

THE CORPORATION OF THE  
T O W N     O F     P E L H A M  
BY-LAW NO. 1559 (1993)

**Being a by-law for prohibiting or regulating  
signs and other advertising devices**

WHEREAS, Section 210, Subsection 146 of the Municipal Act, R.S.O. 1990, chap. M.45 provides that by-laws may be passed by the councils of local municipalities for prohibiting or regulating signs and other advertising devices or any class or classes thereof and the posting of notices on buildings or vacant lots within any defined area or areas or on land abutting on any defined highway or part of a highway;

AND WHEREAS, Section 210, Subsection 148 of the Municipal Act, R.S.O. 1990, chap. M.45 provides that by-laws may be passed by the councils of local municipalities for prohibiting or regulating the nailing or otherwise attaching anything or the causing of anything to be so nailed or otherwise attached to or upon any property managed and controlled by a public utility commission or of a local board;

AND WHEREAS, Section 210, Subsection 149 of the Municipal Act, R.S.O. 1990, chap. M.45 provides that by-laws may be passed by the councils of local municipalities for prohibiting the pulling down or defacing of signs or other advertising devices and notices lawfully affixed;

AND WHEREAS, the Council of the Corporation of the Town of Pelham deems it desirable to enact such a by-law;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM ENACTS AS FOLLOWS:

1.           **SHORT TITLE**

This by-law shall be known as the "Sign By-law"

2.           **DEFINITIONS**

In this by-law,

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- (a) "Billboard Sign" means an advertising sign other than a ground sign, portable ground sign or pole sign erected by a person, firm, corporation, business, commercial service or industrial enterprise, upon which space is displayed or made available for displaying advertising copy, describing one or more products or services which are not necessarily made, produced, assembled, stored or sold from the lot or premises upon which the billboard is erected and shall include bulletin boards, poster displays, poster boards, poster panels and field advertising signs;
- (b) "Combustible Material" means a material that fails to meet the acceptance criteria of CAN4-S114 "Standard Method of Test for Determination of Non-combustibility in Building Materials" or any similar standard incorporated into the Ontario Building Code subsequent to the enactment of this by-law;
- (c) "Corporation" means the Corporation of the Town of Pelham;
- (d) "Council" means the Council of the Town of Pelham;
- (e) "Daylighting Triangle" means the triangular space formed by a triangle consisting of two sides each of 2m (6'-7") measured from the point of intersection of any two Street Lines and a third line connecting the ends of the first two lines;
- (f) "Development Sign" means a sign identifying a proposed development or a construction project;
- (g) "Election Sign" means a sign indicating support of a candidate or a political party in a municipal, regional, provincial or federal election;
- (h) "Erect" means anything done in the installation, placement, display, maintenance, repair, or alteration of any sign or advertising device;
- (i) "Erector" means anyone who does anything or permits anything to be done, or causes anything to be done, in the erection of any sign or advertising device;

- (j) "Frontage" means the width of a lot measured along the street line of a lot. Where a lot has more than one street line each street line shall be considered separately for the purposes of determining frontage;
- (k) "Ground Sign" means a sign 3m (9.84 ft.) or less in height directly supported from the ground without the aid of any building or structure other than the sign structure;
- (l) "Height of Sign" means the vertical distance from the ground to the highest point of the sign;
- (m) "Law Enforcement Officer" means the By-law Enforcement Officer of the Corporation or any other officer authorized to enforce this or any other by-law of the corporation;
- (n) "Lot" means any parcel of land whether such parcel is described in a registered deed, or shown as a lot or block in a registered plan of subdivision on which a sign is located or intended to be located;
- (o) "Owner" includes:
  - (1) owner of the sign
  - (2) owner of the real property on which the sign is located
  - (3) the person, for the time being, managing or receiving the rent of (i) the sign or (ii) the real property on which the sign is located
- (p) "Pole Sign" means a sign greater than 3.0m (9'-10") in height directly supported from the ground without the aid of any building or structure other than the sign structure;
- (q) "Portable Ground Sign" means a type of ground sign situated on the ground but not permanently affixed thereto and without restricting the generality of the foregoing, be deemed to include signs that may be moved from place to place;

- (r) "Projecting Sign" means a type of wall sign and is so constructed and so erected as to be attached at one end to a building and projecting outwardly therefrom;
- (s) "Property Line" means any boundary that divides a lot from another lot;
- (t) "Real Estate Sign" means a sign that advertises property or premises for sale, lease or rent;
- (u) "Residential Lands" means any lands zoned "Residential" or zoned any "Holding" designation which permits exclusively residential use, in accordance with the provisions of any zoning by-laws of the Town of Pelham;
- (v) "Roof Sign" means a sign which is erected on or supported by the roof of a building;
- (w) "Sign" means any device displaying any letter, figure, character, mark, point, plane, design, poster, pictorial, stroke, stripe, line trademark reading matter, or illuminating device constructed, attached, erected, fastened or manufactured in any manner whatsoever, so that the same is used or is intended to be used for the attraction of the public in any place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever, and displayed in any manner whatsoever, and includes the structure of the said device;
- (x) "Street Line" means the boundary line that divides a lot from a road allowance;
- (y) "Third Party Sign" means a sign erected or maintained by a person, firm, corporation, business, commercial service or industrial enterprise, describing in any manner whatsoever one or more products or services which are made, produced, assembled, sold or stored on a lot other than the lot upon which the sign is erected;
- (z) "Wall Sign" means a sign which is supported by a building wall;

3. **INTERPRETATION**

In this by-law,

- (a) Statutory references are to statutes of Ontario and the regulations made thereunder and shall be deemed to refer to such statutes and regulations as amended, consolidated, re-enacted and in force from time to time;
- (b) All words shall be read with all changes of gender and number required by the context or circumstances.

4. **PERMITS AND FEES**

- (a) Notwithstanding subsection 6(i), no person shall erect or relocate, cause or permit to be erected or relocated any sign without first having obtained a permit issued by the Law Enforcement Officer in accordance with the provisions of this by-law;
- (b) Every application for a permit shall be submitted on the form prescribed by the Corporation for that purpose from time to time and shall be accompanied by:
  - (1) Two plot plans showing the property lines and street lines of the lot on which it is proposed to erect such sign, and the location of the sign upon the lot in relation to the said property lines and street lines and to any other buildings or structures upon the subject lot;
  - (2) Two complete plans of the proposed sign and its structure for which a permit is sought, prepared by a competent person;
  - (3) Such other documents as may be specified by the Law Enforcement Officer where, in his opinion, they may be deemed necessary to ensure that the proposed sign complies with this by-law and any other applicable law;
  - (4) Confirmation or certification from a professional engineer, Ontario Land Surveyor or other competent person where, in the opinion of the Law Enforcement Officer, the circumstances deem it necessary to ensure compliance with this by-law;
  - (5) Valid proof of issuance of any other permit or approval required to be issued by any other authority having jurisdiction;

- (c) The applicant for a permit to erect a sign shall, at the time of the issuance of the permit, pay the fee prescribed in accordance with Schedule "A" attached hereto and forming part of this by-law;
- (d) A permit application for a sign shall be deemed to have been cancelled six (6) months after it has been approved and the applicant has not accepted the permit and paid the appropriate fee;
- (e) A permit for a sign may be revoked by the Law Enforcement Officer,
  - (1) Where it was issued on mistaken or false information;
  - (2) Where, after six (6) months after its issuance, the erection in respect of which it was issued has not, in the opinion of the Law Enforcement Officer, been seriously commenced;
  - (3) Where the erection of the sign is, in the opinion of the Law Enforcement Officer, substantially suspended or discontinued for a period of more than one year;
- (f) Permit fees may be refunded where, in the opinion of the Law Enforcement Officer, it is deemed appropriate and shall be made as follows:
  - (1) 50 per cent if the permit has been issued and no inspections have been made;
  - (2) No refund if the permit has been issued and any inspections have been made;
  - (3) Notwithstanding the above, no refund shall be made of an amount less than \$10.00;
- (g) Notwithstanding the provisions of subsection 4(a) of this by-law, no permit shall be required for the following signs provided such signs comply with all other provisions of this by-law:
  - (1) any directional sign not exceeding 0.3m<sup>2</sup> (3.2 sq. ft.) in area;

- (2) an Election sign;
  - (3) a sign erected or required to be erected by a government or government agency or any local board established by such government or government agency;
  - (4) a real estate sign not exceeding 0.6m<sup>2</sup> (6.5 sq. ft.) in area;
  - (5) a sign not exceeding 0.2m<sup>2</sup> (2.2 sq. ft.) in area identifying the occupant and/or use of a building;
  - (6) a sign inside a building;
  - (7) a sign painted upon a window;
  - (8) a sign painted upon a roof;
  - (9) a sign painted upon a canopy or awning;
  - (10) a sign painted upon a wall;
  - (11) a sign not exceeding 0.2m<sup>2</sup> (2.2 sq. ft.) giving notice that trespassing is prohibited;
  - (12) a sign painted upon a fuel storage tank or dispensing facility advertising the product;
  - (13) the changing of any moveable part of a sign for which a permit has been issued, that is designed for such change, or the repainting or reposting of the advertising message on the display surface of such sign;
- (h) The Law Enforcement Officer shall issue a permit except where,
- (1) the proposed sign will not comply with this by-law or will contravene any other applicable law;
  - (2) the application therefore is incomplete or any fees due are unpaid.
- (i) No person shall erect a sign except in accordance with the permit issued for such sign and no person shall make a material change or cause a material change to be made

to a plan, specification or document or other information on the basis of which a permit was issued without notifying the **Law Enforcement Officer** and filing details of such change with him for the purpose of obtaining his authorization.

5. **VARIANCES**

- (a) Pursuant to the Municipal Act, the applicant may apply in writing to **Council** for a variance from the requirements of this by-law;
- (b) The application for a variance shall be accompanied by the non-refundable fee prescribed in accordance with Schedule "A" attached hereto and forming part of this by-law;
- (c) The **Council** may, upon application of any person, authorize minor variances from the by-law if in the opinion of **Council** the general intent and purpose of the by-law are maintained.

6. **GENERAL PROVISIONS**

- (a) No person shall erect a sign or other advertising device except in accordance with the provisions of this by-law and the Ontario Building Code, Ontario Fire Code and any other applicable law;
- (b) The **Law Enforcement Officer** may pull down or remove or have pulled down or removed at the expense of the owner any sign or other advertising device that is erected in contravention of this by-law;
- (c) The **Law Enforcement Officer** may by written notice require any person who,
  - (1) has caused a sign or other advertising device to be erected without first having obtained a permit to do so, or,
  - (2) having obtained a permit has caused a sign or other advertising device to be erected contrary to the approved plans in respect of which the permit was issued,



to make such **sign** or other advertising device comply with this by-law if it does not so comply or to remove such **sign** or other advertising device within 72 hours of receiving said written notice from the **Law Enforcement Officer**;

- (d) This by-law shall not apply to a **sign** or other advertising device that was lawfully **erected** on the day the by-law came into force and the **sign** or other advertising device is not substantially altered, and the maintenance and repair of the **sign** or other advertising device or a change in the message displayed is deemed not in itself to constitute an alteration;
- (e) The **owner** is responsible for the maintenance of **signs** or other advertising devices and every **owner** shall ensure that every **sign** or other advertising device is kept in good repair and in compliance with the provisions of this by-law;
- (f) No person shall **erect** any of the following **signs** or other advertising devices:
  - (1) Any **sign** or other advertising device in such a location or manner as to obstruct the line of vision of pedestrian or vehicular traffic;
  - (2) Any **sign** or other advertising device having a flashing light or lights within 20m (65.6 ft.) of a street line;
  - (3) Any **sign** or other advertising device having a flashing light or lights within 30m (98.4 ft.) of any **property line** of any land zoned residential, institutional, park or public as defined by the Corporation's zoning by-law;
  - (4) Revolving beacons;
  - (5) Any **sign** with lights or lighting which will adversely affect adjacent properties or vehicular traffic;
  - (6) **Signs** which make use of words as "Stop", "Look", "One-Way", "Danger", "Yield" or any similar words or phrases, symbols, lights or characters in such a manner as may tend to interfere with, mislead, or confuse drivers;

- (7) Any sign within any sight triangle;
  - (8) Any sign which in the opinion of Council is indecent or may tend to corrupt or demoralize;
  - (9) Any billboard sign;
  - (10) Any business sign on residential lands which sign exceeds  $0.3\text{m}^2$  (3.2 sq. ft.) in area;
  - (11) Any development sign which exceeds  $10\text{m}^2$  (107 sq. ft.) in area;
  - (12) Any institutional sign on residential lands which sign exceeds  $1.5\text{m}^2$  (16 sq. ft.) in area;
  - (13) Any real estate sign on residential lands which sign exceeds  $0.6\text{m}^2$  (6.5 sq. ft.) in area;
  - (14) Any third party sign;
  - (15) Any projecting sign.
- (g) No person shall nail or otherwise attach any sign or cause any sign to be nailed or otherwise attached to or upon any property managed and controlled by a public utility commission or of a local board as defined in the Municipal Act except upon the express written consent of the said public utility commission or local board; and no sign, other than Federal, Provincial, Regional or Town owned signs shall be permitted on any street or on any tree situated on a street or on anything situated on municipal property without the approval of Council;
- (h) Any sign or other advertising device which no longer advertises a bona fide business or service on the premises or which advertises products no longer stocked or sold, shall be removed within 60 days of the cessation of such business or service or the cessation of the sale of such products;
- (i) Where signs or other advertising devices are regulated by more than one authority having jurisdiction such signs or other advertising devices shall be erected in accordance with the regulations of the most restrictive regulating authority.

7. CLASSIFICATION OF SIGNS

(a) GROUND SIGNS

- (1) No ground sign shall be located on any property other than the property to which the ground sign applies;
- (2) No ground sign shall be located closer to the street line or any other property line than the setback line for a building as established by the Corporation's zoning by-law or 3.0m (9.84 ft.), whichever is the lesser;
- (3) No ground sign shall be erected which,
  - (i) exceeds 3m (9.84 ft.) in height of sign;
  - (ii) exceeds 0.3m<sup>2</sup> (3.2 sq. ft.) in area on residential lands;
  - (iii) exceeds 9m<sup>2</sup> (96.0 sq. ft.) in area per side or visible face;
- (4) No person shall erect on any lot more than one of either a ground sign or portable ground sign for every 20m (65.5 ft.) of the frontage of the lot on which the ground sign and/or portable ground sign are located. Where a lot has less than 20m (65.5 ft.) of frontage the owner may erect one ground sign or one portable ground sign, but not both;

(b) PORTABLE GROUND SIGNS

- (1) No portable ground sign shall be located on any property other than the property to which the portable ground sign applies;
- (2) No portable ground sign shall be located closer to,
  - (i) any street line or other property line than 0.6m (2.0 ft.);
  - (ii) any street line than 2m (6.5 ft.) where the portable ground sign exceeds 1m (3.25 ft.) in height of sign;

- (3) No person shall erect a portable ground sign which,
  - (i) exceeds 2m (6.5 ft.) in height of sign;
  - (ii) exceeds 6m<sup>2</sup> (65.0 sq. ft.) in area per side or visible face;
  - (iii) has more than two sides or visible faces;
- (4) No person shall erect a portable ground sign on residential lands;
- (5) No person shall erect on any lot more than one of either a ground sign or portable ground sign for every 20m (65.5 ft.) of the frontage of the lot on which the ground sign and/or portable ground sign are located. Where a lot has less than 20m (65.5 ft.) of frontage the owner may erect one ground sign or one portable ground sign, but not both;
- (6) Portable ground signs may be illuminated or luminous provided such lighting does not consist of flashing lights, moving lights, or intermittent or activated lighting of any kind.

(c) POLE SIGNS

- (1) No pole sign shall be located on any property other than the property to which the pole sign applies;
- (2) No pole sign shall be located closer to the street line or any other property line than the setback line for a building as established by the Corporation's zoning by-law or 3m (9.84 ft.), whichever is the lesser;
- (3) No pole sign shall be erected which,
  - (i) exceeds 9m (29.5 ft.) in height of sign;
  - (ii) exceeds 20m<sup>2</sup> (215 sq. ft.) in area per side or visible face;
  - (iii) is intended for residential lands;
- (4) No person shall erect on any lot more than one pole sign for every 60m (197 ft.) of the frontage of the lot on which the pole sign is located;

(d) **ROOF SIGNS**

- (1) No **roof sign** shall be located on any property other than the property to which the **roof sign** applies;
- (2) A **roof sign** shall be located on a roof and shall be setback at least 1m (3.3 ft.) from the building face on which such **roof sign** is erected;
- (3) No **roof sign** shall be erected which,
  - (i) is not constructed of non-combustible materials;
  - (ii) does not have a clear space of at least 1.22m (4 ft.) from the underside of the **sign** to the level of the roof or top of the building except for the **sign's** support structure;
  - (iii) exceeds  $10\text{m}^2$  (107 sq. ft.) in area per side or visible face;
  - (iv) height exceeds the maximum building height from grade as prescribed by the Corporation's zoning by-law;

(e) **WALL SIGNS**

- (1) No **wall sign** shall be located on any property or building other than the property or building to which the **wall sign** applies;
- (2) No **wall sign** shall be erected which,
  - (i) is not erected against the exterior wall of the building to which the **wall sign** is to be attached;
  - (ii) projects more than 0.3m (1 ft.) from the wall of the building;
  - (iii) exceeds  $10\text{m}^2$  (107 sq. ft.) or 25% of the area of the face of the building on which it is installed, whichever is the lesser;
  - (iv) exceeds  $0.3\text{m}^2$  (3.2 sq. ft.) in area on a building on residential lands;

(v) does not have at least 2.4m (7.87 ft.) clearance between grade and the underside of the wall sign;

(3) No person shall erect more than one wall sign for each 100m<sup>2</sup> (1,000 sq. ft.) of building wall face, notwithstanding that any building which does not have a building face 100m<sup>2</sup> (1,000 sq. ft.) in area may have one wall sign on the building face fronting on the street.

8. **PENALTY**

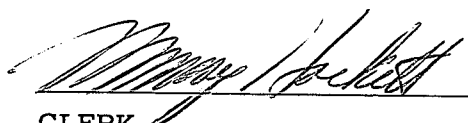
(a) Every person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to a penalty as prescribed by the Provincial Offences Act.

9. **BY-LAWS REPEALED**


(a) By-law No. 1460 (1992), By-law No. 651 (1980), By-law No. 531 (1979) and section (4) of By-law No. 1305 (1989) are hereby repealed.

READ A FIRST TIME BY COUNCIL  
THIS 3RD DAY OF MAY, 1993 A.D.

  
MAYOR

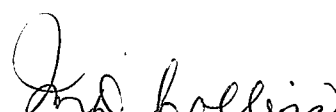
  
CLERK

READ A SECOND TIME BY COUNCIL  
THIS 17TH DAY OF MAY, 1993

  
MAYOR

  
CLERK

READ A THIRD TIME AND  
FINALLY PASSED BY COUNCIL  
THIS 7TH DAY OF JUNE, 1993

  
MAYOR

  
CLERK