

THE CORPORATION OF THE  
TOWN OF PELHAM  
BY-LAW NO. 2713 (2005)

Being a by-law for prohibiting or regulating signs and other advertising devices and this by-law shall be known as the "Sign By-law".

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

AND WHEREAS, The Town of Pelham is a lower-tier municipality within the upper-tier Regional Municipality of Niagara;

AND WHEREAS, Section 99 of the Municipal Act, R.S.O. 2001, c.25 provides rules that apply to a by-law of a municipality respecting advertising devices, including signs;

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

AND WHEREAS, the Council of the Corporation of the Town of Pelham deems it desirable to enact such a by-law which is in keeping with its mission, vision and values;

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:

- 2.1 **"Area of Sign"** means the number of square metres of any face of the sign including the border and frame and, in the case of a multiple faced sign, shall mean 50% of the sum of the area of all the faces;

- 2.2 **"Authority Having Jurisdiction"** means the Corporation of the Town of Pelham, The Corporation of the Regional Municipality of Niagara and the Niagara Escarpment Commission;
- 2.3 **"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;
- 2.4 **"Chief Building Official"** means the Chief Building Official appointed by the Town pursuant to the Building Code Act, 1992, as amended, or any successors thereto;
- 2.5 **"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;
- 2.6 **"Corporation"** and **"Town"** means the Corporation of the Town of Pelham;
- 2.7 **"Council"** means the Council of the Town of Pelham;
- 2.8 **"Daylighting Triangle"** including **"Sight Triangles"** and **"Vision Triangles"** means an area free of buildings or structures or other visual obstructions, and which are to be determined by measuring, from the point of intersection of street lines on a corner lot, a minimum of 9 m (29.53 ft.) along each such street line and joining such points with a straight line, and the triangular shaped land between the intersecting street lines and the straight line joining the points the required distance along the street lines is the "daylighting triangle";
- 2.9 **"Development Sign"** means a sign identifying a proposed development or a construction project;
- 2.10 **"Election Sign"** means a sign indicating support of a candidate or a political party in a municipal, regional, provincial or federal election;

- 2.11 **"Erect"** means anything done in the installation, placement, display, maintenance, repair, or alteration of any sign or advertising device;
- 2.12 **"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;
- 2.13 **"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;
- 2.14 **"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;
- 2.15 **"Height of Sign"** means the vertical distance from the ground to the highest point of the sign or sign structure;
- 2.16 **"Inflatable Sign"** means a sign or advertising device designed to be airborne and tethered to the ground, a vehicle or building or structure and shall include balloons and other inflatable advertising devices.
- 2.17 **"Municipal Law Enforcement Officer"** means the Municipal Law Enforcement Officer of the Corporation and includes the Chief Building Official or any other officer authorized to enforce this or any other by-law of the corporation;
- 2.18 **"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;
- 2.19 **"Owner"** includes:
- 2.21.1 owner of the sign;
  - 2.21.2 owner of the real property on which the sign is located;
  - 2.21.3 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;

- 2.20 **"Pole Sign"** means a sign greater than 3.0m (9.84 ft.) in height directly supported from the ground without the aid of any building or structure other than the sign structure;
- 2.21 **"Portable Ground Sign"** means any sign not permanently affixed to the ground and specifically designed, intended or may be readily moved from place to place and, without restricting the generality of the foregoing, be deemed to include signs on motor vehicles or trailers of any kind.
- 2.22 **"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;
- 2.23 **"Property Line"** means any boundary that divides a lot from another lot;
- 2.24 **"Public Property"** means lands owned by The Corporation of the Town of Pelham, The Corporation of the Regional Municipality of Niagara and includes any road allowances;
- 2.25 **"Real Estate Sign"** means a sign that advertises property or premises for sale, lease or rent;
- 2.26 **"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;
- 2.27 **"Roof Sign"** means a sign which is erected on or supported by the roof of a building and includes a sign painted on a roof.
- 2.28 **"Sandwich Board"** means a free-standing sign not affixed or anchored to the ground or to a building and, without limiting the foregoing, includes signs commonly referred to as "A-frame", "T-frame", and "menu boards ;
- 2.29 **"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;

- 2.30 **"Street Line"** means the boundary line that divides a lot from a road allowance;
- 2.31 **"Temporary Special Event Sign"** means a portable ground sign, and may include a third party sign, for which a permit must be obtained pursuant to the provisions of this By-law, in conjunction with non-profit celebrations, public events, charitable organization events or similar functions or events;
- 2.32 **"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;
- 2.33 **"Wall Sign"** means a sign which is supported by a building wall and includes canopies and awnings, signs painted or otherwise affixed to canopies and awnings and signs painted on the wall of a building or structure.

### 3. **INTERPRETATION**

In this by-law:

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

### 4. **PERMITS AND FEES**

- 4.1 Notwithstanding subsection 6.10, no person shall erect or relocate, cause or permit to be erected or relocated any sign without first having obtained a permit issued by the Chief Building Official in accordance with the provisions of this by-law.
- 4.2 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:

- 4.2.1 two (2) plot plans showing the property lines and street lines of the lot on which it is proposed to erect such sign, and the location of the sign upon the lot in relation to the said property lines and street lines and to any other buildings or structures upon the subject lot;
- 4.2.2 two (2) complete plans of the proposed sign and its structure for which a permit is sought, prepared by a competent person;
- 4.2.3 such other documents as may be specified by the Chief Building Official 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;
- 4.2.4 confirmation or certification from a professional engineer, Ontario Land Surveyor or other competent person where, in the opinion of the Chief Building Official, the circumstances deem it necessary to ensure compliance with this by-law;
- 4.2.5 valid proof of issuance of any other permit or approval required to be issued by any other authority having jurisdiction.
- 4.3 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.
- 4.4 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.
- 4.5 A permit for a sign may be revoked by the Chief Building Official:
  - 4.5.1 where it was issued on mistaken or false information;
  - 4.5.2 where, after six (6) months after its issuance, the erection in respect of which it was issued has not, in the opinion of the Chief Building Official, been seriously commenced;
  - 4.5.3 where the erection of the sign is, in the opinion of the Chief Building Official, substantially suspended or discontinued for a period of more than one year.

- 4.6 Permit fees may be refunded where, in the opinion of the Chief Building Official, it is deemed appropriate and shall be made as follows:
- 4.6.1 50 per cent if the permit has been issued and no inspections have been made;
  - 4.6.2 no refund if the permit has been issued and any inspections have been made;
  - 4.6.3 notwithstanding the above, no refund shall be made of an amount less than \$10.00.
- 4.7 Notwithstanding the provisions of Subsection 4.1 of this by-law, no permit shall be required for the following signs provided such signs comply with all other provisions of this by-law:
- 4.7.1 any directional sign not exceeding  $0.3\text{m}^2$  (3.2 sq. ft.) in area;
  - 4.7.2 an Election sign;
  - 4.7.3 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;
  - 4.7.4 a real estate sign not exceeding  $0.6\text{m}^2$  (6.5 sq. ft.) in area;
  - 4.7.5 a sign not exceeding  $0.2\text{m}^2$  (2.2 sq. ft.) in area identifying the occupant and/or use of a building;
  - 4.7.6 a sign inside a building;
  - 4.7.7 a sign painted upon a window;
  - 4.7.8 a sign not exceeding  $0.2\text{m}^2$  (2.2 sq. ft.) giving notice that trespassing is prohibited;
  - 4.7.9 a sign painted upon a fuel storage tank or dispensing facility advertising the product;
  - 4.7.10 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;

4.7.11 a sandwich board in compliance with Section 7.7;

4.8 The Chief Building Official shall issue a permit except where:

4.8.1 the proposed sign will not comply with this by-law or will contravene any other applicable law;

4.8.2 the application therefore is incomplete or any fees due are unpaid.

4.9 No person shall erect a sign except in accordance with the permit issued for such sign and no person shall make a material change or cause a material change to be made to a plan, specification or document or other information on the basis of which a permit was issued without notifying the Chief Building Official and filing details of such change with him for the purpose of obtaining his authorization.

## 5. **VARIANCES**

5.1 Pursuant to the Municipal Act, the applicant may apply in writing to Council for a variance from the requirements of this by-law.

5.2 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.

5.3 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**

6.1 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.

6.2 The Municipal 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.



- 6.3 The Municipal Law Enforcement Officer may, by written notice, require any person who:
- 6.3.1 has caused a sign or other advertising device to be erected without first having obtained a permit to do so; or,
  - 6.3.2 having obtained a permit has caused a sign or other advertising device to be erected contrary to the approved plans in respect of which the permit was issued, to make such sign or other advertising device comply with this by-law if it does not so comply or to remove such sign or other advertising device within 72 hours of receiving said written notice from the Municipal Law Enforcement Officer.
- 6.4 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.
- 6.5 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.
- 6.6 Except as specifically permitted by this By-law, the following signs shall not be erected, located or displayed within the municipality :
- 6.6.1 any sign or other advertising device in such a location or manner as to obstruct the line of vision of pedestrian or vehicular traffic;
  - 6.6.2 any sign or other advertising device having a flashing light or lights within 20m (65.6 ft.) of a street line;
  - 6.6.3 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;
  - 6.6.4 revolving beacons;

- 6.6.5 any sign with lights or lighting which will adversely affect adjacent properties or vehicular traffic;
  - 6.6.6 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;
  - 6.6.7 any sign within any sight triangle;
  - 6.6.8 any sign which in the opinion of Council is indecent or may tend to corrupt or demoralize;
  - 6.6.9 any billboard sign;
  - 6.6.10 any business sign on residential lands;
  - 6.6.11 any development sign which exceeds  $10\text{m}^2$  (107 sq. ft.) in area;
  - 6.6.12 any institutional sign on residential lands which sign exceeds  $1.5\text{m}^2$  (16 sq. ft.) in area;
  - 6.6.13 any real estate sign on residential lands which sign exceeds  $0.6\text{m}^2$  (6.5 sq. ft.) in area;
  - 6.6.14 any third party sign except a temporary special event sign;
  - 6.6.15 a sign painted on a roof;
  - 6.6.16 an inflatable sign.
- 6.7. No person shall erect, nail or otherwise attach any sign or cause any sign to be erected, nailed or otherwise attached to or upon any property managed and controlled by a public utility commission or of a local board as defined in the Municipal Act except upon the express written consent of the said public utility commission or local board; 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;

- 6.8 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.
- 6.9 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**

### **7.1 GROUND SIGNS**

- 7.1.1 No ground sign shall be located on any property other than the property to which the ground sign applies.
- 7.1.2 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.
- 7.1.3 No ground sign shall be erected which:
- 7.1.3.1 exceeds 3m (9.84 ft.) in height of sign;
  - 7.1.3.2 exceeds 0.3m<sup>2</sup> (3.2 sq. ft.) in area on residential lands;
  - 7.1.3.3 exceeds 9m<sup>2</sup> (96.0 sq. ft.) in area per side or visible face.
- 7.1.4 No person shall erect on any lot more than one ground sign for every 20m (65.5 ft.) of the frontage of the lot on which the ground sign is located. Where a lot has less than 20m (65.5 ft.) of frontage the owner may erect one ground sign.

### **7.2 PORTABLE GROUND SIGNS**

- 7.2.1 No portable ground sign shall be located on any property other than the property to which the portable ground sign applies.

7.2.2 No portable ground sign shall be located closer to:

7.2.2.1 any street line or other property line than 1.0m (3.2 ft.);

7.2.2.2 any street line than 2m (6.5 ft.) where the portable ground sign exceeds 1m (3.25 ft.) in height of sign;

7.2.2.3 any other portable ground sign than 30m (98.4 ft.) except that a property with less than 30m (98.4 ft.) of frontage may have one portable ground sign.

7.2.3 No person shall erect a portable ground sign which:

7.2.3.1 exceeds 2m (6.5 ft.) in height of sign;

7.2.3.2 exceeds 4.6m<sup>2</sup> (50.0 sq. ft.) in area per side or visible face;

7.2.3.3 has more than two sides or visible faces.

7.2.4 No person shall erect a portable ground sign on residential lands except an election sign or temporary special event sign.

7.2.5 No person shall erect on any lot more than one portable ground sign for every 30m (98.4 ft.) of the frontage of the lot on which the portable ground sign is located. Where a lot has less than 30m (98.4 ft.) of frontage the owner may erect one portable ground sign.

7.2.6 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.

7.2.7 Notwithstanding any other provisions of this By-law, the Corporation may cause any portable ground sign to be removed from any location if it contravenes any of the provisions of this By-law, without giving notice to the owner and the owner shall be liable for all expenses incurred in such removal.

- 7.2.8 All electrical cables, extensions, wires or outlets of every nature or kind attached to, or relating in any way to, a portable sign must comply with the regulations of the Electrical Safety Authority.
- 7.2.9 No person shall erect a portable ground sign on a property without first obtaining written permission from the owner of the property.
- 7.2.10 No person shall erect a portable ground sign in or on a required parking space on a property.
- 7.2.11 No person shall erect a portable ground sign within 6m (19.68 ft) of a driveway entrance/exit or intersection of two streets, when the setback is less than the height of the sign.
- 7.2.12 Portable ground signs may be approved on a temporary basis only and shall only be permitted to be erected, subject to a permit for each individual time period in accordance with the provisions above, for a maximum of four (4) - thirty (30) day periods in any one calendar year, with a minimum thirty (30) day interval between each thirty (30) day permitted period.
- 7.2.13 Notwithstanding Section 7.2.12 above, a new business may be granted a one-time permit to erect a portable ground sign for a three (3) month period of continuous advertising from the opening day of the business to promote the new business.

### 7.3 POLE SIGNS

- 7.3.1 No pole sign shall be located on any property other than the property to which the pole sign applies.
- 7.3.2 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.
- 7.3.3 No pole sign shall be erected which:
  - 7.3.3.1 exceeds 9m (29.5 ft.) in height of sign;

7.3.3.2 exceeds 20m<sup>2</sup> (215 sq. ft.) in area per side or visible face;

7.3.3.3 is intended for residential lands.

7.3.4 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.

#### 7.4 ROOF SIGNS

7.4.1 No roof sign shall be located on any property other than the property to which the roof sign applies.

7.4.2 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.

7.4.3 No roof sign shall be erected which:

7.4.3.1 is not constructed of non-combustible materials;

7.4.3.2 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;

7.4.3.3 exceeds 10m<sup>2</sup> (107 sq. ft.) in area per side or visible face;

7.4.3.4 height exceeds the maximum building height from grade as prescribed by the Corporation's zoning by-law.

#### 7.5 WALL SIGNS

7.5.1 No wall sign shall be located on any property or building other than the property or building to which the wall sign applies.

7.5.2 No wall sign shall be erected which:

- 7.5.2.1 is not erected against the exterior wall of the building to which the wall sign is to be attached;
- 7.5.2.2 projects more than 0.3m (1 ft.) from the wall of the building;
- 7.5.2.3 exceeds 10m<sup>2</sup> (107 sq. ft.) or 25% of the area of the face of the building on which it is installed, whichever is the lesser;
- 7.5.2.4 exceeds 0.3m<sup>2</sup> (3.2 sq. ft.) in area on a building on residential lands;
- 7.5.2.5 does not have at least 2.4m (7.87 ft.) clearance between grade and the underside of the wall sign;
- 7.5.3 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.

## **7.6 TEMPORARY SPECIAL EVENTS SIGNS**

- 7.6.1 Temporary special event signs may be erected subject to the required permit being obtained for a period from forty-five (45) days prior to the event to not more than five (5) days after the event at which time the sign shall have been removed.
- 7.6.2 Temporary special event signs shall be erected in compliance with the portable ground sign provisions of Sections 7.2.2, 7.2.3, 7.2.6, 7.2.8, 7.2.9, 7.2.10 and 7.2.11.
- 7.6.3 No temporary special event signs shall be erected on public property unless specifically approved by Council.

## **7.7 SANDWICH BOARDS**

Any person who pays business taxes with respect to a business situated within the Town of Pelham, provided such business is operating in a commercial zone as provided in the municipality's zoning by-law, may erect

one sandwich board in the front yard of such business without obtaining a permit provided such sign complies with the following regulations:

- 7.7.1 by its decision to erect a sandwich board the business assumes all liability for personal injury and property damage caused or contributed to by the sandwich board;
- 7.7.2 the sandwich board shall only be erected on the business' property and not on public property;
- 7.7.3 the sandwich board will not impede pedestrian or vehicular traffic and will not cause a traffic visibility hazard;
- 7.7.4 no sandwich board shall be larger than 0.6m (2 ft) wide x 1.2m (3.9 ft.) high or 0.6m (2 ft.) in depth;
- 7.7.5 each sandwich board shall be properly maintained to the satisfaction of the Chief Building Official or Municipal Law Enforcement Officer.

## **7.8 PROJECTING SIGNS**

- 7.8.1 Projecting signs shall not project more than 1 m (3.28 ft.) from the building to which it is attached;
- 7.8.2 Projecting signs shall only be fastened to a structural component of the building to which such sign is attached in accordance with good engineering practice subject to the approval of the Chief Building Official;
- 7.8.3 No part of any projecting sign may project beyond the street line or any other property line or encroach on or over any other property;
- 7.8.4 Every projecting sign shall have a minimum 2.4 m (7.87 ft.) clearance between the bottom of the sign and grade;

## **8 PENALTY**


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.

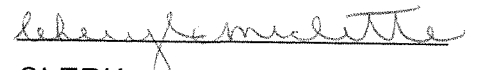


9. **BY-LAWS REPEALED**

By-law No. 1559 (1993) is hereby repealed.

READ A FIRST, SECOND AND THIRD TIME  
AND FINALLY PASSED BY COUNCIL  
THIS 17<sup>th</sup> DAY OF October, 2005.

  
MAYOR

  
CLERK