

T O W N O F P E L H A M

BY-LAW #531 (1979)

Being a by-law to regulate signs
and other advertising devices
in the Town of Pelham

WHEREAS Section 354(1) 126 of the Municipal Act
(RSO 1970) authorizes a municipality to pass by-laws to regulate
signs and other advertising devices;

AND WHEREAS Section 5 (2) of the Building Code
Act 1974, as amended, from time to time authorizes a municipality
to prescribe classes of permits and the requirements for issuance
of permits;

AND WHEREAS Section 3.7 of Ontario Regulation
925/75, as amended from time to time made pursuant to the said
Building Code Act, 1974, prescribes standards to ensure that signs
are structurally sound and are minimal fire hazards;

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

SECTION 1

DEFINITIONS

In this by-law unless the context otherwise
expressly requires:

- 1.1 (a) Chief Building Official means the Chief Official
 appointed by the Corporation pursuant to the Build-
 ing Code Act, 1974, as amended.
- (b) "Construct" or "Erect" means to affix, build, place,
 paint or install; shall include reconstruction,
 repair or alteration and construction and erection
 shall have corresponding meanings.
- (c) Corporation means the Corporation of the Town of
 Pelham.
- (d) Inspector means a Building Inspector appointed by
 the Corporation.
- (e) Owner means the owner of a sign or the owner of a
 property on which a sign is erected or intended to
 be erected, and includes an individual, person,
 firm, company or corporation or a lessee or occupant
 of a building or property, who under the terms of
 a lease is required to repair or maintain any sign
 or supporting structure on that building or property.
- (f) Person
- (1) means any person, firm, co-partnership or any
 trustees, manager or other person either indivi-
 dually or jointly with another owning or occupy-
 ing any building or place or having the manage-
 ment or supervision of any building or property
 to which this By-law applies, and "person"
- (2) includes any agent workman, servant or employee
 of such person, firm co-partnership or corporation.

- (g) Sign shall mean and include any illuminated or non-illuminated advertising device, bearing advertising or information; or any surface upon which advertising, or information, or other identification of product or business is displayed or painted; and which sign is attached to or supported by any building; or support structure; or post; or other erection or fixture within the limits of the Town of Pelham.
- (h) Support structure means any post, pole, structure, device, erection or other supporting wire or member required to support a sign directly from the ground, or to attach a sign to a building or structure.

1.2 The foregoing definitions shall be considered complementary to any definition contained within the Building Code Act 1974, and the said Regulations 925-75, as amended. In the case of conflict the more restrictive requirement shall prevail.

SECTION 2

ADMINISTRATION AND ENFORCEMENT

The Chief Building Official is responsible for the administration and enforcement of this By-law.

SECTION 3

APPLICATION

- 3.1 Nothing in this By-law shall be construed as purporting to permit anything which is otherwise prohibited by any other By-law of the Corporation, or any Act or Regulation; in case of conflict, the provisions of any Act or Regulation shall take precedence and otherwise the most restrictive requirements shall prevail.
- 3.2 This By-law shall apply as follows:
 - (a) To all signs existing at the date on which this By-law comes into force, except that no permit shall be required for existing signs.
 - (b) To all signs and support structures erected after the date on which this By-law comes into force.
 - (c) To any sign, or support structure which is changed, altered, repaired or reconstructed after the date that this By-law comes into force.
- 3.3
 - (a) No person shall erect or cause to be erected any sign except in accordance with the provisions of this By-law.
 - (b) No person shall erect or cause to be erected any sign that does not comply with the provisions of this By-law and the Ontario Building Code, as amended and Zoning By-law 279 (1974) and Zoning By-law 450 (1978) as amended from time to time.
- 3.4 Notwithstanding the foregoing this By-law shall not apply to any traffic sign, street sign, direction sign or other such sign erected within a municipal road allowance by the Corporation, or the Regional Municipality

of Niagara or their authorized agents or contractors.

- 3.5 Any sign or other advertising devices that, on the day this By-law comes into force does not comply with the provisions of By-law 279 (1974) and By-law 450 (1978) as amended, and otherwise does not comply with this By-law shall be
- (a) made to comply with this By-law
 - (b) removed by the owner thereof or by the owner of the land on which it is situate on or before the expiration of five years from the day this By-law comes into force.

SECTION 4 RESTRICTION ON LOCATION

- 4.1 No person shall erect or place any sign on any Town road allowance or Town owned property.
- 4.2 No person shall nail or otherwise attach any sign to any tree or public utility pole situated on any Town road allowance or Town owned property.
- 4.3 Sub clauses 1 and 2 shall not apply to the following:
- (1) Information or traffic signs owned by Canada, the Province of Ontario, Regional Municipality of Niagara or the Town of Pelham.
 - (2) Notices or other documents which an election officer is authorized to affix to any fence, pole or post by the Canada Election Act, the Election Act (Ontario) or the Municipal Elections Act (1976) as amended.
 - (3) Temporary banners, standards or signs which have first been approved by the Town Council as to location, content and date of removal.
- 4.4 Except as otherwise permitted by this By-law no person shall erect a sign on any lands, premises, property or building not located within a zone designated by the Restricted Area By-law, as amended, of the Town of Pelham as Commercial, Industrial or Institutional, except when such a use is legally established.
- 4.5 No person shall erect, or permit to be erected a sign on any lands, premises, property or building situated within a zone designated as residential by the Restricted Area By-law, as amended, of the Town of Pelham, except when a commercial use has been legally established or except as provided hereinafter.

SECTION 5 PERMITS

- 5.1 No person or owner shall erect a sign without a permit therefor having been issued by the Chief Building Official.
- 5.2 Every application for a permit shall be in duplicate on the forms provided by the Town of Pelham and
- (a) is to be in writing and is to be signed by the Owner or his agent duly authorized in writing and
 - (b) is to show the full name and full address of the person who is to do the work; and
 - (c) is to show the street lines and other boundaries of the

- property upon which it is proposed to erect a sign; and
 - (d) is to show the location of such sign upon the property in relation to other structures and to property boundaries; and in relation to the premises adjoining thereto where such premises exist; and
 - (e) is to show the relation of; and distance from the proposed sign to any traffic light or traffic signal or device within 30m in any direction.
 - (f) is to show any other information required by the Chief Building Official.
- 5.3 The application is to be accompanied by complete drawings and specifications in duplicate;
 - (a) showing the construction of the sign, and where applicable, showing details of the illumination of the sign
 - (b) showing the construction anchorage and elevation of the structure to which the sign is attached, and
 - (c) the sizes of the supports of all affected structural members, and location thereon of such sign, and
 - (d) showing or furnishing any additional information which may be necessary to determine whether or not the structure of a building will carry and support the additional loads and stresses imposed thereon by the erection of such sign, such information to be proven by a Registered Professional Engineer, or person having special or expert knowledge.
- 5.4 The Chief Building Official or Inspector may require that the sign and support structure be designed by an architect or professional engineer if in his opinion an unsafe condition would exist if the sign were not so designed.
- 5.5 The sign and support structure shall be designed by an architect or professional engineer when required by Section 3.7 of the Ontario Building Code, as amended.
- 5.6 The application shall further be accompanied by any other permit required to be issued by the Federal or Provincial Governments or any other authority having jurisdiction.
- 5.7 The permit fee is to be paid when the application is submitted.
- 5.8 Permit fees are shown on Schedule "A" attached hereto.
- 5.9 The Chief Building Official or Inspector may waive the requirement for plans and specifications described in this section, if in his opinion sufficient information has otherwise been provided.
- 5.10 The Chief Building Official shall issue a permit except where:
 - (a) the proposed work or construction will not comply with this By-law or the Building Code Act and Regulations, other By-law, or will contravene any other applicable law including the Town's Restricted Area By-law.
 - (b) the permits or approvals described in subsection 5.6 are not included with the application;

- (c) the application therefor is incomplete or any fees due are unpaid.
- 5.11 No person shall make a material change or cause a material change to be made to a plan, specification 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.
- 5.12 No person or owner shall erect a sign except in accordance with the plans, specifications, documents and any other information on the basis of which a permit was issued or any changes thereto authorized by the Chief Building Official or Inspector.
- 5.13 The Chief Building Official may revoke a permit:
 - (a) Where, after six months from its issuance the work in respect of which it was issued has not, in the opinion of the Chief Building Official, been seriously commenced; or
 - (b) Where, after one year after its issuance the work in respect of which it was issued has not, in the opinion of the Chief Building Official, been completed.
 - (c) Where it was issued on mistaken or false information.

SECTION 6 RESPONSIBILITY OF THE OWNER

- 6.1 Neither the granting of a permit nor the approval of the drawings and specifications nor inspections made by the authority having jurisdiction shall in any way relieve the owner from full responsibility for carrying out the work or having the work carried out in accordance with the requirements of this By-law. No work shall be started before the issue of the necessary permit referred to in Section 5 of this By-law.
- 6.2 Every owner of property shall permit the Chief Building Official or Inspector or person acting under his direction to enter any building or premises at any reasonable time for the purpose of administering or enforcing this By-law.
- 6.3 The owner of any sign or the owner of any premises upon which any sign is erected or placed shall maintain or cause to be maintained such sign and support structure in a proper, safe and structurally sound condition, free of dilapidation and shall cause such a sign to be painted, repaired, or verified to be safe in accordance with any order or notice given under Section 7 of this By-law.
- 6.4 An owner of a sign or the owner of any property or building where a sign is erected or placed shall remove or repair any sign or support structure that is unsafe or that is not structurally sound or where an unsafe condition exists or is created.

- 6.5 The owner of any sign or any property on which a sign is erected shall carry insurance at all times covering personal injury or property damage in an amount of not less than \$200,000.00, such insurance is to be in effect prior to the erection of the sign. This requirement shall not apply to signs described in Schedule "B"(b).

SECTION 7 POWERS OF THE AUTHORITY HAVING JURISDICTION

- 7.1 The Chief Building Official or Inspector may
- (a) enter any building or premises at any reasonable time for the purpose of administering or enforcing this By-law; or for making an inspection.
 - (b) cause a written notice to be delivered to the owner of any property or any other person he believes to be in contravention of this By-law directing him to correct any condition where, in the opinion of the Chief Building Official or Inspector, that condition constitutes a violation of this By-law; where such notice is delivered it shall contain sufficient information to specify the nature of the violation and shall require the work to be carried out forthwith or within such time as he specifies.
 - (c) order the owner or any other person to stop work on the erection of any sign or support structure if it is proceeding in contravention of this By-law, or if the notice delivered under subsection (b) above is not complied with.
 - (d) direct that tests of materials, devices, systems, methods of assembly be made or sufficient evidence or proof be submitted, at the expense of the owner, where such evidence or proof is necessary to determine whether the material, device, system or method of assembly meets the requirements of this By-law.
 - (e) Any notice or order given under this By-law may be posted on the property and shall be considered sufficient proof of service if the notice or order cannot be otherwise served in person or by registered mail within 21 days of the date of the notice or order.
- 7.2 The Chief Building Official may require the repair or the removal at the expense of the owner of any sign or support structure that has been constructed or erected in contravention of this By-law and the cost of such removal may be recovered from the owner in like manner as municipal taxes, notwithstanding the imposition of any other remedy or penalty.

SECTION 8 TYPES OF SIGNS

No sign except as hereinafter described in Schedule "B" attached hereto which has been otherwise exempt by the provisions of Section 9 or other part of this By-law, shall be erected or placed in the Town of Pelham.

SECTION 9 EXEMPTIONS

Subject to subsection 5.6 the signs hereinafter described in this section shall be exempt from the provisions of this By-law:

- (1) Real Estate Signs: any sign advertising the sale of lands, property or premises provided, however, that such a sign shall not exceed 0.4m^2 in area and is located wholly within the limits of the property.
- (2) No Trespassing Signs: any such sign shall not exceed 0.2m^2 in area and shall be located wholly within the limits of the property.
- (3) Address or Name Signs: a sign showing the address of a property or the name of the owner or occupant shall not exceed 0.15m^2 in size and maximum of 1.75m in height including the support structure and shall be located wholly within the limits of the property.
- (4) Development Signs: as required by the Regional Municipality of Niagara prior to a proposed draft plan of a subdivision shall not exceed 6m^2 .

SECTION 10 GENERAL PROVISIONS

- 10.1 All signs shall conform with the provisions of Section 3.7 of the Ontario Building Code, Regulation 925/75, as amended, and the said Section 3.7 shall form part of this By-law.
- 10.2 Signs illuminated either wholly or in part by gas, electricity or other illuminant shall conform to the following requirements:
 - (a) Every illuminated sign adjacent to residential areas whether attached to or forming part of the outside face or wall of any building or structure, or displayed from within such building or structure, shall have its illuminant extinguished by 11:00 P.M. each day and shall not be relighted before 7:00 A.M. of the morning of the following day, save and except signs designating essential services which for the purpose of this By-law are considered to be hospitals, hotels, motels, hostels, tourist homes, restaurants, drugstores, parking lots, service stations, where illuminated signs may remain lighted so long as such business establishments are open for business and for service to the public.
- 10.3 No sign, save a fascia sign or a pylon sign supported by a single pole of a diameter not to exceed 0.2m where the underside of the pylon sign is not less than 4.25m above the elevation of the adjacent road shall be located within 15.25m of the intersection of the centre line of two or more streets or municipal road allowances.
- 10.4 No sign shall be erected, placed or located in any location that would restrict visibility to traffic, give rise to a potential accident or safety hazard by any means.

- 10.5 No sign other than of non-combustible construction shall be erected, placed or located in, on or within 1.5m of any building or structure required to be of non-combustible construction.

SECTION 11 PENALTY

- 11.1 Every person who
- (a) knowingly furnishes false information in any application under this By-law or in any statement or return required to be furnished under this by-law;
 - (b) fails to comply with any notice, direction, or other requirement under this by-law;
 - (c) contravenes any provision of this By-law shall be guilty of an offence and on summary conviction shall be liable to a fine of not more than one thousand dollars exclusive of costs for each offence and every such fine shall be recoverable under the Summary Convictions Act.
- 11.2 Each day a violation continues may be deemed a separate offence.

SECTION 12 VALIDITY

Every provision of this By-law is declared to be severable from the remainder of this By-law and if any Court of competent jurisdiction shall declare any provision invalid, such declaration shall not affect the validity of the remainder thereof.

READ A FIRST TIME BY COUNCIL
THIS 23 DAY OF July 1979 A.D.

E.S. Bergenstein
MAYOR

[Signature]
CLERK

READ A SECOND AND THIRD TIME AND
FINALLY PASSED BY COUNCIL THIS
23 DAY OF July 1979 A.D.

E.S. Bergenstein
MAYOR

[Signature]
CLERK