

THE CORPORATION OF THE
TOWN OF PELHAM
BY-LAW # 4199 (2020)

A By-law prohibiting and regulating Signs, and regulating the placing of Signs upon highways and Buildings, and to Repeal and Replace By-law 3310(2012) as amended by 3548(2014) and 3884(2017).

WHEREAS section 5(3) of the *Municipal Act, 2001* S.O. 2001, c.25 as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 8(1) of the *Municipal Act, 2001* provides that the powers of a municipality under this Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS section 8(3) of the *Municipal Act, 2001* provides that a by-law may regulate or prohibit respecting the matter, require Persons to do things respecting the matter, and provide for a system of licenses respecting the matter;

AND WHEREAS section 10(1) of the *Municipal Act, 2001* provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS section 10(2) of the *Municipal Act, 2001* provides that a municipality may pass by-laws respecting: Economic, social and environmental well-being of the municipality; Health, safety and well-being of Persons; Services and things that the municipality is authorized to provide under section (101 of the Act); Protection of Persons and Property, including consumer protection; Structures, including fences and Signs;

AND WHEREAS sections 98, 99 and 99.1 refer to specific municipal powers under Part III of the *Municipal Act, 2001* for Structures, including fences and Signs;

AND WHEREAS sections 9, 10 and 23.1 through 23.5 of the *Municipal Act, 2001* authorize a municipal COUNCIL to delegate powers and duties subject to restrictions;

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

AND WHEREAS section 445 of the *Municipal Act 2001* provides that a municipality may make an order requiring a Person who has contravened a by-law or who caused or permitted the contravention, or the Owner or occupier of land on which the contravention occurred to do work to correct the contravention;

AND WHEREAS section 446 of the *Municipal Act, 2001* provides that where a municipality has the authority to direct or require a Person to do a matter or thing, the municipality may also provide that, in default of it being done by the Person directed or required to do it, the matter or thing shall be done at the Person's expense, and that the municipality may recover the costs of doing a matter or thing by action or by adding the costs to the tax roll and collecting them in the same manner as Property taxes;

AND WHEREAS sections 9, 10, 23.1 to 23.5 and 284.1 authorize a municipality to delegate its powers and duties, subject to certain restrictions, and authorize a municipality to provide for a review or appeal of a decision made by a Person or body in the exercise of a power or duty delegated to him, her or it;

AND WHEREAS in the opinion of Council, the power being delegated to authorize minor variances is of a minor nature, having regard to the number of people, the size of the geographic area and the time period affected by an exercise of the power;

NOW THEREFORE the Municipal Council of The Corporation of the Town of Pelham enacts as follows:

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(to be revised)

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SECTION 1 - SCOPE AND INTENT

1.1 Short Title

This By-law may also be cited as the "SIGN By-law 2020".

1.2 Scope

1.2.1 This By-law regulates the location, size, number, construction, Alteration, Repair, and Maintenance of all outdoor Signs and Signs visible from the exterior of Premises, including Signs located in windows.

1.2.2 All Signs as described in 1.2.1, located on public and Private Property, are subject to the provisions of this By-law.

1.2.3 Signs may be subject to the provisions of other By-laws in addition to this By-Law and to provincial, regional or federal statutes or regulations, including, but not limited to: the relevant provisions of the *Ontario Building Code*, or provisions of the Town's Zoning By-law.

1.3 Intent

The purpose of this By-law is to regulate all Signs in the Town of Pelham with the intent of authorizing Signs that:

- a) are proportionate to the Property they identify and advertise and as such should be appropriate in size, number, and location to the type of activity or Use to which they pertain;
- b) provide reasonable and appropriate means for the public to locate and identify facilities, businesses, and services without difficulty or confusion;
- c) are compatible with their surroundings, supplement the land Use and do not dominate the landscape;
- d) protect and enhance the aesthetic qualities and visual character of the Property and promote the statement that "*the visual quality of a Sign matters to the overall community image*";
- e) are consistent with the Town of Pelham's planning, urban design, and heritage objectives. One size does not fit all – some parts of the Town have characteristics that warrant exemptions, limitations, experimentation, etc.;
- f) do not create a distraction or safety hazard for pedestrians or motorists. The cumulative effects of signage matter – Sign clutter is a civic liability;
- g) minimize adverse impacts on nearby public and Private Property.

SECTION 2 - DEFINITIONS

In this By-law:

"A-FRAME SIGN" means a Temporary Sign not anchored to the ground with no more than two faces, each joined at their top along the straight line edge and constructed in a manner, and of such materials, which permit it to be repositioned by an individual without mechanical aid. This definition shall include Signs commonly referred to as sandwich board Signs and A-board Signs;

"ACCESSORY STRUCTURE" means a Building or Structure which is customarily incidental and subordinate to the main Use of the Lot. An Accessory Structure must be separate (detached) from the main Building;

"ADVERTISING DEVICE" means any device or object, including a Sign and Sign Structure, Erected or displayed so as to attract public attention to any Premises, business, enterprise, good, service, facility or event;

"ADVERTISING SIGN" in reference to Signs classification advertises a business enterprise or the marketing or promotion of an activity, goods or services;

“ALTER” (including **“ALTERED”**, and **“ALTERATION”**) means any change to a Signs or Sign Face, including the addition, deletion or re-arrangement of parts, but does not include;

- (a) the re-arrangement of numerals, letters or Copy applied directly to a Sign Face that is specifically designed and intended to be periodically re-arranged, or;
- (b) Maintenance;

“APPROVED” means Approved by the Chief Building Official or Director of Fire & By-law;

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

“AWNING SIGN” means a Sign painted on, or otherwise affixed to, the surface of an Awning and such Sign does not project out from the Awning in any direction;

“BANNER SIGN” means a Temporary Sign that is made from cloth or a similar lightweight non-rigid material which is secured or mounted to a Building or Permanent Ground Sign. This definition does not include a flag, Awning Sign, Canopy Sign, Window Sign or Inflatable Sign;

“BILLBOARD SIGN” means a Third Party Ground Sign or Third Party Facial Sign, which has Changing Copy and which is owned and maintained by a Person engaged in the rental or leasing of the Sign Face Area for advertising goods, products, services or facilities that are not present or sold on the Property on which the Sign is located;

“BUILDING” defined by the Building Code

“BUILDING FRONTAGE” means the horizontal distance, measured at Grade, along a Building Wall that faces a street and includes the Building Wall which incorporates the main entrance(s) facing a parking area on the same Premises. The main entrance to the Building may include entrances to individual Uses.

“BUILDING WALL” means an exterior wall of a Building that encloses the Structure;

“CANOPY” means a roof-like Structure, un-enclosed by Building Walls and designed to provide shelter for goods, materials, equipment, people or vehicles. It may either project outward from a Building Wall or be freestanding;

“CANOPY SIGN” means a Wall Sign with Copy affixed flat on the surface of a Canopy or hanging from the underside of a Canopy;

“CHANGING COPY” means Copy on a Sign that can be periodically changed or rearranged;

“CHANGING COPY AREA” means the Copy Area on a Sign Face permitted for Electronic, Manual, Rotating or Changing Copy;

“CHARITY” means a registered Charity as defined in the *Income Tax Act (Canada)* or successor legislation, which has a registration number issued by the Canada Revenue Agency, or successor agency;

“CHIEF BUILDING OFFICIAL” means the Person appointed by Council, pursuant to the *Building Code Act, 1992*, as amended, or their designate;

“CLEARANCE” means the vertical distance measured between the lowest horizontal element of a Sign and the Grade level;

“CM” when following a numeral means centimetre(s);

“CONGRATULATORY SIGN” in reference to Sign classification means a Temporary Sign that promotes a private special occasion and does not contain a commercial message or direct Persons to a commercial enterprise;

“CONSTRUCTION SIGN” means a Temporary Sign that;

- a) includes, in whole or in part, information promoting a development within the Town of Pelham, and;
- b) relates to or advertises the location, construction of a Building or Structure in the process of being Erected on a Premises, or;
- c) promotes a plan of subdivision, a plan of condominium, or the construction of a Building or Building complex on a Premises Zoned therefore, or;
- d) promotes a bona fide model home for which an Occupancy permit has not been issued, in a plan of subdivision, or a plan of condominium;

“CONTRACTOR SIGN” means a Temporary Sign that advertises work being performed on the Property by a trade, including but not limited to general contractors, painters and renovators;

“COPY” means all letters, numerals, symbols, images and characters Displayed upon, against or through a Sign Face. This definition does not include letters or numerals Used to identify the municipal address;

“COPY AREA” means the area of a Single rectangle whose perimeter encloses letters, numerals, symbols, shapes or characters of a Sign in their entirety;

“COUNCIL” means the Council of the Corporation of the Town of Pelham;

“DAYS” shall mean calendar Days;

“DESIGNATED LIGHT STANDARD” means a light standard owned by the Town or Region of Niagara and fitted with a Poster Panel;

“DIRECTIONAL SIGN” in reference to Sign classification indicates directions to be followed to reach a destination. It may include a Logo identifying the place of destination, instructions or warnings for the control of vehicular or pedestrian traffic, and entry and exit Signage but contains no other advertising Copy;

“DIRECTOR OF FIRE & BY-LAW” means the Person appointed by Council, pursuant to the *Fire Code Act, 1997*, as amended, or their designate;

“DISPLAY” includes authorizing, allowing or permitting the Display of a Sign;

“DOUBLE” in reference to a Sign Face means a Sign having two Sign Face planes with each Sign Face being of equal area and identical length and Height, and the maximum interior angle between two faces of a Double faced Sign shall not exceed 90 degrees;

“DOWNTOWN BUSINESS IMPROVEMENT AREA” means those lands in the Town designated by Council as an improvement area as the Town of Pelham Downtown Business Improvement Area

“ELECTRONIC” in reference to Changing Copy means Copy that is changed or rearranged Electronically, which may be computer controlled, which Displays Illuminated Copy and graphic information in a programmed sequence for scrolling Display, Static Copy or video;

“ERECT” (including **“ERECTED”**, and **“ERECTION”**) means to attach, build, construct, reconstruct, locate, or relocate any Sign, and includes authorizing, allowing or permitting same. This definition does not include Copy changes on any Sign Face or Maintenance as set out in subsection 3.11 of this By-law;

“EXISTING SIGN” means a Lawful Sign existing as of the effective date of this By-law, unless otherwise provided by this By-law;

“EXTERNAL” in reference to Illumination means a light source directed towards a Sign;

“FACIAL SIGN” means a Sign, which is painted on, affixed to or supported by an exterior Building Wall or Structure attached to the Building Wall and Erected in a predominantly parallel manner to that Building Wall. This definition does not include a Banner Sign or Projecting Wall Sign;

“FEATHER FLAG SIGN” means a Temporary Sign that is made from cloth or a similar lightweight non-rigid material which does not rely upon a Building or fixed foundation for its structural support and is

typically supported with a base or stand on the ground, and can be easily carried or transported. This definition does not include a Banner Sign;

“FIRST PARTY” in reference to a Sign means a Sign which identifies or directs attention to a business, profession, commodity, service, event or other activity being conducted, sold or offered on the Property on which the Sign is located;

“FIRST STOREY” is defined as the Storey that has its floor closest to Grade and its underside of finished ceiling more than 1.8m above the average Grade;

“FLASHING” in reference to Illumination means the Internal or External Illumination is varied or perceived to vary in intensity or design at periodic intervals;

“FRONTAGE” means the distance measured on a horizontal plane along the Front Lot Line, between the Side Lot Lines;

“GRADE” means the average surface elevation of the ground where the ground is in contact with any Building, Sign or other Structure;

“GROUND SIGN” means a freestanding Sign in a fixed location directly supported by the ground without the aid of any Building or Structure other than the Sign Structure, to a maximum Height of 3m (9.84ft.). This definition does not include a Mobile Sign, Read-O-Graph Mobile Sign or an A-Frame Sign;

“HEIGHT” means the vertical measurement from the average finished Grade at the base of the Sign to the highest point of the Sign Structure, Sign or Sign Face;

“HEIGHT OF SIGN FACE” means the maximum vertical limit between the extremities of the Copy Area, including individually installed letters, numerals, symbols, images or characters but excluding borders and frames.

“HOARDING SIGN” means a Temporary Sign attached to hoarding panels or fences which surround a construction site and provide information about the Building or Structure under construction and may include the builder or trades;

“IDENTIFICATION SIGN” in reference to Sign classification identifies the name, address or Logo of a business enterprise;

“ILLUMINATION” (including **“ILLUMINATED”**) when used in reference to a Sign shall mean the act of lighting up a Sign by way of an artificial light and shall include Internal or External sources;

“INCIDENTAL SIGN” in reference to Sign classification is a First Party, non-Advertising Sign of minor consequence and size, and includes a Sign bearing a street name and municipal address, or one that is customarily located on a newspaper box, cornerstone, or grave marker;

“INDUSTRIAL PARK SIGN” means a Ground Sign which provides information related to the park and the tenants within it, where the Sign information shall be limited to Logos, directions or distances;

“INFLATABLE SIGN” means a Temporary Sign filled with air or gas;

“INFORMATION SIGN” in reference to Sign classification provides information concerning public order or public safety or which provides for public education or enlightenment concerning an activity or the nature of their surroundings;

“INTENSITY OF ILLUMINATION” means the brightness of the Sign;

“INTERACTIVE COPY” means Sign Canopy which specifically changes so as to communicate directly with a particular observer;

“INTERNAL” in reference to Illumination means the Sign is illuminated by light emitted from within the Sign;

“LAWFUL SIGN” means a Sign that complies with the applicable regulations of this bylaw or with the applicable regulations of the governing By-law in force and effect at the time the Sign was Erected or Displayed and if applicable a Sign Permit was issued for said Sign;

“LENGTH OF SIGN FACE” means the maximum horizontal limit between the extremities of the Copy Area, including individually installed letters, numerals, symbols, images or characters but excluding borders and frames;

“LOGO” shall mean a graphic representation or symbol of a company name, trademark or abbreviation often uniquely designed for easy recognition. A Logo may not be solely represented by the name of the company;

“LOT” means a parcel or tract of land which:

- a) is a whole Lot or block as shown on a registered plan of subdivision but a registered plan of subdivision for the purposes of this paragraph does not include a registered plan of subdivision deemed not to be a plan of subdivision under a By-law passed pursuant to section 49 of the *Planning Act*, as amended from time to time, or;
- b) fronts an open street and is a separate parcel of land without any adjoining lands being owned by the same Owner or Owners as at the date of the passing of this By-law, or;
- c) the description of which is the same as in a Deed which has been given consent pursuant to section 52 of the *Planning Act*, as amended from time to time, or;
- d) is the whole remnant remaining to an Owner or Owners after a conveyance made with consent pursuant to section 52 of the *Planning Act*, as amended from time to time;

“LOT LINE” means the boundary of a Lot and;

“FRONT LOT LINE” means the Lot Lines(s) along a street;

“REAR LOT LINE” means the Lot Line which is located the farthest from the Front Lot Line;

“SIDE LOT LINE” means Lot Lines other than the Front Lot Line or Rear Lot Line;

“M” when following a numeral means metre(s);

“M2” when following a numeral means square metre(s);

“MANUAL” in reference to Changing Copy means Copy that is changed or rearranged by Manual means;

“MAINTAIN” means anything done to preserve, restore or Repair an Existing Sign using identical components or materials and does not include Sign replacement or substantial Alteration;

“MAINTENANCE” means to Maintain;

“MENU BOARD SIGN” means a Sign Erected as part of a drive-through facility used to Display and order products and services available through a drive-through business;

“MOBILE SIGN” means a Temporary Sign designed to be readily moved from one location to another and which does not rely on a Building or fixed foundation for its structural support. This includes but is not limited to such Sign as Feather Flag Signs and A-Frame Signs greater than **0.6M2** but does not include Read-O-Graph Mobile Signs, Inflatable Signs or a Sign attached to a vehicle where the principal Use of the vehicle is the transportation of people, goods and other material;

“MULTIPLE” in reference to a Sign Face means a Sign having two or more Sign Faces but does not include a Double Sign Face;

“MULTIPLE OCCUPANCY BUILDING” means any Building that contains two or more units for Occupancy by residential, commercial, institutional or industrial Uses, or a combination thereof;

“NEW HOME DEVELOPMENT SIGN” means a Temporary Sign that can be repositioned by an individual without mechanical aid, the purpose for which is to direct attention to the sale of new homes or developments;

“NON-PROFIT” means a club, society, or association and is organized and operated solely for social welfare, civic improvement, pleasure or recreation or any other purpose except profit which has a registration number issued by the Canada Revenue Agency, or successor agency for a Non-Profit organization;

“OCCUPANCY” means the Use or intended Use operating from a Building on a continuous basis or part thereof for the shelter or support of Persons, animals or things;

“OFFICIAL SIGN” means a Sign required by and Erected in accordance with any statute, regulation, By-law or other directive of any federal, provincial or regional government or agency, board or commission thereof, or the Town;

“OFFICER” means a Municipal Law Enforcement Officer appointed by the Town, a police or an officer, employee, or agent of the Town whose responsibilities include the enforcement and administration of this By-law;

“OWNER” means all Persons or their authorized agents in lawful control of the Premises, Building, Occupancy or other Structure or portion thereof under consideration;

“PARAPET” (including Parapet wall) means that portion of a Building Wall, which rises above the roof level of the Structure;

“PERMANENT” in reference to a Sign means a Sign attached to a Building, Structure, or the ground so as to resist environmental loads, such as wind and preclude its ready removal or relocation and not limited as to the time it can be Erected or displayed;

“PERSON” (including Persons) means any individual, association, proprietorship, partnership, association, syndicate, company, corporation, firm, authorized agent, trustee and the heirs, executors or other legal representatives, or any combination of the foregoing;

“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;

“POSTER” means a printed notice conveying information intended to be displayed for a Temporary period of time and includes but is not limited to a bill, handbill, leaflet, notice and placard;

“POSTER BOARD SIGN” means a Temporary Sign that is made from lightweight rigid material, which is secured or mounted to a Building or other Structure. This definition does not include a Banner Sign, Wall Sign or Poster;

“POSTER PANEL” means a panel provided and fitted by the Town to a Designated Light Standard;

“PRE-MENU BOARD SIGN” means a Sign Erected as part of a drive-through facility and only used to Display products and services available at the drive-through business;

“PREMISES” means a specific Property, private or public, under registered Ownership, and includes all Buildings and Accessory Structures thereon; except that multi-tenant Buildings or groups of Buildings containing two or more business establishments developed as a unit providing common open spaces, off-street parking facilities, driveways and other shared facilities shall constitute a Single Premises regardless of registered Ownership;

“PRIVATE PROPERTY” means Property, lands, or Buildings owned by a Person, other than a Public Authority;

“PROJECTING WALL SIGN” means a Sign attached to and projects out horizontally from an exterior wall of a Building in a predominantly perpendicular manner. This definition does not include Awning Sign, Canopy Sign or Facial Sign;

“PROPERTY” means a Lot which has specific boundaries and which is capable of legal transfer, and;

“PUBLIC PROPERTY” means Property, lands, or Buildings owned by the Town, Public Authority, local board or utility as defined in the *Municipal Affairs Act R.S.O. 1990, c.M.46*, as may be amended from time to time. Public Property also includes a Public Road Allowance;

“PUBLIC ROAD ALLOWANCE” means a highway under the Town’s jurisdiction established under authority of any statute, and includes where applicable the curb, shoulder, boulevard, sidewalk and landscaping. A street is a Public Road Allowance for the purposes of this By-law;

“PUBLIC AUTHORITY” means the Town, the Provincial Government, Regional Government, Federal Government and any board, commission, committee or body established or exercising any power or authority under a statute of Canada or Ontario with respect to any of the affairs or purposes, including school purposes, of the Town;

“PYLON SIGN” has the same meaning as a **“POLE SIGN”**

“READ-O-GRAPH MOBILE SIGN” means a Temporary Sign designed to be readily moved from one location to another and which does not rely on a Building or fixed foundation for its structural support in which the entire Sign Face is Manual Changing Copy. This definition includes T-Frame Signs greater than 0.6M2;

“REAL ESTATE DIRECTIONAL SIGN” means a Temporary Sign, not anchored to the ground, intended to provide direction to a Building, Property, Premises or a portion thereof offered for sale, rent or lease and may indicate information as to the real estate agent and the name and location of the sales office. This definition shall include Signs commonly referred to as real estate open house Signs but does not include Real Estate Signs;

“REAL ESTATE SIGN” means a Temporary Sign that advertises a Building, Property, Premises, or a portion thereof, offered for sale, rent or lease, and may provide information such as the agent’s name, the location of the sales office. This definition does not include a Real Estate Directional Sign;

“REPAIR” means anything done to preserve, restore or Maintain the Sign according to the regulations of this By-law;

“ROOF SIGN” means any of the following:

- a) A Sign Erected on or located wholly above the roof of a Building;
- b) A Sign Erected, constructed, attached to or located wholly or partially above the Parapet wall of a Building;

“ROTATING” in reference to Changing Copy means Static Copy that is changed or rearranged mechanically, commonly referred to as tri-vision;

“ROTATION” means the action of turning around an axis or center;

“SEQUENTIAL SIGN” means two or more Signs used in series to convey a cohesive message related to the subject matter, each such Sign message being dependent upon the other;

“SIDEWALK SIGN” means a Temporary Sign not anchored to the ground and constructed in a manner, and of such materials, which permit it to be repositioned by an individual without mechanical aid. This definition includes A-Frame Signs not greater than 0.6M2 and T-Frame Signs not greater than 0.6M2;

“SIGHT TRIANGLE” means an area free of Buildings or Structures or other visual obstructions, and which is to be determined by measuring, the point of intersection of street lines on a corner Lot, a minimum of 9m (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 Sight Triangle.

“SIGN” means any device, object or thing which directs attention to and which is designed to convey a message and that is placed for the purposes of advertising goods and services offered, identifying a business or enterprise or for conveying any other type of message and, without limiting the generality of the foregoing, this definition includes but is not limited to, the types of Signs specifically defined in this section;

“SIGN FACE” means that portion of the Sign, excluding the supporting Structure, borders and frames, upon which, against, or through which Copy is displayed or is capable of being displayed;

“SIGN FACE AREA” means the Length of Sign Face multiplied by the Height of Sign Face. In reference to;

- a) SIGNS comprised of more than one part (individually installed letters, numerals, symbols, shapes or characters) Sign Face Area shall mean the same as the Copy Area;
- b) a Sign box, Sign Face Area will be determined by the area of the Sign cabinet and the frame of the Sign;
- c) a Ground Sign, Sign Face Area shall include the Sign Face and all cladding;
- d) a Double Sign Face, Sign Face Area, shall be calculated based on one Sign Face. For the purposes of calculating permit fees, both sides of the Double Sign Face shall be considered;

“SIGN OWNER” means the Person who owns the Sign. Where there is no known Owner of the Sign, or such Person cannot be determined with certainty, the Sign Owner shall be deemed to be the Person having authority over the associated Use or deriving the major benefit from the Sign. If such Person is unknown, the Sign Owner shall be deemed to be the registered Owner of the land upon which the Sign is situated;

“SIGN PERMIT” means a permit issued by the Director of Fire & By-law or delegate pursuant to the provisions of this By-law or a previous By-law to Erect or Display a Sign;

“SIGN STRUCTURE” means a Structure, framework or bracing, which supports, is constructed to support or did support a Sign Face or faces and in turn is supported by the ground, Building or other Structure not deemed to be an integral part of the Sign;

“SIGN TYPE” means a Sign referenced by its means of support, manner of displaying information, or the information intended to be displayed;

“SIGNAGE MASTER PLAN” means a submission with drawings, text, and specifications setting out the location, arrangement, type and Sign Face Area of all existing and proposed Signs on a Premises.

“SINGLE” in reference to a Sign Face means a Sign having only one face plane;

“STATIC COPY” in reference to Electronic or Rotating Changing Copy means Copy that is static for durations set out in subsection 4.2 before, in the case of Electronic Changing Copy, it instantaneously transitions, or in the case of Rotating Copy, scrolls or rotates to the next Copy;

“STREET FRONTAGE” shall mean Property that abuts a Public Road Allowance or any 0.3m reserve;

“STOREY” means that part of a Building between any floor and the floor, ceiling or roof next above;

“STRUCTURE” means anything that is Erected, built or constructed of parts joined together or any such Erection fixed to or supported by or incorporated within the soil or any other Structure;

“T-FRAME SIGN” means a Temporary Sign not anchored to the ground, where the Sign Structure resembles an inverted capital T and which is constructed in a manner, and of such materials, which permit it to be repositioned by an individual without mechanical aids;

“TEMPORARY” in reference to a Sign, means a Sign not intended or designed for Permanent installation, to be Erected or displayed for a limited time determined by the Director of Fire & By-law or delegate;

“TEMPORARY SPECIAL EVENT BOULEVARD LAWN SIGN” means a Temporary Sign promoting a public festival, charitable event or Non-profit group event, anchored in shallow ground and is capable of being easily moved or re-located.

“TEMPORARY SPECIAL EVENT SIGN” means a read-o-graph mobile type Sign and may include a third party Sign, in conjunction with the Non-profit celebrations, public events, charitable organization events or similar functions or events.

“THIRD PARTY” in reference to a Sign means a Sign which identifies or directs attention to a business, profession, commodity, service, event or other activity not being conducted, sold or offered on the Property on which the Sign is located;

“TOWN” means The Corporation of the Town of Pelham;

“UNSAFE” in reference to a Sign, means a Sign, or a Sign Structure, which is structurally unsound, which constitutes a fire, traffic, or pedestrian hazard, which impedes a means of egress from any Building, or otherwise constitutes a risk to the safety of Persons in, about or adjacent to the Premises or the Sign;

“USE” when used as a noun in conjunction with the words Zone, residential, employment, industrial, commercial, institutional, agricultural, open space, or similar words, shall mean such Uses as may be permitted under the Zoning By-law of the Town;

“WALL AREA” means the total area, including all openings, of a Building Wall, upon which a Sign is Erected. In the case of an irregular Building Wall, which does not form a vertical plane, the Wall Area shall be the total area of a vertical plane projected from the wall;

“WALL SIGN” includes an Awning Sign, Canopy Sign, Facial Sign and Window Sign;

“WAY FINDING SIGN” means a Temporary Sign on or over a Town road allowance indicating the direction to a time-specific event which may include a residential open house, residential garage or lawn sale, or a non- commercial event.

“WINDOW SIGN” means any picture, image, symbol, or combination thereof painted, etched, or attached directly on glass and projecting no more than 1mm or placed inside a window and is intended to be visible from the exterior;

“ZONE” means any land Use Zone established in the Zoning By-law of the Town and passed under the Planning Act or any predecessor or successor Act;

“ZONING BY-LAW” means a By-law of the Town of Pelham and passed under the Planning Act, or any predecessor or successor Act, and as may be amended from time to time.

SECTION 3 - INTERPRETATION, ADMINISTRATION AND PERMITS

3.1 Interpretation

Where a Sign is defined in this By-law, the interpretation of that Sign shall not include any other specifically referred to Sign definition.

Definitions of words and phrases used in this By-law that are not included in the list of definitions in subsection 2.1. and are not defined in another provision of this By-law shall have the meanings that are commonly assigned to them in the context in which they are used, taking into account the specialized Use of terms by the various trades and professions to which the terminology applies.

Where anything in this By-Law is prohibited, it shall not be authorized by way of minor variance.

3.2 Administration

- 3.2.1 The Director of Fire & By-law or designate shall be responsible for the administration and enforcement of this By-law on all public and Private Property within the Town of Pelham.
- 3.2.2 The Director of Fire & By-law or an Officer may enter upon any Property at any reasonable time to inspect a Sign for the purpose of determining its compliance with this By-law.

3.3 Prohibited Signs

No Person shall Erect or Display a Sign that:

- (a) does not comply with all applicable By-laws, statutes or regulations including, but not limited to, the *Ontario Human Rights Code*, or which is not in compliance with this By-law or the conditions of any variance granted under this By-law;
- (b) is not specifically permitted in this By-law;
- (c) interferes with any electrical or telephone wires or associated supports;
- (d) is attached, affixed to, or on any traffic Signal or traffic control device or the supporting Structure appurtenant thereto unless expressly permitted by the Town of Pelham;
- (e) obstructs the view of any driver of a vehicle, obstructs the visibility of any traffic Signal or traffic control device, or interferes with vehicular traffic in a manner that could endanger any Person;
- (f) bears or Displays the Town Logo, crest or seal in whole or in part, without the express written permission of the Town;
- (g) emits sound or odour, or discharges any gas, liquid, or solid;
- (h) features Interactive Copy;
- (i) is on a roof, except as otherwise permitted under this By-law;

- (j) is on a vehicle or trailer or painted thereon (except a temporary sales trailer for new construction located on the site of the construction) where the vehicle is not used in weekly operation for transportation and is parked or located in a manner so as to make the Sign visible from a street for the purpose of acting as a Sign;
- (k) obstructs or is within a parking space required by By-law or as part of a Registered Site Plan Agreement;
- (l) is attached to a tree, fence, gate, railing unless otherwise permitted in this By-law; or the Town of Pelham fence By-Law 4157 (2019).
- (m) is a Sequential Sign;
- (n) is on any Accessory Structure or painted thereon, except facial or Projecting Wall Sign that relate solely to an Occupancy or Use carried out in conjunction with the Accessory Structure;
- (o) is primarily supported by cables or guy wires External to the Sign Face or Sign box;
- (p) is located on a Public Road Allowance and attached to any utility pole or Official Sign Structure, unless such Sign is Erected by another Public Authority having jurisdiction in the matter, or except as otherwise permitted under this by-law.
- (q) SIGN within site triangle within a Property formed by the intersection of two streets, a street and a driveway or a street and a level railway crossing and may include projections thereof on the road allowance;
- (r) Is a Third Party Sign except if specifically allowed in this by-law.
- (s) Billboard Sign

3.4 Signs Exempt from This By-Law

The following Signs are exempt from this By-law:

- (a) a memorial Sign or tablet, commemorative or Heritage Designation plaque, or corner stone denoting the date of Erection of Buildings or other related information;
- (b) a flag of civic, educational or religious organizations;
- (c) SIGNS that are regulated by Town of Pelham By-law with respect to elections under the *Canada Elections Act*, the *Election Act (Ontario)*, or the *Municipal Elections Act, 1996*, or any successor legislation;
- (d) any Sign located on a Public Road Allowance, Approved by the Director of Public works;
- (e) Official Signs
- (f) Signs within a Building, not visible beyond any boundary of the Property on which the Sign is located;
- (g) Incidental Signs;
- (h) Signs on Town sports field fences, backstops and Accessory Structures pursuant to a contract with the Town;
- (i) Permanent Third Party Signs on sports field fencing, backstops, and Accessory Structures so long as they are not visible off the Premises;
- (j) Posters affixed to a Poster Panel that are located on a Public Road Allowance installed by the Town of Pelham, Region of Niagara or any Public Utility or Government agency.

3.5. Signs Not Requiring Permits

- 3.5.1 The following Signs are permitted and may be Erected, displayed, modified or restored without obtaining a Sign Permit:

- (a) Information Sign Erected or displayed as:
 - i) a Sign pertaining exclusively to public safety, not exceeding **0.35M2** of Sign Face Area;
 - ii) a Sign exclusively indicating the maximum headroom, not exceeding **0.35M2** of Sign Face Area;
- (b) a non-Illuminated "*no trespassing*" or other warning Sign provided it is not greater than **0.2M2** of Sign Face Area;
- (c) a PERMANENT, non-Illuminated Facial Sign having no greater than **0.6M2** of Sign Face Area;
- (d) a flag of a corporate organization, not exceeding **7.5m** in Height, provided that no more than three flags are located on one Premises and any such flag does not exceed **2.7M2** of Sign Face Area;

3.5.2 A permit is not required for the following Sign, however these Sign shall comply with all other requirements of this By-law, unless otherwise specifically provided:

- (a) Real Estate Signs no greater than **0.6M2** (6.5 sq. ft.) of Sign Face Area;
- (b) Real Estate Directional Signs;
- (c) way finding Directional Signs;
- (d) Construction Signs on Private Property having a Sign Face Area not greater than **10.0M2** of Sign Face Area;
- (e) Congratulatory Signs displayed on Private Property for a period less than 72 hours;
- (f) Window Sign;
- (g) Contractor Sign;
- (h) Hoarding Signs, provided the Signage does not extend beyond the Structure of the hoarding;
- (i) Sidewalk Signs no greater than **0.6M2** of Sign Face Area;
- (j) A Temporary Banner Sign;
- (k) A Temporary Feather Flag Sign;

3.6 Permits

3.6.1 (1) Where a permit is required under this By-law, no Person shall Erect or Display a Sign without a permit.

(2) A permit under this By-law is required for the Erection or Display of:

- (a) Banner Sign;
- (b) Construction Sign greater than **10.0M2** of Sign Face Area;
- (c) Ground Sign;
- (d) Industrial Park Sign;
- (e) Inflatable Sign;
- (f) Menu Board Sign;
- (g) New Home Development Sign;
- (h) Pre-Menu Board Sign;
- (i) Pole Sign;

- (j) Poster Board Sign;
 - (k) Projecting Wall Sign;
 - (l) Read-O-Graph Mobile Sign;
 - (m) Real Estate Signs greater than **0.6M2** of Sign Face Area;
 - (n) Roof Sign;
 - (o) T-Frame Sign greater than **0.6M2** of Sign Face Area;
 - (p) Wall Sign (including Awning Sign, Canopy Sign, Facial Sign), excluding Window Sign.
- 3.6.2 (1) Where a permit is required under this By-law, no Person shall substantially Alter or Repair a Sign without a permit.
- (2) Except as provided for in 3.11.1, a permit under this By-law is required for the substantial Alteration or Repair of:
- (a) Banner Sign;
 - (b) Construction Sign greater than **10.0M2** of Sign Face Area;
 - (c) Ground Sign;
 - (d) Industrial Park Sign;
 - (e) Menu Board Sign;
 - (f) Pole Sign;
 - (g) Pre-menu Board Sign;
 - (h) Projecting Wall Sign;
 - (i) Real Estate Sign greater than **0.6M2** of Sign Face Area;
 - (j) Roof Sign;
 - (k) Wall Sign (including Awning Sign, Canopy Sign, Facial Sign), excluding Window Sign.
- 3.6.3 Persons seeking to Erect, Display, replace, substantially Alter or Repair a Sign when a permit is required shall provide to the Director of Fire & By-law or delegate permit application materials which include:
- (a) a completed application form as prescribed by the Director of Fire & By-law or delegate;
 - (b) 2 copies of all plans, drawings and other materials in metric as required by the Town;
 - (c) applicable fees as set out in the fees & services By-Law 3728 (2016) at the time of application;
 - (d) written authorization from the Owner of the Property (where the Person applying for the Sign Permit is not also the Owner of the Property) where the Sign will be Erected or Altered;
 - (e) if applicable, authorization for the proposed Sign from all Government authorities having jurisdiction, or necessary municipal departments.
- 3.6.4 As per 3.6.3 (b), an application for Sign Permit shall be accompanied by plans and drawings in metric that contain the following information:
- (a) A location plan, drawn to scale, which clearly identifies the Property where the Sign is to be displayed including the dimensions of the Property, existing and proposed Buildings, and the location, Height, size and nature of existing and proposed Signs on the same Property dimensioned to clearly illustrate the shortest distance from the Property line(s) for all existing and proposed Structures and Signs;

- (b) Information including, but not limited to drawings, photos, artwork and specifications of the proposed Sign, drawn to scale, which clearly demonstrates the Sign and Sign Copy intended for Display, and which includes construction details, supporting framework, foundations, materials, weight, cross section wall details, base details, Illumination details, Height of Sign, Sign area, length and width of Sign;
 - (c) Sufficient information for the Chief Building Official to determine that the Sign has been designed and will be constructed/Erected/suspended in compliance with the *Ontario Building Code*, and;
 - (d) Further to sub clause (b), drawings for the following Signs shall be signed and sealed by a Professional Engineer or Architect registered to practice in the Province of Ontario:
 - i) A Pole Sign that exceeds 3m (9.84 ft) in Height above the adjacent finished ground;
 - ii) a Roof Sign
 - iii) a Projecting Wall Sign attached or fastened in any manner to a Parapet wall.
- 3.6.5 No Person enjoys a vested right in the continuance of a permit and whether issued, expired, revoked or otherwise terminated, the permit and any value of such permit shall continue to be the Property of the Town. No Person other than the Town may assign a permit.
- 3.6.6 No Person other than the Town shall sell, purchase, lease, mortgage, charge, assign, pledge, transfer, seize, distraint or otherwise deal with a permit issued under this by-law.
- 3.7 Inspection**
- 3.7.1 **Notice to Chief Building Official** – Where the Chief Building Official has prescribed inspections as part of the Sign Permit, the Sign Permit holder shall notify the Chief Building Official, at least 72 hours prior to the commencement of each stage of construction or Erection of the Sign to have the inspection(s) undertaken.
- 3.8 Sign Permit Refusal, Revocation and Cancellation**
- 3.8.1 The Director of Fire & By-law or delegate may refuse to issue a Sign Permit for any of the following reasons:
- (a) the proposed Sign does not comply with this By-law, other Town of Pelham By-laws, or any applicable federal, regional or provincial statute or regulation;
 - (b) the proposed Sign is to be displayed on Private Property, if any other Sign displayed on said Property does not comply with this By-law;
- 3.8.2 The Director of Fire & By-law or delegate may revoke a permit for any of the following circumstances:
- (a) the permit was issued in error;
 - (b) the permit was issued as the result of false, mistaken, incorrect, or misleading statements, information, or undertakings on the application;
 - (c) the Display of the Sign has not commenced within six months after the issuance of the permit;
 - (d) the permit holder requests in writing that the permit be revoked.
- 3.8.3 The Director of Fire & By-law or delegate may cancel an application for permit for any of the following circumstances:
- (a) an application for a permit remains incomplete, or inactive, for six months after it is made;
 - (b) any conditions, including those as part of a variance associated with permit issuance, have not been adhered to.

3.9 Refunds

3.9.1 The Town will not refund fees paid for a Sign Permit application for any of the following reasons:

- (a) the Chief Building Official or Director of Fire & By-law or delegate refuse to issue the Sign Permit because the Sign does not comply with this By-law, any other By-law, the *Ontario Building Code*, the *Ontario Heritage Act* or any federal, regional or provincial statute or regulation;
- (b) the Sign or the work described for the Sign for which the permit application is made, has been displayed prior to the issuance of a permit;
- (c) the Sign Permit has been revoked;
- (d) substantial review has been conducted by municipal staff in processing the Sign Permit application.

3.9.2 Pursuant to subsection 3.9.1 of this By-law, upon written request from the applicant, the fees that may be refunded shall be a percentage of all permit fees payable under this By-law, calculated by the Director of Fire & By-law or delegate as follows:

- (a) 90 percent, if administrative functions only have commenced;
- (b) 60 percent, if the permit application has been reviewed and the permit is ready to be issued;
- (c) 50 percent, if the permit has been issued and no field inspections have been conducted within six months from the date the permit was issued;
- (d) if the calculated refund is equal to or less than the minimum fee applicable to the work, no refund shall be made of the fees paid;
- (e) additional fees, charged due to the commencement of installation or Display of a Sign or Sign Structure prior to permit issuance, equal to 100% of the amount calculated as the regular permit fee, shall not be refundable in any case.

3.10 Advertising Devices Lawfully Erected On the Day This By-Law Comes into Force

3.10.1 This By-law does not apply to an Advertising Device that was lawfully Erected or displayed on the day this By-law comes into force if the Advertising Device has not been substantially Altered. The Maintenance and Repair of the Advertising Device, or a change in the message or contents displayed, does not in itself constitute a substantial Alteration.

3.10.2 This By-law does apply to an Advertising Device that was lawfully Erected or displayed on the day this By-law comes into force if it has been substantially Altered.

3.10.3 In the event that the Town requires that a Sign be relocated or replaced for any municipal purpose:

- (a) the relocation of the Sign shall be subject to the location requirements of this By-law;
- (b) a Sign of the same dimensions and materials as the removed/relocated Sign shall not be subject to the regulations of this By-law where the contravention is caused by the relocation/replacement;
- (c) notwithstanding sentence 3.10.3 (a) and (b), relocated Signs require a permit.

3.11 Maintenance, Repair and Replacement

3.11.1 The Sign Owner shall Maintain any and all Sign in good order so that they do not become unsightly, Unsafe, defective or dangerous. Every Sign Owner shall ensure that:

- (a) all exposed Sign and Sign Structure surfaces are covered with a durable, weather resistant, protective finish;
- (b) repainting or refinishing is undertaken as often as is necessary to prevent peeling or flaking of paint or corrosion;
- (c) all lights, bulbs, tubes and other forms of Illumination are functioning and comply with

the regulations of this By-law;

- (d) all Sign Faces and Sign Structures are kept intact and operative and do not contain deteriorating, peeling, broken or cracked parts;
- (e) Sign is maintained in accordance with the Approved plan authorizing its Erection;
- (f) there is no visible deterioration of the Sign, Copy or its Structure;
- (g) the Sign is not Unsafe and does not create a danger to any Person.

3.11.2 Every Sign Owner shall ensure that where a Sign Face is required to cover and protect any electrical components, lamps or Sign box from the elements, the Sign Face remains intact at all times. If a Sign Face is removed for Repair or replacement, a Sign Face shall be reinstalled within twenty-eight (28) days of removal.

3.11.3 The replacement of a Sign that was lawfully Erected or displayed on the day this By-law comes into force, except to Repair or Maintain the Structure as per subsection 3.11.1, is "substantially Altered", and therefore requires full compliance with this By-law;

3.11.4 Notwithstanding subsection 3.11.3, a Sign is not required when a Sign which was lawfully Erected under this or a previous By-law is removed for a period of no more than 28 days for the purposes of either Maintenance or Repair to the Building Wall, or to the Sign, provided the Sign Structure or the Building Wall that it is affixed to is not substantially Altered.

3.12 Enforcement

3.12.1 Every Person who contravenes any provision of this By-law is guilty of an offence.

3.12.2 Fines for Contravention, Individuals

Every Person contravention under this By-law is liable:

- (a) upon a conviction, to a maximum fine of \$5,000.00;
- (b) upon any subsequent conviction, to a maximum fine of \$10,000.00.

3.12.3 Fines for Conviction, Corporations

Notwithstanding subsection 3.12.2, where the Person convicted is a corporation, the corporation is liable:

- (a) upon a first conviction, to a maximum fine of \$10,000.00;
- (b) upon any subsequent conviction, to a maximum fine of \$25,000.00.

3.12.4 Order Prohibiting Continuation or Repetition

Where a Person has been convicted of an offence, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy or penalty provided for by this By-law, make an order prohibiting the continuation or repetition of the offence by the Person convicted.

3.12.5 Removal without Notice, Town Property including road allowance within the Town

Where a Sign is Erected or displayed on or over Property owned by, or under the jurisdiction of, the Town and not in accordance with the regulations of this By-law, the Sign may be removed immediately by the Town without notice or compensation.

3.12.6 Removal without Notice

Where a Sign is displayed in contravention of this By-law, the Director of Fire & By-law or delegate may immediately pull down or remove any Sign that he/she determines constitutes a safety hazard or a safety concern without notice or compensation.

3.12.7 Order to Remove

- (1) The Director of Fire & By-law or designate may order the Owner or Sign Owner to

remove a Sign or bring a Sign into compliance in the manner, and within the time, specified in the order. The Director of Fire & By-law may order the Sign Owner to comply with subsection 4.1.7 of the By-law and require the Owner of the Sign to remove the Sign. Where the Sign Owner fails to remove the non-compliant Sign after being ordered to do so, the Director of Fire & By-law may issue an order to the Owner of the land to comply with subsection 4.1.8 of the By-law and require the Owner of the land to remove the Sign.

(2) The order in sentence (1) shall set out:

- (a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred;
- (b) the date by which there must be compliance with the order;
- (c) requiring the Sign be removed and not replaced, or requiring the Sign be made to comply with this By-law;
- (d) that if the Sign is not removed or made to comply within the specified period, the Town may remove the Sign.

3.12.8 Serving of the Order

The order mentioned in subsection 3.12.7 may be served by any of the following means:

- (a) Personal service upon the Property Owner;
- (b) regular mail or prepaid registered mail sent to the last address of the Property Owner shown on the records of the Town;
- (c) prominently posting a Copy of the order either on the Sign in respect of which the order is made, or on the Property upon which the Sign is displayed.

3.12.9 Deemed to Have Been Received

Where the order is served in accordance with subsection 3.12.8 it is deemed to have been received by the party being served upon the mailing or posting of the order.

3.12.10 Removal Following Order

Where a Sign is not removed or is not brought into conformity as required by an order under subsection 3.12.7, the Director of Fire & By-law or designate or an Officer may have the Sign removed without notice or compensation. For this purpose, the Director of Fire & By-law or designate or an Officer may enter upon the Property at any reasonable time, with or without warrant.

3.12.11 Compliance with Order

No Person shall fail to comply with an order issued to them under this By-law.

3.13 Removal and Storage of Signs – Costs & Charges

Signs removed pursuant to subsections 3.12.5, 3.12.6 and 3.12.10 shall be stored by the Town for a period of not less than 30 days, during which time the Sign Owner or the Sign Owner's agent may be entitled to redeem the removed item(s), subject to the following fees

- a) Large Sign removed by Town Public Works Department:
 - 1) Removal and first day of storage - \$285.00
 - 2) Additional storage - \$50.00 per day
- b) For smaller Sign removed by an Officer alone
 - 1) Removal and storage - \$50.00

3.13.1 Claiming of Removed Items Subject to Charges

Upon the claiming of a removed and stored SIGN, the Town of Pelham shall require of the Person claiming the Sign to remit the appropriate charges

3.13.2 Destruction After Storage Elapses

Where a Sign has been removed by the Town and stored for a period of at least 30 days, and the Sign has not been claimed, the Sign may be forthwith destroyed or otherwise disposed of by the Town.

3.13.3 Costs and Charges – Lien upon Property

Where a Sign has been removed and stored by the Town and the Sign has not been claimed, all costs and charges for the removal, care and storage of the Sign under this by-law are a lien upon it which may be enforced by the Town in the manner provided by the *Repair and Storage Liens Act, R.S.O. 1990, c. R.24*, as amended.

3.13.4 Costs deemed to be Tax

The cost incurred by the Town in removing a Sign may be added to the tax roll and collected in the same manner as municipal taxes. Despite the foregoing, the cost incurred by the Town in removing a Sign under this part of the By-law is a debt payable to the Town and may be recovered in any court of competent jurisdiction.

3.14 Safety Requirements

Every Sign Owner shall ensure that the following Codes, safety regulations and requirements are adhered to and observed at all times for all Signs Erected or displayed in the Town of Pelham:

(a) Ontario Building Code

All Sign, except for Temporary First Party Signs and Temporary Third Party Signs, shall comply with the *Ontario Building Code*, as amended from time to time, and all applicable and reference standards for structural and life safety matters.

(b) Electrical Safety Authority and the Ontario Electrical Safety Code

Every Sign which utilizes electricity shall comply with all governing requirements of the Ontario Electrical Safety Authority as amended from time to time.

(c) Occupational Health and Safety Act

Construction safety measures conforming to the *Occupational Health and Safety Act*, as amended from time to time, as provided therein apply to the Erection, Alteration, relocation, removal or demolition of Sign and canopies.

(d) Resemblance to Emergency Light

No Rotating beam, beacon or Flashing Illumination resembling an emergency light or lights shall be used in conjunction with any Sign so as to create a traffic hazard, or in a manner that would otherwise endanger any Person.

(e) Building Openings

No Sign shall obstruct any window or openings required for light, ventilation, egress, or access.

(f) Overhang of Sidewalks

No Sign shall overhang or be within a horizontal distance of 0.6 m of a sidewalk or other pedestrian walkway unless the minimum vertical distance between Grade and the bottom of the overhanging Sign Face is at least 2.4 m.

(g) Underground Electrical Wiring

All electrical wiring required to service any Ground Sign shall, if so available from the utility provider, be located underground. If power is brought from a Building or Structure to the Sign, that wiring shall be located underground.

3.15 Measurements

- a) All measurements of length or area used in this By-law shall be subject to rounding, within the degree of precision specified by the number of digits following the decimal point (if any), so that:
- b) For a whole number, measurements of less than **0.5** shall be rounded downward to the next whole unit;
- c) For a whole number, measurements of **0.5** and greater shall be rounded upward to the next whole unit;
- d) for a number having one decimal place, measurements of less than **0.05** shall be rounded downward to the next one-tenth unit;
- e) For a number having one decimal place, measurements of **0.05** and greater shall be rounded upward to the next one-tenth unit;
- f) Ratios and percentage figures shall not be subject to rounding.

SECTION 4 - GENERAL PROVISIONS

4.0 Application of General Provisions

No Person shall Erect or Display any Sign within the Town of Pelham for lands affected by this By-law except in conformity with the regulations specified in Section 3, and by the applicable general provisions set out in all subsections of Section 4.

4.1 Regulations for All Sign Types

- 4.1.1 Where this section requires a Sign to be Erected or displayed a minimum distance from another Sign or Special District, the Sign Owner shall ensure no part of the Sign is within the prescribed minimum distance.
- 4.1.2 The Sign Owner shall ensure that the Sign does not move or appear to move, in whole or in part, unless otherwise expressly permitted by this By-law.
- 4.1.3 No Person shall project a Sign or Sign Copy onto a Building or any other surface from or by a source External to the Sign or Sign Copy unless otherwise expressly permitted by this By-law.
- 4.1.4 The Sign Owner shall ensure that the Sign Displays only Static Copy unless otherwise expressly permitted by this By-law.
- 4.1.5 Where this By-law requires the Sign Face Area to be calculated as a percentage of the area of the wall of a Building, the area of the wall shall include the windows located therein.
- 4.1.6 Notwithstanding that the permitted Changing Copy Area is based on a percentage of the maximum total Sign Face Area the maximum Sign Face Area does not have to be Erected or displayed in order to Display the Changing Copy.
- 4.1.7 Where a Sign does not comply with this By-law, the Sign Owner shall remove the Sign.
- 4.1.8 Where the Sign Owner fails to remove the Sign under subsection 4.1.7, the Owner of the land on which the Sign is situated shall remove the Sign.

4.2 Electronic Changing Copy

- 4.2.1 Where this By-law permits a Sign to Display Electronic Changing Copy, the Sign Owner shall ensure following requirements are met:
 - (a) during the message transition, the Sign shall not include any blinking, intermittent or Flashing light or the illusion of such effects;
 - (b) all Electronic Changing Copy shall come equipped with functioning automatic dimming technology which will automatically adjust the Sign's brightness in direct correlation with ambient light conditions;
 - (c) a Sign displaying Electronic Changing Copy shall be designed so as to cease operating in the case of a malfunction;

- (d) for all First Party Signs, the Rotating or Electronic Changing Static Copy duration shall not be less than ten (10) seconds before instantaneously transitioning to the next Static Copy; and

4.3 Illumination (Lighting) of Signs

4.3.1 Where this By-law permits a Sign to be Illuminated, the Sign Owner shall ensure the following requirements are met:

- (a) Illumination which is External shall not be directed toward adjacent Lots, Public Road Allowances or into the direction of oncoming traffic;
- (b) Illumination which is External shall be downcast, or shielded, to minimize reflective impact on the night sky by being ground oriented;

4.3.2 Where this By-law permits a Sign to be Illuminated, the Sign Owner shall ensure the Sign is not Illuminated during the following time periods:

- (a) Between the hours of **10:00 p.m.** and **7:00 a.m.** where the Sign is located in, or within **30m** of, a Residential (R) Zone, except where:
 - i) the Sign is a First Party Sign associated with a lawful business which operates during this period, and only while the business is actually in operation; or
- (b) Between the hours of **11:00 p.m.** and **7:00 a.m.**, except where:
 - i) the Sign is a First Party Sign associated with a lawful business which operates during this period and only while the business is actually in operation;

4.3.3 Signs associated with the following Uses may be Illuminated and are not subject to sections 4.3.1 nor 4.3.2:

- (a) hospitals and emergency treatment facilities;
- (b) power generating stations and electrical substations;
- (c) control centres for land transportation;
- (d) public transit facilities;
- (e) public water treatment and storage facilities;
- (f) water and sewage pumping stations;
- (g) emergency response facilities;
- (h) fire, rescue, and police stations;
- (i) storage facilities for vehicles or boats used for fire, rescue and police purposes; and
- (j) public telephones and emergency call stations.

4.4 Sight Triangle

No Persons shall Erect or Display a Sign within the Sight Triangle.

See schedule "A" attached for Sight Triangle calculation explanation sketch

4.5 Congratulatory Signs on Residential Premises

Notwithstanding any other regulation in this By-law, not more than one Congratulatory Sign regardless of Sign Types, is permitted to be Erected or displayed on any residential Premises.

SECTION 5 - CLASSIFICATION OF SIGNS

Banner Sign over 0.6M2

5.1 All Banner Signs over 0.6M2 shall comply with the following conditions:

- a) Must be installed completely on the subject Property to which it pertains and not be installed on or over a Public Road Allowance.
- b) Is limited to one Sign per every 20m of Building Frontage. In the case of a Multiple unit Building, one Sign is limited to every 20m of individual business Frontage. If the unit or Building has less than 20m of Frontage, then the number of Sign shall be limited to one.
- c) All Sign must be kept in good Repair and must not Display a condition of fading, tearing or deterioration.

Feather Flag Signs over 0.6M2

5.2 All Feather Flag Signs over 0.6M2 shall comply with the following conditions:

- a) Must be installed completely on the subject Property to which it pertains and not be installed on or over a Public Road Allowance.
- b) Is limited to one Sign per every 20m of Building Frontage. In the case of a Multiple unit Building, one Sign is limited to every 20m of individual business Frontage. If the unit or Building has less than 20m of Frontage, then the number of Signs shall be limited to one.
- c) All Signs must be kept in good Repair and must not Display a condition of fading, tearing or deterioration.

SECTION 6 - GROUND SIGNS

- a) No Ground Sign shall be located on any Property other than the Property to which the Ground Sign applies.
- b) 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.
- c) No Ground Sign shall be Erected which:
- d) Exceeds 3m (9.84 ft.) in Height of a Sign;
- e) Exceeds 0.3M2 (3.2 sq. ft.) in area on residential lands;
- f) Exceeds 9M2 (96.0 sq. ft.) in area per side or visible face;
- g) No Person shall Erect a 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.
- h) 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.

SECTION 7 - POLE SIGNS

- a) No Pole Sign shall be located on any Property other than the Property to which the Pole Sign applies;
- b) 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.
- c) No Pole Sign shall be Erected which:
- d) Exceeds 9m (29.5 ft.) in Height of Sign;
- e) Exceeds 20M2 (215 sq. ft.) in area per side or visible face;
- f) No Person shall Erect on any Lot more than one Pole Signs for every 60m (197 ft.) of the Frontage of the Lot on which the Pole Sign is located. Where a Lot has less than 60m (197 ft.) of Frontage a Pole Sign is not permitted;
- g) No Person shall Erect a Pole Sign on residential lands.

SECTION 8 - READ-O-GRAPH MOBILE SIGN

- a) No Read-O-Graph Mobile Sign shall be located on any Property other than the Property to which the Read-O-Graph Mobile Sign applies.
- b) No Read-O-Graph Mobile Sign shall be located closer to; any street line or other Property line than 1.0m (3.2 ft.);
- c) Any street line, not closer to 2m (6.5 ft.) where the Read-O-Graph Mobile Sign exceeds 1m (3.25 ft.) in Height of Sign;
- d) No Person shall Erect a Read-O-Graph Mobile Sign which:
- e) Exceeds 2.4m (7.8ft) in Height of Sign;
- f) Exceeds 4.6M² (50.0 sq. ft.) in area per side or visible face;
- g) Has more than two sides or visible faces
- h) No Person shall Erect a Read-O-Graph Mobile Sign on residential lands except a Temporary Special Event Sign.
- i) No Person shall Erect on any Lot more than one Read-O-Graph Mobile Sign for every 30m (98.4 ft.) of the Frontage of the Lot on which the Read-O-Graph Mobile Sign is located. Where a Lot has less than 30m (98.4 ft.) of Frontage the Owner may Erect one Read-O-Graph Mobile Sign.
- j) Read-O-Graph Mobile Sign may be illuminated or luminous provided such lighting does not consist of Flashing lights, moving lights or intermittent or activated lighting of any kind.
- k) All electrical cables, extensions, wires or outlets of every nature or kind attached to, or relating in any way to a Read-O-Graph Mobile Sign must comply with the regulations of the Electrical Safety Authority.
- l) No Person shall Erect a Read-O-Graph Mobile Sign in or on a required parking space on a Property.
- m) No Person shall Erect a Read-O-Graph Mobile 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.
- n) Read-O-Graph Mobile Sign 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, two (2) sixty (60) day periods, or a combination thereof within any one calendar year, with a minimum thirty (30) day interval between each permitted period.
- o) Notwithstanding subsection "o" above, a new business may be granted a one-time permit to Erect a Read-O-Graph Mobile Sign for a three (3) month period of continuous advertising from the opening day of the business to promote the new business.
- p) Read-O-Graph Mobile Sign and supporting Structure must be removed from the Property or yard, or adequately screened from view by fencing or landscaping, once the time frame indicated on the Sign Permit has lapsed.

SECTION 9 - PROJECTING WALL SIGNS

- a) Projecting Wall 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;
- b) No part of any Projecting Wall Sign may project beyond the street line or any other Property line or encroach on or over any other Property;
- c) Every Projecting Wall Sign shall have a minimum 2.4 m (7.87 ft.) Clearance between the bottom of the Sign and Grade.

SECTION 10 - ROOF SIGNS

- a) No Roof Sign shall be located on any Property other than the Property to which the Roof Sign

applies.

- b) 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.
- c) Drawings that accompany all Roof Sign Permit application shall be signed and sealed by a Professional Engineer or Architect registered to practice in the Province of Ontario
- d) No Roof Sign shall be Erected which:
 - (h) 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) Height exceeds the maximum Building Height from Grade as prescribed by the Corporation's Zoning By-law.

SECTION 11 - SIDEWALK SIGN ON PRIVATE PROPERTY

Any Person who has a legal commercial business operating within the Town of Pelham, may Erect one Sidewalk Sign on the Property on which such business is located without obtaining a permit provided such Sign complies with the following regulations:

- a) By its decision to Erect a Sidewalk Sign the business assumes all liability for Personal injury and Property damage caused or contributed to by the sandwich board;
- b) The Sidewalk Sign shall only be Erected on the business Property and not on Public Property;
- c) The Sidewalk Sign will not impede pedestrian or vehicular traffic and will not cause a traffic visibility hazard;
- d) No Sidewalk Sign shall be larger than 0.6m (2 ft.) wide x 1.2m (3.9 ft.) high or 0.9m (3ft.) in depth;
- e) Each Sidewalk Sign shall be properly maintained to the satisfaction of the Officer.
- f) The Sidewalk Sign shall be removed from public viewing any time when the business is not open to the public.

SECTION 12 - SIDEWALK SIGNS ON PUBLIC PROPERTY

Any Person who has a legal commercial business operating within the Town of Pelham may Erect one Sidewalk Sign on Public Property where it is not possible to Erect a Sidewalk Sign on Private Property provided the sandwich board Sign complies with the following regulations:

- a) There shall be only one Sidewalk Sign adjacent to the business Frontage of each business on the ground floor;
- b) By its decision to Erect a Sidewalk Sign the business assumes all liability for Personal injury and Property damage caused or contributed to by the sandwich board. Each business shall Maintain a minimum \$2,000,000.00 of Commercial General Liability Insurance naming the Town as an additional insured and providing 30 days' notice of cancellation or non-renewal;
- c) No Sidewalk Sign shall be closer than 0.3 m (1 ft.) to the travelled portion of the roadway;
- d) No Sidewalk Sign shall be located in such a manner as to interfere with either pedestrian or vehicular traffic. This also includes vehicle parking stalls;
- e) Where a Sidewalk Sign is located on a public sidewalk, there shall be a minimum Clearance around the Sign of 1.2 m (4 ft.) to allow pedestrians to pass; each Sidewalk Sign shall be properly maintained;
- f) No Sidewalk Sign shall be larger than 0.6 m (2 ft.) wide, 1.2 m (3.9 ft.) high, or 0.9 m (3 ft.) in depth;
- g) The Sidewalk Sign shall be removed from public view any time the business is not open to the public.

SECTION 13 - TEMPORARY SPECIAL EVENTS

- a) Nothing herein shall be deemed to prevent Temporary street decorations or other Temporary Advertising Devices installed for various civic celebrations and/or other festivals and/or special events, which are not for profit in nature.
- b) Temporary Special Event Signs may be Erected for a period from thirty (30) days prior to the event to not more than five (5) days after the event at which time the Sign shall have been removed.
- c) Temporary Special Event Signs shall be Erected in compliance with the Read-O-Graph provisions of subsections.
- d) Temporary Special Event Signs shall not be Illuminated in any manner.
- e) A permit is required for a special event Sign but not subject to the fee outlined in fee schedule. The permit must be obtained prior to the Erection of the Sign.
- f) No Temporary Special Event Signs shall be Erected on Public Property unless specifically Approved by Council.

SECTION 14 - TEMPORARY SPECIAL EVENT BOULEVARD LAWN SIGNS

- a) Temporary Special Event Boulevard Lawn Signs shall not be greater than 0.75m (2.5 ft.) in Height from Grade.
- b) Temporary Special Event Boulevard Lawn Signs shall not have a greater face area than 0.37M² (4.0 ft²) per side and not contain more than two (2) Sign Faces.
- c) Temporary Special Event Boulevard Lawn Signs shall be installed on the Outer Boulevard of a highway. Where no sidewalk exists the Sign may be placed on the Inner Boulevard.
- d) Temporary Special Event Boulevard Lawn Signs may be Erected by an organization promoting a public festival, public show, charitable event or Non-profit event for a period from thirty (30) days prior to the event and must be removed within three (3) days after the closing of the event.
- e) Temporary Special Event Boulevard Lawn Signs must be set back at least 0.5m (1.6 ft.) from the edge of the travelled road, sidewalk, or shoulder of a highway.

Should the Owner or resident of a Property which abuts the Town Boulevard where a Temporary Special Event Boulevard Lawn Signs has been placed, request removal of the Sign, the Sign shall be immediately removed by the organization responsible for placement of the Sign or by an Officer upon notification.

SECTION 15 - WALL SIGNS

- a) No Wall Sign shall be located on any Property or Building other than the Property or Building to which the Wall Sign applies.
- b) No Wall Sign shall be Erected which;
- c) is not Erected against the exterior wall of the Building to which the Wall Sign is to be attached;
- d) projects more than 0.3M (1 ft.) from the wall of the Building;
- e) the upper limit of a Wall Sign shall not project above eaves line or Parapet of a Building;
- f) has a width of Wall Sign which exceeds 80% of the linear measurement of the width of the front Building Wall or in the case of a multi-unit Building the width of the individual Business front Building Wall, and a height which exceeds 25% of the linear measurement of the height of the front Building Wall or in the case of a multi-unit Building, the height of the individual Business front Building Wall.
- g) Exceeds 0.3M² (3.2 sq. ft.) in area on a Building on residential lands;
- h) Signs that project more than 100MM (4") shall have at least 2.4M (7.87 ft.) Clearance between Grade and the underside of the Wall Sign;
- i) a Wall Sign on the rear facing Building Wall of a Building or an individual unit in a multi-unit Building, will only be permitted if the rear facing wall of the Building or individual unit abuts a

highway and conforms to the size parameters as set out in Section 15(f).

- j) Where two (2) or more Wall Signs are attached to the same Building face, the Signs shall Maintain a uniform band of signage along the Building face by locating all signage on the Building Face in a manner that Maintains a consistent horizontal alignment and vertical Height.
- k) Awning Signs may project to a maximum distance of 1.2M from the face of the Building Wall to which they are attached. They are prohibited to Display Changing Copy.
- l) Canopy Signs may project to a maximum vertical distance of 0.6M beyond the limits of the Structure to which they are attached. Canopy Signs are prohibited to Display Changing Copy.

SECTION 16 - TEMPORARY WAY FINDING DIRECTIONAL SIGNS OVER OR ON PUBLIC ROAD ALLOWANCES

Temporary way finding Directional Signs are permitted over or on a Public Road Allowance with the following restrictions:

- a) Maximum Sign Face Area 0.4M²
- b) Maximum Sign Height 0.6M
- c) Time limit of between the hours of 8:00 a.m. and 8:00 p.m. on the day of the event.
- d) Must not be on a median, island or any other location on a street that obstructs a sight line, interferes with street Maintenance, impedes the movement of pedestrian or vehicular traffic, or otherwise creates a hazard
- e) Not be placed within 10M to any transit stop;
- f) Not be placed within 3.0M of a driveway
- g) Not be placed within 1.0M of a municipal sidewalk;
- h) Not be placed within 0.6M from the vehicular travelled portion of the street.

SECTION 17 - TEMPORARY DIRECTIONAL NEW HOME DEVELOPMENT SIGNS OVER OR ON PUBLIC ROAD ALLOWANCE

Temporary Directional New Home Development Signs are permitted over or on a Public Road Allowance with the following restrictions:

- a) Not to be Erected before 4:00 p.m. on a Friday, and all such Signs shall be removed no later than 9:00 a.m. of the immediately following Monday, provided that where a Friday or a Monday is a statutory holiday, the hours shall be;
- b) extended only to the extent necessary to include the statutory holiday.
- c) Must not be on a median, island or any other location on a street that obstructs a sight line, interferes with street Maintenance, impedes the movement of pedestrian or vehicular traffic, or otherwise creates a hazard
- d) Not be placed within 10M to any transit stop;
- e) Not be placed within 3.0M of a driveway
- f) Not be placed within 1.0M of a municipal sidewalk;
- g) Not be placed within 0.6M from the vehicular travelled portion of the street.

SECTION 18 - SIGNS ON VEHICLES OR TRAILERS

Signs attached to or painted on a vehicle are exempt from the regulations of this subsection provided the vehicle is in weekly operation for transportation and is not parked or located in a manner so as to make the SIGN visible from a street for the purpose of functioning as an Advertising Device when not being driven.

SECTION 19 - VARIANCES TO THE SIGN BY-LAW PROVISIONS

19.1 Variances Possible Except Where Prohibited

Any Owner may apply for a minor variance to a provision of this By-law

19.2 Application Materials

An application for variance shall be made on forms prescribed by the Director of Fire & By-law and shall be accompanied by the applicable fee as set out in fee schedule, and materials as set out on the prescribed forms.

19.3 Authority of the Director of Fire & By-law

The Director of Fire & By-law may authorize a variance if in his or her opinion the general intent and purpose of the By-law are maintained and the variance is minor in nature. The Director of Fire & By-law shall not authorize a variance if such variance pertains to a prohibited provision in this By-law.

19.4 Basis for Variance Decisions

In considering an application for a variance, the Director of Fire & By-law or delegate shall have regard for:

- a) any special circumstances or conditions relating to the land, Building or Use identified in the application;
- b) whether strict application of the provisions of this By-law, in the context of the special circumstances applying to the land, Building or Use, would result in practical difficulties or unnecessary and unusual hardship for the applicant, inconsistent with the general intent and purpose of this By-law;
- c) whether such special circumstances or conditions are pre-existing and not created by the Sign Owner or applicant;
- d) whether the Sign that is the subject of the variance will Alter the essential character of the area in which the Sign will be located;
- e) design guidelines for Signs or neighborhood character set out in secondary plans and area-specific policies of the Official Plan;

19.5 Terms, Conditions, Requirements

The Director of Fire & By-law delegate may impose terms, provisions or restrictions as conditions of granting a minor variance to provisions of this By-law which will be tied to the associated Sign Permit.

19.6 Complete Application for Variance

Where an application for variance is incomplete, or does not provide enough information, the Director of Fire & By-law or delegate may refuse to accept the application or may return the application.

an application is incomplete where:

- (a) it is not in the form prescribed by the Director of Fire & By-law or delegate or a reasonable facsimile thereof; or
- (b) it is not accompanied by;
 - i) the full application fee for a minor variance; and
 - ii) such information required as set out on the prescribed form by the Chief Building Official

19.7 Appeal to the Council

- a) An applicant may appeal the variance decision within twenty-one (21) days of the date of the decision of the Director of Fire & By-law or delegate to the Council.

- b) The Town Clerk shall notify the applicant once a hearing date has been fixed. If the applicant does not attend at the appointed time and place, the hearing may proceed in the absence of the applicant and the applicant shall not be entitled to further notice of the proceedings.
- c) The decision of the Council shall be considered final and not subject to further appeal.
- d) A variance from provisions of this By-law shall expire six months from the date of issuance of a permit associated with a variance unless the Sign is Erected or displayed as granted, within that time period. Furthermore, upon removal or substantial Alteration of the subject Sign, the variance shall also expire.

SECTION 20 - COMMENCEMENT

This By-law shall come into force and effect on the day it is passed.

ENACTED AND PASSED THIS
4th DAY OF MAY, 2020


MAYOR MARVIN JUNKIN


Deputy TOWN CLERK NANCY J. BOZZATO


By-Law Services
EXPLANATORY SKETCH OF SITE TRIANGLE
(2013)

