversely affect adjacent properties;
 - f) will not adversely affect public safety;
 - g) is in the opinion of the decision maker, not contrary to the public interest; and
 - h) is not expressly prohibited by this by-law
- 33.4 Upon receiving an application for a variance from this By-law to permit the erection and display of a *sign* other than a *Billboard Sign*, the *Director* may:
- a) grant a Variance;
 - b) grant a Variance with Conditions; or
 - c) refuse to grant a Variance
- 33.5 An applicant may request a review of the variance application decision of the *Director* within thirty (30) days of the decision.
- 33.6 The request for review is made by filing a written request for review, on a form approved by the *Director*, to the *Variance Review Committee* of the *Town*. The *Variance Review Committee* may authorize *sign* variances from the provisions of this By-law, provided that in the opinion of the *Variance Review Committee* it is established that the requirements in **Subsection 33.3** are met.
- 33.7 A decision of the *Variance Review Committee* is final and binding.
- 33.8 Upon receiving an application for a variance from this By-law to permit the erection and display of a *Billboard Sign*, the *Director* shall refer the

application to the Committee of the Whole.

33.9 The Committee of the Whole may require a Public Information Centre be held before making its recommendation to Council in respect of the application for a variance from this By-law to permit the erection and display of a *Billboard Sign*.

33.10 Upon receiving the recommendation of the Committee of the Whole in respect of an application for a variance from this By-law to permit the erection and display of a *Billboard Sign*, Council shall:

- a) grant a Variance;
- b) grant a Variance with Conditions; or
- c) refuse to grant a Variance.

33.11 The decision of Council is final and binding.

34.0 LIABILITY:

In addition to any other party who commits the offence with respect to the sign by-law, the owner of the *premises* on which the *sign* was constructed, erected, installed, posted, displayed or maintained shall be deemed to commit the offence.

35.0 SEVERABILITY:

Where a Court of competent jurisdiction declares any section or part of a section of this By-law invalid, the remainder of this By-law shall continue in force unless the Court makes an order to the contrary;

36.0 SHORT TITLE:

This By-law shall be referred to as the "Sign By-law".

AND THAT By-law 2009-79 of the *Town* is hereby repealed.

ENACTED THIS 20TH DAY OF JANUARY, 2014.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk