

The Corporation of the Town of Tillsonburg By-Law 3798 Sign By-Law

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Contents

SECTION 1 SCOPE OF BY-LAW 6

- 1.1. SHORT TITLE 6
- 1.2. INTENT AND SCOPE 6
- 1.3. COMPLIANCE WITH BY-LAW 6
- 1.4. CONTENTS OF BY-LAW 7
- 1.5. LAWFUL NON-CONFORMING SIGNS 7
- 1.6. RELATION TO OTHER GOVERNMENT REQUIREMENTS (COMPLIANCE WITH OTHER REGULATIONS) 7

SECTION 2 - DEFINITIONS AND INTERPRETATION 7

- 2.1. DEFINITIONS 7
- 2.2. SCHEDULES TO THE BY-LAW 17
- 2.3. INTERPRETATION 18

SECTION 3 ADMINISTRATIVE PROVISIONS 18

- 3.1. OWNER RESPONSIBILITY 18
- 3.2. RESPONSIBILITY: APPLICATION FOR PERMIT 18
- 3.3. RESPONSIBILITY: PERMITS AND PENALIZATION 18
- 3.4. SIGN PERMIT REQUIRED 18
- 3.5. APPLICATIONS FOR PERMITS, INFORMATION REQUIRED 19
- 3.6. HERITAGE REVIEW 20
- 3.7. PERMIT FEES 20
- 3.8. ISSUANCE AND DENIAL 20
- 3.9. PERMIT CONDITIONS, REFUNDS, REVISIONS AND PENALTIES 21
- 3.10. INSPECTIONS 22

SECTION 4 EXEMPT SIGNS 22

4.1. SIGN PERMIT EXEMPTIONS	22
4.2. SIGN BY-LAW EXEMPTIONS	23
SECTION 5 PROHIBITIONS.....	24
5.1. SPECIFIC SIGN PROHIBITIONS.....	24
5.2. PROHIBITED LOCATIONS.....	24
SECTION 6 GENERAL PROVISIONS FOR ALL SIGNS	25
6.1. LIMIT ON NUMBER OF SIGNS PER PREMISES:.....	25
6.2. EXISTING SIGNS	26
6.3. ROAD ALLOWANCES – PROJECTION	26
6.4. ILLUMINATION	26
SECTION 7 PERMITTED SIGNS.....	26
7.1. INTERPRETATION OF SECTION 7 AND SECTION 8	26
7.2. SIGNS IN SCHEDULES TO THIS BY-LAW.....	26
7.3. PROPERTY USE CATEGORIES.....	26
SECTION 8 SPECIFIC SIGN REGULATIONS	27
8.0. ANIMATED SIGNS	27
8.1. AWNING SIGNS	27
8.2. BILLBOARD SIGNS.....	28
8.3. CANOPY SIGNS	28
8.4. ELECTRONIC MESSAGE BOARD SIGNS.....	28
8.5. GROUND SIGNS	28
8.6. MOBILE SIGNS	29
8.7. MONOLITH/PYLON SIGNS	29
8.8. MULTI-UNIT RESIDENTIAL SIGNS	30
8.9. OPEN HOUSE DIRECTIONAL SIGNS	30

- 8.10. PERSONAL SIGNS 30
- 8.11. PORTABLE/A-FRAME/SANDWICH BOARD SIGNS 30
- 8.12. PROMOTIONAL SUBDIVISION DEVELOPMENT DIRECTION SIGNS..... 31
- 8.13. PROMOTIONAL CONSTRUCTION SIGNS 32
- 8.14. SIDEWALK SIGNS 32
- 8.15. SUBDIVISION DEVELOPMENT SIGNS..... 32
- 8.16. WALL SIGNS 32
- 8.17. WINDOW SIGNS 33
- SECTION 9 VARIANCES 33
 - 9.1. APPROVAL AUTHORITY 33
 - 9.3. DIRECTOR APPROVED EXEMPTIONS 34
 - 9.4. VARIANCE APPLICATIONS 34
 - 9.5. APPROVAL AND CONDITIONAL APPROVAL 35
 - 9.6. APPEAL PROCESS 35
- SECTION 10 ENFORCEMENT PROVISIONS AND REMOVAL OF UNLAWFUL SIGNS 36
 - 10.1. TOWN PROPERTY 36
 - 10.2. CONTRAVENTION PROCEDURE 36
 - 10.3. SIGN REMOVAL AND DISPOSAL 36
 - 10.4. UNCLAIMED SIGNS 36
 - 10.5. UNSAFE SIGNS 36
 - 10.6. MAINTENANCE 37
- SECTION 11 OFFENCE AND PENALTIES 37
 - 11.1. RESPONSIBILITY TO COMPLY 37
 - 11.2. LIABILITY TO FINES 37

11.3. RECOVERING EXPENSES 37

SECTION 12 SEVERABILITY 37

SECTION 13 CONFLICTING BY-LAWS 37

SECTION 14 INDEMNIFICATION..... 37

SECTION 15 VALIDITY 38

SECTION 16 REPEAL 38

SECTION 17 EFFECTIVE DATE 38

The Corporation of the Town of Tillsonburg

By-Law 3798

BEING A BY-LAW To Prohibit or Regulate Signs and other Advertising Devices and the Posting of Notices Within the Town of Tillsonburg.

WHEREAS Section 11 (3) of the Municipal Act, 2001, S.O. 2001, c.25 states that a lower-tier municipality may pass by-laws, respecting matters within certain spheres of jurisdiction, including structures, fences, and signs.

AND WHEREAS Section 99 (1) of the Municipal Act 2001 states that a by-law of a municipality respecting advertising devices, including signs, does not apply to an advertising device that was lawfully erected or displayed on the day the by-law comes into force if the advertising device is not substantially altered, and the maintenance and repair of the advertising device or a change in the message or contents displayed is deemed not in itself to constitute a substantial alteration. 2006, c. 32, Schedule A, s.39.

AND WHEREAS Section 391 (1) of the Municipal Act, 2001, S.O. 2001 c. 25 states that section 11 authorizes a municipality to impose fees or charges on persons, for services or activities provided or done by the municipality.

AND WHEREAS the Council of the Corporation of the Town of Tillsonburg is desirous of adopting a new Sign By-Law to prohibit and regulate signs and other advertising devices and the positing of notices within the Town of Tillsonburg.

THEREFORE the Council of the Town of Tillsonburg enacts as follows:

SECTION 1 SCOPE OF BY-LAW

1.1. SHORT TITLE

This By-law and any amendments thereto shall be known as the "Tillsonburg Sign By-law."

1.2. INTENT AND SCOPE

The purpose of this By-law is to:

- a) regulate *signs* placed on lands, *buildings*, and other *structures* within the corporate limits of the *Town of Tillsonburg*; and
- b) implement the policies of the Tillsonburg Official Plan and Urban Design Guidelines.

1.3. COMPLIANCE WITH BY-LAW

No person shall hereafter erect or display or cause or permit to be erected or displayed a sign except in conformity with the provisions of this By-law.

1.4. CONTENTS OF BY-LAW

All references in the By-law to sections, regulations, exceptions, Tables, figures, schedules and maps, refer to those in this By-law unless otherwise indicated.

1.5. LAWFUL NON-CONFORMING SIGNS

The provisions of this By-law shall not apply to a sign or the use of an existing sign that was lawfully erected on or before the day this By-law comes into force if the sign is not substantially altered and the maintenance and repair of the sign or a change in the message or content displayed is deemed not in itself to constitute a substantial alteration.

1.6. RELATION TO OTHER GOVERNMENT REQUIREMENTS (COMPLIANCE WITH OTHER REGULATIONS)

This By-law shall not be construed so as to reduce or mitigate restrictions or regulations for any sign that are lawfully imposed by the Town, or by any governmental authority having jurisdiction to make such restrictions or regulations. Compliance with this By-law does not relieve a property owner from complying with:

- a) the requirements of the Ontario Building Code;
- b) the requirements of any federal, provincial, regional, or conservation authority legislation or regulations; or any By-law of the Municipality.

SECTION 2 - DEFINITIONS AND INTERPRETATION

2.1. DEFINITIONS

The terms set out below shall have the following meanings in this By-law:

ALLOWED: Means allowed by this By-law.

ALTER: Means any change to a sign including the addition or removal or rearrangement of parts, but excluding the changing of copy or the replacement of similar parts for maintenance purposes.

ATTIC: Means the portion of a *building* situated wholly or in part under a roof, but which is not a *storey* or a *one-half storey*.

BANNER SIGN: means a banner sign that is placed.

BASEMENT: Means the portion of a *building* between two floor levels that has less than 50% of its height below the average *finished grade* of the *lot* on which the *building* is located. The term *basement* shall not include a *cellar*.

BUILDING: Means a *structure* used for the shelter, accommodation or enclosure of *persons*, animals, goods, materials or equipment that is supported by columns or walls, has one or more floors, is covered by a roof and is permanently affixed to the land.

BUSINESS: Means an establishment in which one or more *persons* are employed in conducting, managing, or administering a business. The term *business* includes the administrative offices of a government agency, a non-profit organization, or a charitable organization.

BY-LAW ENFORCEMENT OFFICER: Shall mean a *person* appointed by the *Council* of The Corporation of the *Town of Tillsonburg* for the purpose of enforcing Municipal by-laws and, for the purpose of this By-law.

CANOPY: Means any *structure* which projects from the exterior face of a *building* wall and extends across part or all of that exterior face of a *building* wall or is a self-supporting unenclosed *structure* supporting unenclosed *structure*.

CELLAR: Means the portion of a *building* between two floor levels that has 50% or more of its height below the average *finished grade* of the *lot* on which the *building* is located. The term *cellar* shall not include a *basement*.

CHIEF BUILDING OFFICIAL: Means the Chief Building Official or designate.

COMMERCIAL: Means, for the purposes of this By-law, a use which includes tourism uses.

COMMUNITY BULLETIN AREA: Means a *display surface* designated by the Town of Tillsonburg for the purpose of providing temporary advertising of *non-profit* and *community group* event signs.

COMMUNITY FACILITIES: Means facilities owned and operated by the Corporation of the Town of Tillsonburg.

COMMUNITY GROUP: Means a volunteer based organization which has a constitution and by-laws in place or at minimum a mission statement or a statement of purpose. They have a Board of Directors/Slate of Officers and they provide direct services, programs or events that benefit the residents of Tillsonburg and operate within the Town of Tillsonburg. They may or may not be incorporated provincially and/or federally. Places of worship organizations are considered to be a community group for the purpose of this by-law.

CONSERVATION AUTHORITY: Means a *conservation authority* having jurisdiction in the Town of Tillsonburg. The term *conservation authority* shall include Long Point Regional Conservation Authority.

COPY: Means the wording, letters, numerals, graphics, logos, and artwork of a *sign*, on the *display surface* and is either permanent or removable.

COUNCIL: Means the *Council* of The Corporation of the Town of Tillsonburg.

COUNTY: Means the County of Oxford.

DIRECTOR: Means the Director of Development and Communications or their authorized designate.

DISPLAY SURFACE: Means the surface of the *sign*, upon, against, or through which the *copy* of the *sign* is displayed.

DRIVEWAY: Means that portion of a *lot* designed to provide *motor vehicle* access from the *lot* to the traveled portion of the street, *private road* or *lane*.

ELECTION: Shall include any federal, provincial or municipal *election* or *by-election* and any question or by-law submitted to the electors.

ERECT: Means display, attach, affix, post, *alter*, construct, place, locate, install or relocate.

FACADE: Means the exterior wall of a building facing a street or *private road*.

PRINCIPAL FACADE: In the case of a building located on an exterior lot or a through lot, the *façade* within which the principal entrance to the building is located.

BUILDING FACADE AREA: The entire surface area of the *façade* including windows and doors.

FINISHED GRADE: Means the lowest of the levels of finished ground adjacent to the location of the *sign*, exclusive of any artificial embankment.

HIGHWAY: Shall have the same meaning as the *Highway Traffic Act, RSO 1990 c.H.B.*, and includes the entire of the *road allowance* thereof.

HOME OCCUPATION: Means an occupation or business that is carried in accordance with all provisions of the *Municipality's* by-laws within a dwelling as accessory to a permitted residential use.

INDUSTRIAL: Means a use that includes the assembly or processing of substances, goods or raw materials related to the manufacture or fabrication of finished goods, warehousing or bulk storage of goods, and may include accessory uses such as storage and facilities for receiving and shipping materials and goods. Mineral aggregate and utility uses are considered industrial uses for the purposes of this By-law.

ILLUMINATED SIGN: Means a *sign* lit by artificial light which is direct, indirect, internal or external to the *sign*.

INSPECTOR: Means any *By-Law Enforcement Officer* or any other *inspector* appointed

by *Council* pursuant to a by-law.

INSTITUTIONAL: Means a use that includes *community facilities*, parks, schools under the jurisdiction of a board, government offices and hospitals.

LANE: Means a public thoroughfare which affords only a secondary means of vehicular access to abutting lots and which is not intended for general traffic circulation.

MOTOR VEHICLE: Means an automobile, truck, motorcycle, motor assisted bicycle and any other vehicle propelled or driven by other than muscular power.

MUNICIPAL AGREEMENT: Means an agreement made with the Corporation of the *Town of Tillsonburg*.

MUNICIPAL CLERK: Shall mean the *Municipal Clerk* of the Corporation of the *Town of Tillsonburg* or the Deputy Clerk acting in place of the *Municipal Clerk* in accordance with the *Municipal Act*.

MUNICIPALITY: Means The Corporation of the *Town of Tillsonburg*.

MUNICIPALITY'S ZONING BY-LAW: Means Zoning By-law 3295 and as amended.

MURAL: Means a painting, illustration, or decoration applied to a free standing *sign* or the exterior wall of a *building* and that is otherwise not a *sign* as defined by this By-law.

NON-PROFIT/NOT-FOR-PROFIT ORGANIZATION: Means an organization similar to a *community group* with a constitution, by-laws and a Board of directors. They are registered/incorporated as a not-for-profit organization, should be able to provide their not-for-profit number and operate within the Town of Tillsonburg.

PUBLIC WORKS DEPARTMENT: Means the *Public Works Department* of the Corporation of the *Town of Tillsonburg*.

OWNER: Means the registered *owner* of the premises upon which any sign or *sign structure* is located, and includes any *person* described on a sign or whose name or address or telephone number appears on the *sign*, or who has installed the sign, or who is in lawful control of the sign, or who benefits from the message on the sign, or has permitted the sign to be *erected* or used and for the purposes of this By-law there may be more than one *owner* of a sign.

PERSON: Means, but is not limited to an individual, sole proprietorship, partnership, association, or corporation.

PREMISES: Means a *lot* or a *building* or a part of a *lot* or *building*.

PRIVATE ROAD: Means a road, the fee simple of which is owned by a single *person*,

that is subject to one or more easements registered against title in favour of one or more abutting *lots*. Such easements entitle the *owners* of the *lots* to use the *private road* for the purposes of access to and from the *lots*. The term *private road* includes a *private road* shown on a registered plan of condominium plan but does not include a *right-of-way*, a *street* or a *lane*.

PROPERTY: Means a parcel of land having specific boundaries, which is capable of legal transfer.

PROVINCE: Means the Province or Government of Ontario, the word "Provincial" shall have the same meaning as *Province*.

PUBLIC AUTHORITY: Means any department or agency of the *Town of Tillsonburg* a *conservation authority*, the *Province* or Government of Ontario, or the Government of Canada.

PUBLIC PARK: Means land and land covered by water and all portions thereof owned or made available by lease, agreement, or otherwise to the *Town*, that is or hereafter may be established, dedicated, set apart or made available for use as woodlot, ravine, recreation centre, square, garden, walkway, water or any other area in the *Town*, devoted to active or passive recreation and shall include the adjacent *road allowance*.

PUBLIC PROPERTY:

Means *property* owned by or under the control of the *Town of Tillsonburg* or any of its agencies, boards or commissions, and includes any lands belonging to or owned by the County of Oxford, a conservation authority, the Province or Government of Ontario or the Government of Canada. This shall include public *highways*, and shall be deemed to include utility poles located on *public property* including *road allowances*, regardless of whether the poles are owned by or under the control of the *Town*.

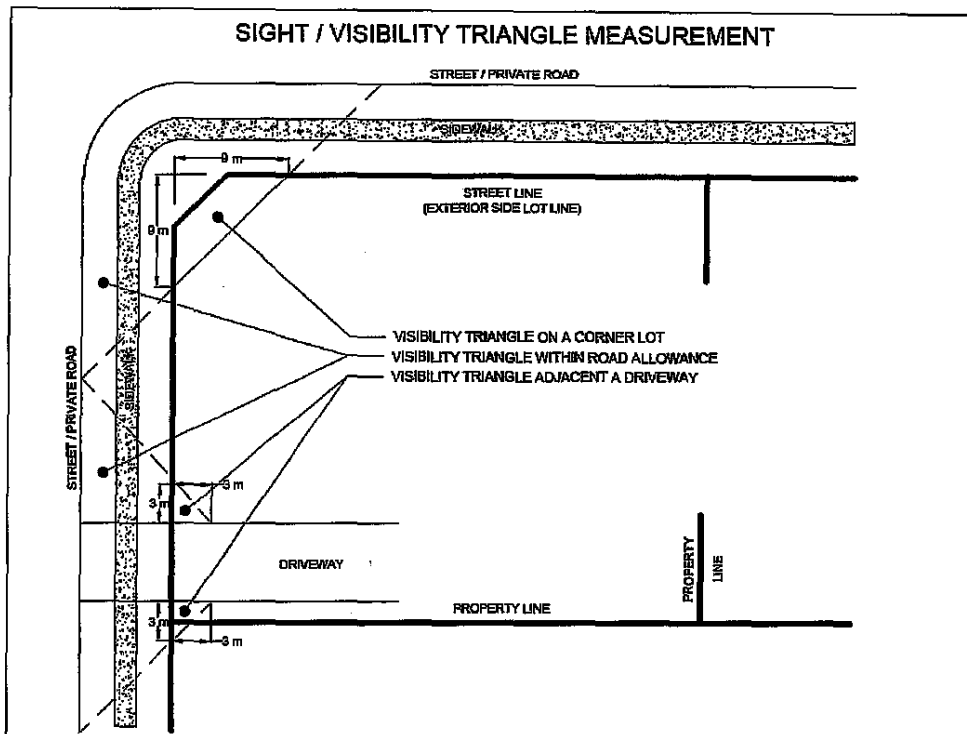
RIGHT-OF-WAY: Means an area of land on which has been created and registered against the title of the *lot* on which it is located, perpetual easements appurtenant to one or more *lots* that provide access to such *lots* to a *street*. The term *right-of-way* shall not include a *private road*.

ROAD ALLOWANCE: Shall have a corresponding meaning to that of *street* and shall include any shoulder, ditch or boulevard.

SIGHT/VISIBILITY TRIANGLE: Means a triangular-shaped area of land abutting a *lane*, *street* or *private road* that is required to be kept free of obstructions between a height of 0.6 meters (1.96 ft.) and 3.0 meters (9.84 ft.) above the center line grade of the intersecting *lane*, *street* or *private road* that could impede the vision of a pedestrian or the driver of a *motor vehicle* exiting onto or driving on the *lane*, *street* or *private road*.

As illustrated, a *sight/visibility triangle* shall be determined as follows:

- a) the *sight/visibility triangle* adjacent to an *exterior side lot line* shall be the area enclosed by each of the *street lines* measured 9.0 meters (29.53 ft.) back from the intersection of the *street lines*, and a diagonal line drawn between these two points
- b) the *sight/visibility triangle* from a *driveway, lane, or right-of-way* shall be the area enclosed by the line along the limits of the *driveway, lane, or right-of-way* and the *street line* measured to a point 3.0 meters (9.84 ft.) back from the intersection of the *street lines* and the limit of the *driveway, lane, or right-of-way* and a diagonal line drawn between these two points.
- c) the *sight/visibility triangle* extends beyond private *property* into the *road allowance* as illustrated:



SIGN: Means any visual medium used to convey information by way of words, pictures, images, graphics, emblems, or symbols, or any device used for the purpose of providing direction, identification, advertisement, business promotion, or the promotion of a *person*, product, activity, service, event or idea.

A-FRAME SIGN: Means a freestanding *temporary sign* with no more than two faces joined at the top of the *sign* that is intended for temporary use during the hours of the business to which it applies and that is constructed in a manner and of materials such that it can be placed and moved manually by a *person* without mechanical aid. (*Sandwich Board Sign* has the same definition. Sidewalk Sign has similar definition)

ANIMATED SIGN: Means a sign or display screen that changes letters, words or images electronically, has illusionary motion and also includes any sign or viewing screen that contains motion or animation as part of the message display.

AWNING SIGN: Means a sign affixed to a roof-like cover comprised of cloth, plastic or other non-rigid material mounted on a frame attached to the wall of a building but does not include a canopy sign or freestanding canopy sign.

BANNER SIGN: Means a *sign* or advertising device made from cloth, plastic or a similar lightweight non-rigid material.

BARN SIGN: Means a *sign* affixed parallel to a *wall* or *roof* of a farm *structure* and which identifies the name of the occupant and/or of the farm on which said farm *structure* is located, but shall not be a *roof sign* as defined in this By-law.

BILLBOARD SIGN: Means a *sign* erected and maintained to advertise, market or promote a business, product, service or activity not conducted or produced, sold, stored or assembled within the building or upon the premise on which the sign is erected.

CANOPY SIGN: Means a *sign* affixed to a permanent rigid structure with or without supporting columns attached to and projecting from the exterior face of a building but does not include an *awning sign* or *canopy freestanding sign*.

CANOPY FREESTANDING SIGN: Means a *sign* affixed to a permanent rigid structure providing protection from the weather supported on columns and unenclosed on all sides.

DIRECTIONAL SIGN: Means a *sign erected* on a *property* to identify an entrance, exit, or area for the purpose of directing *persons* and/or regulating the movement of traffic or pedestrians on a *property*.

ELECTION CAMPAIGN SIGN: Means any device advertising or promoting a candidate *as per the Town's Election Campaign Sign By-Law# 3786 as amended*;

ELECTRONIC MESSAGE BOARD SIGN: Means a *sign* which has messages that can

be changed and displayed by electronic means.

GROUND SIGN: Means a *sign* permanently affixed to the ground by one or more self-supporting poles or supported by a free-standing masonry *structure*.

ILLUMINATED SIGN: Means a *sign* lit by artificial light which is direct, indirect, internal or external to the *sign*.

MENU BOARD SIGN: Means a *sign erected* as part of a drive-through facility and used to display and order products and services available from a drive-through business.

MOBILE SIGN: Means a temporary *sign* which is not permanently affixed to the ground or to any structure, and typically designed for the rearrangement of copy of the sign face, and which is capable of being readily moved from one location to another, and may be part of or attached to a wheeled trailer or frame without wheels in such a manner so as to be able to be moved from place to place.

MONOLITH SIGN: Means a *sign* permanently affixed to the ground by a solid continuous base that is equal to the width of the *sign*.

MULTI-UNIT RESIDENTIAL SIGN: Means a *sign erected* on a *property with 6 or more units* to identify the name of the multi-unit residential development.

NON-ELECTRONIC MESSAGE BOARD SIGN: Means a sign which has messages that can be changed and displayed by non-electronic means.

OFF-SITE DIRECTIONAL SIGN: Means a *sign* providing directions to the site where a business or service is located.

OPEN HOUSE DIRECTIONAL SIGN: Means a free standing temporary sign providing direction to a scheduled open house property site that is for sale.

OVERHANGING SIGN: Means a *sign* not directly supported from the ground but generally *erected* perpendicular to a supporting *building* wall, but shall not be a *wall sign* as defined in this By-law (*Projecting sign* has the same definition)

PERMANENT SIGN: Means a *sign* permanently *erected* on or affixed to a *premises*.

PERSONAL SIGN: Means a *temporary sign* used for a personal announcement or congratulatory message which is located on a *property zoned* for residential uses.

POSTER SIGN: 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, or placard.

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.

PORTABLE SIGN: Means a *sign* not permanently attached to the ground or a permanent *structure* and which is designed to be moved readily and manually by one *person* from one location to another, and includes *signs* commonly referred to as *A-Frame, Personal, Sandwich Board, Sidewalk, etc.*

PROJECTING SIGN: Means a sign not directly supported from the ground but generally erected perpendicular to a supporting building wall, but shall not be a wall sign as defined in this By-law (Overhanging sign has the same definition)

PROJECTION SIGN: Means a *sign* that is displayed on a surface, *building, or structure*, by the projection of a beam of light or other source of illumination.

PROMOTIONAL CONSTRUCTION SIGN: Means a *sign* advertising construction, reconstruction, repair, renovation and/or development and may include the name of the project, the name of firms and personnel related to the project.

PROMOTIONAL SUBDIVISION DEVELOPMENT DIRECTION SIGN: Means a *portable sign* providing direction to a development site within a plan of subdivision or plan of condominium or a proposed plan of condominium.

PUBLIC USE SIGN: Means a *sign erected* by or under the jurisdiction of a *Public Authority*.

PYLON SIGN: Means a *sign* supported by one or more poles and with an open base.

REAL ESTATE SIGN: Means a *sign* located on a *property* for the purpose of announcing the sale, lease, or rental of such *property or building* or part of a *building* located thereon.

ROOF SIGN: Means a *sign* the entire face of which is above the lowest point at which the roof meets the *building*.

SANDWICH BOARD SIGN: Means a freestanding *temporary sign* with no more than two faces joined at the top of the *sign* that is intended for temporary use during the hours of the business to which it applies and that is constructed in a manner and of materials such that it can be placed and moved manually by a *person* without mechanical aid. (*A-Frame Sign* has the same definition. *Sidewalk Sign* has similar definition).

SIDEWALK SIGN: Means a freestanding temporary sign permitted in the Central Commercial Zone only with no more than two faces joined at the top of the sign that is intended for temporary use during the hours of the business to which it applies and that is constructed in a manner and of materials such that it can be placed and moved manually by a person without mechanical aid.

SUBDIVISION DEVELOPMENT SIGN: Means a *sign* that advertises the sale of properties within a plan of subdivision, plan of condominium or proposed plan of condominium but not the realtor's, developer's or landowner's business in general.

TEMPORARY BANNER SIGN: means a Banner Sign that is placed between May 24, 2022 and May 31, 2022.

TEMPORARY SIGN: Means a *sign* which is *erected* without foundations and is not affixed to any other *building*, or *structure* on which an activity or event that is transitory or not permanent in nature is advertised.

TRAFFIC CONTROL SIGN: Means a *sign erected* under the jurisdiction of the *Highway Traffic Act* or the manual of Uniform Traffic Control Devices for the purpose of regulating traffic on *streets*.

VEHICLE/TRAILER SIGN: Means a *sign* which is painted on or affixed to a *motor vehicle* or trailer which is parked and visible from a public *right-of-way* and its intended use is as a *sign*, unless said vehicle or trailer is used in the normal day- to-day operation of the business.

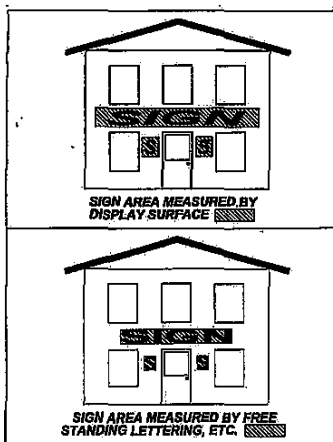
WALL SIGN: Means a *sign* affixed to and structurally supported on the wall of a building which is parallel to and projects not more than 500 mm (1.6 ft.) from the face of the building and a structure.

WINDOW SIGN: Means a *sign* within a *building* which is located within 1.0 metre (3.28 ft) of a window and is intended primarily to be visible from a *street* or parking area.

SIGN, ABANDONED: Means a *sign* which located on premises which becomes vacant and unoccupied for a period of ninety (90) days or more, or any *sign* that pertains to a time, event, or purpose that no longer applies.

SIGN AREA:

Means:



- a) in the case of a *sign* having one *display surface*, the area of the *display surface*;
- b) in the case of a *sign* having two *display surfaces*, which are separated by the thickness of the *sign structure* and the thickness is not used as a *display surface*, the area of one *display surface*;
- c) in the case of a free standing number, letter, picture, image, graphic, emblem, symbol, or shape, the smallest rectangle which will enclose the number, letter, picture, image, graphic, emblem, symbol, or shape.

SIGN HEIGHT: Means the vertical distance from the ground on which the *sign* is erected to the highest physical point of the *sign*.

SIGN, LENGTH: Means the horizontal distance between the extremities of the *sign*.

SIGN PERMIT: Means a permit issued under this By-law.

SIGN SUPPORT STRUCTURE: Means the framework, bracing and support of a *sign*.

SITE PLAN APPROVAL: Means the process of site plan approval as governed by the *Municipality's Site Plan Control By-law*, as amended, and the provincial Planning Act.

STOREY: Means the portion of a *building*, other than an *attic*, *basement* or *cellar*, included between any floor level and the floor, ceiling or roof next above it.

STREET: Means a road or public *highway* under the jurisdiction of the *Town of Tillsonburg*, *County of Oxford* or the *Province of Ontario* that is maintained so as to allow normal use by *motor vehicles*, or a road or public *highway* located within a registered plan of subdivision that has not yet been assumed by a *public authority*. The term *street* shall not include a *lane*.

STREET LINE: Means the limit of a *street*, *private road* or *lane*.

STRUCTURE: Means a man-made construction that is fixed to the ground or attached to another *structure* on a temporary or permanent basis.

TOWN: Means the Corporation of the Town of Tillsonburg.

USE: Means the uses *allowed* in the *Municipality's Zoning By-law* and as identified in the Tables of this By-law.

When used as noun, means the purpose for which a lot building or structure, or any combination thereof is designed, arranged, intended, occupied or maintained.

In cases where uses in Tables of this By-law conflict with the *Municipality's Zoning By-law* uses or legal actual uses, the uses prescribed in the *Municipality's Zoning By-law* shall prevail.

VACANT LAND: Means a *property* that does not contain any *buildings* or structures.

2.2. SCHEDULES TO THE BY-LAW

The schedules contained in this By-law form part of this By-law. A reference in the By-law to a schedule shall be deemed to be a reference to a schedule contained in the By-law.

2.3. INTERPRETATION

Notwithstanding Section 2.2, terms defined in this By-law are capitalized, italicized and underlined for the purposes of convenience only. If a term defined by this By-law is not capitalized, italicized and/or underlined, the definitions provided in Section 2.1 shall apply when consistent with the context. By-law can be read with the following interpretations:

- a) In this By-law, reference to the masculine includes the feminine and corporations regardless of which term in question appears.
- b) In this By-law, reference to the singular includes the plural.
- c) All measurements and dimensions in this By-law are expressed in metric.
- d) "Schedule A" to this By-law shall be interpreted as if it is contained in the text of the By-law.

SECTION 3 ADMINISTRATIVE PROVISIONS

This By-law shall be administered and enforced by the Chief Building Official, or designate.

3.1. OWNER RESPONSIBILITY

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

3.2. RESPONSIBILITY: APPLICATION FOR PERMIT

No person shall make an application for a sign permit who is not the owner of the property or the owners authorized agent. Nor shall any person submit false or misleading information or documents or make omissions that may mislead in connection with any application for a sign permit, detail of construction or revision thereto.

3.3. RESPONSIBILITY: PERMITS AND PENALIZATION

No person shall work or authorize work to proceed on any sign for which a permit is required and which has not been obtained. Where a sign is found to be in contravention of this By-law the Town, its servants or agents, may issue an Order as per Section 10.2 of this By-law and may impose a penalty under Section 11 of this By-law.

3.4. SIGN PERMIT REQUIRED

- a) Except as permitted in Section 4 (Exempt Signs), no person shall erect

or alter a sign unless a permit under this bylaw for the sign has been obtained from the *Chief Building Official*.

- b) A sign permit shall not be issued to erect or alter a sign unless an application for the sign has been submitted in accordance with subsection 3.5 and has been approved by the Chief Building Official as being in conformity with this By-law and all other applicable By-laws and laws regulating signage.
- c) A permit shall become null and void upon removal of the sign other than the temporary removal as agreed to by the Chief Building Official in writing for the purpose of repair.

3.5. APPLICATIONS FOR PERMITS, INFORMATION REQUIRED

- a) The applicant for a permit to construct, erect, display, alter or repair (other than normal maintenance) any sign or advertising device shall complete an application form as prescribed by the Chief Building Official for that purpose and file the completed application in duplicate with the Chief Building Official;
- b) The application referred to above shall:
 - i. Describe the land, building or structure on which the proposed sign is or is to be erected, by street name, street number or by other equivalent description;
 - ii. State the full names, addresses, and telephone numbers of the owner and any occupant of the premises and the owner and/or lessee of the sign;
 - iii. Contain a declaration to be sworn by the applicant as to the truth and accuracy of the application, its contents and the submitted documents including property owner authorization;
 - iv. Be accompanied by plans, specifications, and drawings in accordance with the following subsection;
- c) The plans, specifications, and drawings required and referred to above shall:
 - i. Be drawn to scale and be of sufficient detail to establish that the work, when completed, will conform to the provisions of this By-law and all other relevant By- laws of the Corporation;
 - ii. Include information with regard to materials used: message; lighting; colours; dimensions of the sign area; sign face and supporting members; the maximum height; clearance; projection and all other relevant structural information;

- iii. When applicable include an elevation of the premises upon which the sign is to be erected indicating the location and dimensions of the proposed sign on the building, vehicular access, doors, windows and other existing signs; and
- iv. When applicable include a site plan of the lands upon which the sign is to be erected indicating the location of the proposed sign on the site, street lines and other boundaries of the property, sight/visibility triangle and the location and dimensions of the building(s) thereon.
- v. Heritage review in accordance with the section 3.6.

3.6. HERITAGE REVIEW

- a) In keeping with the intent and scope of the By-law, signs which are proposed to be erected on a building or property that is currently on the Town of Tillsonburg's List of Heritage Properties are subject to review and approval by the Tillsonburg Cemetery and Heritage Advisory Committee (TCHAC) prior to the issuance of the permit.
- b) In addition to Section 3.5 every application in clause (a) above submitted to the TCHAC for review shall be accompanied by plans drawn to scale clearly showing;
 - i. The type, character, dimensions and design of the proposed sign including historically appropriate colours of the sign and lettering.
 - ii. The proposed means of illumination.
 - iii. Any other information the TCHAC may prescribe or require.

3.7. PERMIT FEES

- a) All applications for permits filed with the Chief Building Official shall be accompanied by payment of the permit fee in accordance with the Town Rates and Fees By-law as amended.
- b) If any sign is installed or placed on any property prior to receipt of a permit, the specified permit fee shall be doubled.

3.8. ISSUANCE AND DENIAL

- a) The Chief Building Official shall issue a permit if the completed application conforms to the provisions of this By-law and every other By-law of the Municipality plus the Ontario Building Code and regulations made thereunder and if all fees are paid;

- b) The Chief Building Official may:
 - i. Refuse a permit for any sign if the building or structure to which the sign is, or is to be attached, is incapable of supporting such sign, or if the information submitted regarding the construction of the said building or structure is not sufficient to enable him/her to adequately determine the capability of such building or structure to give such support;
 - ii. Refuse a permit for any sign if the information submitted on the permit application is incomplete or incorrect; and
 - iii. The Chief Building Official may refer to Council, or its designated authority, any sign for which a permit is being requested, which in the opinion of the Chief Building Official, is unsightly, grotesque, or offensive in character.

3.9. PERMIT CONDITIONS, REFUNDS, REVISIONS AND PENALTIES

- a) If a permit is denied, the permit fee will be refunded to the applicant;
- b) If no inspections have been made and no work authorized by the permit has been performed, the permit fee, except for \$150.00 may be refunded to the applicant. No refunds will be provided for permit fees of \$150.00 or less;
- c) Revisions may be made without charge to the applicant for approved documents provided they do not require in the opinion of the Chief Building Official additional work by the Town.
- d) Every permit issued by the Town shall expire six (6) months from the date of issuance unless the sign applied for has been erected in conformity with the application and this By-law within that time.
- e) A permit may be revoked by the Town under the following circumstances:
 - i. Where the sign does not conform to this By-law and amendments thereto.
 - ii. Where the sign does not conform to any regulation, law or requirement of any governmental authority having jurisdiction over the area where the sign is situated.
 - iii. Where the permit has been issued based on false or misleading information.
 - iv. Where the permit has been issued in error by the Town.
 - v. Where the sign erected does not conform with the plans or specifications approved by the Town on which the permit was issued
- f) If any sign is installed or placed on any property prior to receipt of a permit,

the specified permit fee shall be doubled. However, payment of the doubled fee shall not relieve any person of any other requirement or penalties prescribed in this By-law.

3.10. INSPECTIONS

- a) The Chief Building Official may require at the time of issuance of a permit that notification be provided for an inspection(s) prior to the installation of certain stages of the sign construction; and
- b) Any person installing, structurally altering or relocating a sign for which a permit has been issued shall notify the Chief Building Official upon completion of the work. The Chief Building Official may require a final inspection, including an electrical inspection.

SECTION 4 EXEMPT SIGNS

4.1. SIGN PERMIT EXEMPTIONS

No *sign permit* is required to *erect* the following signs provided the signs otherwise comply with the applicable provisions of this By-law:

- a) *Election signs (see Election Campaign Sign By-Law);*
- b) *Real Estate signs/Open House Directional signs;*
- c) *Personal signs;*
- d) *A-Board/Sandwich Board/Sidewalk signs;*
- e) *Promotional Construction Direction signs/Subdivision Development signs;*
- f) *A sign having a sign area less than 0.10 m² (1.07 if) (e.g. poster);*
- g) *Directional sign;*
- h) *Community Bulletin Area signage. Events sponsored by non-profit, charitable organizations and community groups. Must have town approval, 1 sign per location, must be removed 3 days after the event. Not greater than 1.49 m² (16 tr.) in size. Signs manufactured prior to the passing of this by-law, which are larger than 1.49 m² (16 ft², will be permitted for a period of 4 years from the date of passing this by-law.*
- i) *Temporary signs for events sponsored by non-profit, charitable organizations and community groups. Must have town approval prior to erecting and must be removed 3 days after the event.*
- j) *Promotional Construction Sign not exceeding 6.0 m² (64.58 ft²) in sign area incidental to building construction erected within the area designated for such purposes provided there is an active building permit to construct on file with the Chief Building Official. Such sign shall not be erected more than thirty (30) days prior to the commencement of construction and shall be removed as soon as the construction is substantially completed or discontinued for a period exceeding sixty (60) days.*
- k) *Promotional Construction Sign not exceeding 0.5 m² (5.38 tr.) in sign area incidental to construction, renovation, repair, service erected on*

the property where the construction/service is being provided. Such sign shall not be erected more than 5 days prior to the commencement of construction/service and shall be removed as soon as the construction/service is substantially completed or discontinued.

4.2. SIGN BY-LAW EXEMPTIONS

The provisions of this bylaw shall not apply to the erection of the following types of signs:

- a) *Public use signs* erected by a governmental body, or under the direction of such a body, bearing no commercial advertising such as but not limited to traffic signs, rail road crossing signs, safety signs, signs identifying public schools or public buildings, public information signs and other signs of a similar nature including *signs* required by and approved by the *Town* to inform the public of planning applications;
- b) Flags bearing the crest or insignia of any corporation, government, agency or religion;
- c) Commemorative plaques or corner stones that do not advertise;
- d) One sign containing the name, address and profession of a resident or occupant which may incorporate hours of work, operation or availability. The aforementioned sign shall not be more than 0.2 m² (2.15 ft²) in sign area and shall not include any commercial advertising.
- e) One identification and vacancy information sign for a duplex dwelling, triplex dwelling or converted dwelling not exceeding 0.2 m² (2.15 ft²) in sign area and shall not include any commercial advertising.
- f) No Trespassing sign or other signs regulating the use of property provided such signs are no more than 0.2 m² (2.15 ft²) in sign area.
- g) Memorial signs and plaques identifying a building or structure and its architectural or historical significance not exceeding 0.5 m² (5.38 ft²) in sign area.
- h) Signs affixed to a community entrance feature displaying the name and address of a residential community approved through a Planning Development approval process.
- i) Advertising on Town fixtures when approved by the *Town*.

SECTION 5 PROHIBITIONS

5.1. SPECIFIC SIGN PROHIBITIONS

Any sign not expressly permitted by this By-Law is prohibited and without limiting the generality of the foregoing, the following signs are specifically prohibited. No *person* shall *erect*, use or maintain, or cause or permit to be *erected*, *used* or maintained any of the following signs:

- a) A *sign* located on *premises* which does not specifically identify or advertise a business, service, or occupant of the *premises* where it is located, unless otherwise specified in this By-law;
- b) *Roof sign*;
- c) *Overhanging sign/Projecting sign*;
- d) *Vehicle/frailer sign* on non-motorized vehicles where the purpose of the *sign* meets the definition of a *sign* under this By-law;
- e) A *sign* which may cause confusion with a *traffic control sign* or a traffic control signal;
- f) Flashing signs;
- g) posters, flyers, stickers on public property; except at a designated sign kiosk or designated location approved by the Town for such use;
- h) signs located so as to obstruct the view of any pedestrian or motor vehicle driver so as to cause an unsafe condition;
- i) signs interfering with or obstructing the view of an authorized traffic sign, traffic signal, or official sign or any sign capable of being confused with such a traffic sign, traffic signal or official sign;
- j) sign located within a sight/visibility triangle;
- k) sign which is located so as to interfere in any way with the free use of any fire escape, fire exit, door, window, skylight flue, air intake or exhaust, or parking space;
- l) moving, swinging, revolving, or rotating sign, except as specifically permitted elsewhere;
- m) *Abandoned signs*;
- n) A sign which depicts violence, nudity or other sexually explicit conduct;
- o) A sign which is located on public property unless permitted by this by-law
- p) *Banner signs*

5.2. PROHIBITED LOCATIONS

- a) No *sign* or *sign support structure* shall be located in a manner which, in the opinion of the *Chief Building Official or By-law Enforcement Officer*, impedes the necessary view of a pedestrian or motorist;
- b) No *person* shall locate a *sign* in a manner which obstructs or impedes any: fire escape, fire hydrant, fire exit or door, any window required for natural ventilation or natural lighting or required as an emergency escape, or a fire fighter's access panel or skylight, or so as to prevent or impede

- free access from or to any part of a *building*, and no *sign* can be placed within 1.0 metre (3.28 ft.) of any fire escape, fire hydrant, fire exit or door, any window required for natural ventilation or natural lighting or required as an emergency escape, or a fire fighter's access panel or skylight, or so as to prevent or impede free access from or to any part of a *building* if the *sign* will impede visibility or access.
- c) No *person* shall *erect* a *sign* which obstructs or otherwise impedes the utilization of a parking space, loading space, *driveway* or aisle unless additional parking spaces or loading spaces are provided to comply with the requirements and regulations of the *Town*;
 - d) No *person* shall locate a *sign* which obstructs or impedes the functioning of any flue or air intake, or any exhaust system;
 - e) No *person* shall nail, screw, tape or otherwise fasten a *sign* to a tree, fence or fence post other than a no trespass *sign*;
 - f) No *person* shall *erect* a *sign* with a footing/foundation less than 1.0 metre (3.28 ft.) from a *street line*;
 - g) No *person* shall *erect* a *sign* higher than 0.75 metres (2.46 ft.) within 3.0 metres (9.84 ft.) of any *road allowance* where the *sign* may impede vision of an access from any improved public *street* to any *lot*;
 - h) No *person* shall *erect* a *sign* within any *road allowance* other than a *promotional subdivision development directional sign* and an *open house directional sign*,
 - i) No *person* shall *erect* a *sign* within a *sight/visibility triangle*.

SECTION 6 GENERAL PROVISIONS FOR ALL SIGNS

6.1. LIMIT ON NUMBER OF SIGNS PER PREMISES:

Except as otherwise permitted in this By-law the number of signs shall be limited to:

- a) One (1) ground sign, pylon sign or monolith sign per lot;
- b) For single-tenant buildings walls signs, awning signs and canopy signs are only permitted on one wall face or elevation in accordance with the maximum sign area provisions for the zone in which they are located, except that where a business premise is located on a corner or through lot or has entrances on two (2) or more public streets, or has both a front and a rear public entrance, one (1) additional wall sign is permitted;
- c) For multi-tenant buildings one (1) of any of the following per business premise:
 - i. wall sign, awning sign or canopy sign, except that where a business premise is located on a corner or through lot or has entrances on two

(2) or more public highways, or has both a front and a rear public entrance one (1) additional wall sign is permitted.

6.2. EXISTING SIGNS

- a) Nothing in this By-law applies to a *sign* that is lawfully *erected* on the day this By-law comes into force, provided the *sign* is not *altered* in any way. The maintenance and repair of the *sign* or a change in the message displayed shall be deemed not to in itself constitute an alteration.
- b) In the event a *sign* that is lawfully *erected* on the day this By-law comes into force is *altered* or removed, all applicable provisions of this By-law shall apply.

6.3. ROAD ALLOWANCES – PROJECTION

- a) In the event that an existing *building* is located up to or within a *road allowance*, *signs* are *allowed* on the *facade* of the *building* within the *road allowance* subject to complying with section 6.3 (b) and all the provisions of this By-law.
- b) No person shall erect, display or alter a sign which extends more than 0.6 meters (1.97 ft.) from the building facade into a road allowance or property owned by the Town of Tillsonburg.

6.4. ILLUMINATION

Signs shall not be illuminated in such a way that either the sign or the method of illumination creates a hazard or a nuisance. Illuminated signs shall be designed and erected so that light from such signs is deflected away from any adjacent residential premises.

SECTION 7 PERMITTED SIGNS

7.1. INTERPRETATION OF SECTION 7 AND SECTION 8

Section 7 and Section 8 of this By-law are interdependent and shall be read together.

7.2. SIGNS IN SCHEDULES TO THIS BY-LAW

- a) If a *sign* is specifically defined in this By-law, but not listed as an *allowed sign*, then the *sign* shall not be *allowed*.
- b) A *sign* that is listed in a schedule as being *allowed* shall only be *allowed* if it satisfies all applicable provisions of this By-law and any other applicable law.

7.3. PROPERTY USE CATEGORIES

For the purposes of this By-law, the type of *sign allowed* on a *property* is based on the *use* of the *property*. The following land uses which are permitted on particular lands by the *Municipality's Zoning By-law* are identified in "Schedule A" to this By-law:

RES	residential
IND	industrial
SC	service commercial
NC	neighborhood commercial
INS	institutional
FD	future development
EC	entrepreneurial
CC	central commercial

SECTION 8 SPECIFIC SIGN REGULATIONS

8.0. ANIMATED SIGNS

- a) No animated sign shall be erected without first having obtained a building permit issued by the Chief Building Official.
- b) Animated signs may only be installed in Service Commercial, Industrial and Institutional zones.
- c) Animated signs shall not have a display area larger than 2.4 square meters (25 square feet).
- d) Animated signs shall not be placed any higher than 5.5 meters (18 feet) from average grade.
- e) Animated signs shall have a radius setback of 30 meters (98.4 feet) to any residential or passive use recreation zoned properties and any property used for residential or passive use purposes.
- f) Animated signs shall have a 150 meter (492ft.) setback from other animated signs.
- g) Animated signs shall not be permitted to be located on the facade of a structure facing a street.
- h) No animated signs shall be illuminated in such a manner that creates a nuisance to any neighbouring property as determined by the By-Law Enforcement Officer,
- i) No animated signs shall be placed or illuminated in such a manner that creates a distraction or interferes with any traffic signal or controlled intersection at any travelled roadway as determined by the Director of Operations or his/her designate.
- j) No animated sign shall be placed closer than 100 meters (328ft.) to any signalized or controlled intersection and pedestrian cross walks.
- k) All animated signs shall be installed with a lumen control device and shall be operable at all times. The lumen control device will be set to adjust accordingly to the ambient light in such a way not to adversely affect or create a nuisance to any neighbouring properties.
- l) Animated signs shall not appear to be flashing and must have a minimum dwell time of 5 seconds.

8.1. AWNING SIGNS

- a) No portion of an awning *sign* shall be located less than 2.4 meters (7.87 ft.) above finished grade immediately below such sign.

- b) No awning *sign*, or part thereof, shall extend laterally beyond the extremities of the awning.
- c) Awning signs are not permitted to project into a lane or alley.

8.2. BILLBOARD SIGNS

- a) A *billboard sign* shall not be located, *erected* or displayed within 400 meters (1,312.24 ft.) of any other *billboard sign*.
- b) *Animated signs* are not *allowed as billboard signs*.

8.3. CANOPY SIGNS

No portion of a *canopy sign* shall be located less than 2.4 meters (7.87 ft.) above finished grade immediately below such sign.

- a) A *canopy sign* is permitted to project a maximum of 150 mm (0.51 ft.) from an existing canopy structure.
- b) A *canopy sign* shall be designed as an integral part of the attached or free standing canopy fascia.
- c) No *canopy sign* shall extend beyond the limits of the canopy fascia. d) *Canopy signs* may be *illuminated* internally or externally.

8.4. ELECTRONIC MESSAGE BOARD SIGNS

The intensity of the illumination shall be maintained at a constant level, and pursuant to section 5.1 of this bylaw, flashing signs are prohibited and signs are prohibited that interfere with or obstruct the view of an authorized traffic sign, traffic signal, or official sign designed to maintain public safety.

8.5. GROUND SIGNS

The following regulations shall apply to all ground signs:

- a) The maximum number, area and height of all *ground signs* shall comply with the provisions contained within this By-law for the zone designation in which the *ground sign* is erected;
- b) All *ground signs* must include the municipal *street* address if the *sign* is located on the *street* frontage pertaining to the *street* address and shall display the municipal address number in numerals and letters that are a minimum of 150 mm (0.51 ft.) in height;
- c) A *ground sign* shall not be located within 1.5 meters (4.92 ft.) of a driveway entrance or exit;
- d) *Ground signs* shall not be located within a 7.5 meter (24.61 ft.) radius of a traffic light;
- e) Ground signs shall be setback from common lot boundaries with adjacent lots a minimum of 1.5 meters (4.92 ft.) or the height of the sign, whichever

- is greater.
- f) *Ground signs* erected in non-residential zones shall be setback from the boundaries of any adjacent Residential Zone a minimum of 9.0 meters (29.53 ft.).
 - g) *Ground signs* may be illuminated internally or externally.

8.6. MOBILE SIGNS

Mobile signs shall be *erected* in compliance with the following:

- a. A *mobile sign* advertising a business may be erected provided that it is located on the same property as the business which it is advertising.
- b. No flashing lights.
- c. One sign per property is permitted at any one time except properties with a frontage exceeding 50 m (164.0 ft) or part thereof are permitted an additional *mobile sign* provided no *mobile sign* is located closer than 30.0 m (98.44 ft.) from any other *mobile sign*
- d. 30 meter (98.43 ft.) distance between mobile signs.
- e. Mobile sign permits are valid for 30 days.
- f. Mobile sign permits may be renewed for a maximum of 180 days in a 12 month period with the exception of multi-tenant properties which are permitted 365 days in a 12 month period and between May 15, 2020 and between July 13, 2021 and May 31, 2022 which are permitted 365 days within the 12 month period.
- g. Signs shall not be placed in sight/visual triangles or near driveways that may block motorists view.
- h. Where the mobile sign is rented/leased from a sign company, the sign shall have the name and telephone number of the sign company affixed to the sign in a clear and visible location.

8.7. MONOLITH/PYLON SIGNS

- a) *Monolith* or *pylon signs* can be used as *ground signs* where *ground signs* are *allowed*. The regulations for *ground signs* will apply in regards to *height* and *size*.
- b) All *monolith* and *pylon signs* must include the municipal *street* address if the *sign* is located on the street frontage pertaining to the *street* address and shall display the municipal address number in numerals and letters that are a minimum of 150 mm (0.51 ft.) in height;

- c) *Monolith signs* shall not have a *sign display surface* located lower than 1.5 metres (4.92 ft.) above *finished grade*.
- d) *Pylon signs* shall not have a *sign display surface* located lower than 2.44 metres (8.01ft.) above *finished grade*.
- e) The distance between *Monolith/Pylon signs* on adjacent properties shall not be less than 7.60 meters (24.93 feet).

8.8. MULTI-UNIT RESIDENTIAL SIGNS

- a) The types of signs permitted as a *multi-unit residential sign* are the following:
 - *ground signs*,
 - *wall signs*,
 - *awning signs*; and
 - *canopy signs*
- b) The maximum number, area and height of all signs shall comply with the provisions contained within "Schedule A".

8.9. OPEN HOUSE DIRECTIONAL SIGNS

Open House Directional signs shall be *erected* in compliance with the following:

- a) A maximum of 5 signs per open house are permitted;
- b) Signs shall only be used and displayed 5 days before a scheduled open house and such signs *must be* removed immediately after the open house;
- c) Signs shall not exceed a maximum height of 0.60 meters (1.96 ft);
- d) No *sign* shall be located in a manner that restricts the free and safe movement for any pedestrian, vehicle or other conveyance on any sidewalk, path, road *allowance* or *driveway*, or in a manner which impedes vision.

8.10. PERSONAL SIGNS

- a) Personal signs may be erected for a one (1) week period. A minimum of sixty (60) days must elapse between a personal sign being removed and another personal sign being erected.

8.11. PORTABLE/A-FRAME/SANDWICH BOARD SIGNS

Portable/A-Frame/Sandwich Board signs shall be *erected* in compliance with the following:

- a) Shall only be used and displayed during the actual hours of operation of the business that it is advertising;
- b) Only one (1) sign permitted per business with a maximum of two (2) signs permitted per property;

- c) Properties that front onto multiple streets are permitted to place signs on each street frontage as per section 8.11(b);
- d) Sign shall not exceed 1.0 metre (10.76 ft.) squared;
- e) Shall not be located in a manner that restricts the free and safe movement for any pedestrian, vehicle or other conveyance on any sidewalk, path, *road allowance* or *driveway*, or in a manner which impedes vision, or interferes with parking spaces;
- f) Sign shall not be placed closer than 0.30 m (1.0 ft.) from the street line;
- g) Signs manufactured prior to the passing of this by-law which are in excess of 1.0 meters (10.76 ft.) squared shall be permitted for a period of 4 years from the date that this by-law was passed;
- h) Shall not be illuminated;

8.12. PROMOTIONAL SUBDIVISION DEVELOPMENT DIRECTION SIGNS

Promotional Subdivision Development Direction signs shall be erected in compliance with the following:

- a) A maximum of 4 signs per sales office/model home;
- b) The *sign* shall only be used and displayed during the actual hours of operation of the subdivision sales office during week days; and *signs* may be displayed on Saturdays and Sundays provided that such *signs* are displayed on *street* boulevards only and are not located any closer than 1.0 metre (328 ft.) to the curb, or where there are no curbs, 3.0 metres (9.84 ft.) from the edge of the travelled portion of the *street*;

and that such *signs* are removed no later than 08:00 hours (8:00 a.m.) on each Monday.
- c) No *Promotional Subdivision Development Direction sign* shall be located within 25 meters (82.02 ft.) of an intersection measured from the intersecting edge of curb or traveled portion of the street.
- d) No *Promotional Subdivision Development Direction sign* shall be located in a manner that restricts the free and safe movement for any pedestrian, vehicle or other conveyance on any sidewalk, path, *road allowance* or *driveway*, or in a manner which impedes vision;
- e) No *Promotional Subdivision Development Direction sign* shall be located within 10 meters (32.81 ft.) of another *Promotional Subdivision*

Development Direction sign.

8.13. PROMOTIONAL CONSTRUCTION SIGNS

Promotional construction signs shall be removed within thirty (30) days of substantial completion of the project.

8.14. SIDEWALK SIGNS

No person shall erect, locate or display a Sidewalk sign except in accordance with the applicable regulations under this section of the By-law:

- a) No sidewalk sign shall exceed 0.75 metres (2.46 ft.) in width or 1.0 metres (3.28 ft.) in height including the sign frame and shall not exceed 0.75 metres (2.46 ft.) squared in area including the sign structure;
- b) No sidewalk sign shall be permanently secured to the ground, any structure or tree.
- c) Where a sidewalk sign is erected, located, or displayed, it shall be erected, located, or displayed against the front wall of the business it is advertising.
- d) No sidewalk sign shall be erected, located, or displayed on public property except on a public sidewalk.
- e) Where a sidewalk sign is erected, located, or displayed on a public sidewalk, it shall be erected, located, or displayed against the front wall of the business it is advertising provided there is a minimum 1.5 meters (4.92 ft.) of unobstructed sidewalk.
- f) No person shall erect, display or locate a Sidewalk sign on a public sidewalk except during the hours of operation of the business that it is advertising.
- g) The sidewalk sign may advertise more than one occupant or business contained within a single building or storefront

8.15. SUBDIVISION DEVELOPMENT SIGNS

- a) *A subdivision development sign* shall not be *erected* until the subdivision being advertised has been draft approved and must be located on the plan of subdivision site.
- b) *A subdivision development sign* shall be removed within thirty (30) days after the date of the sale of the last *property* within the plan of subdivision.

8.16. WALL SIGNS

The following regulations shall apply to wall signs:

- a) No wall *sign*, or part thereof, shall extend above the top extremity of the wall upon which it is placed.
- b) No wall *sign*, or part thereof, shall extend laterally beyond the extremities of the wall upon which it is placed.
- c) No wall sign, or part thereof, shall project more than 500 mm (1.64 ft.) from the wall upon which it is placed.
- d) No wall sign, or part thereof, that projects more than 50 mm (0.16 ft.) from the wall upon which it is placed shall be located less than 2.4 meters (7.87 ft.) above the grade below such sign.
- e) No wall *sign*, or part thereof, that projects more than 50 mm (0.16 ft.) from the wall upon which it is placed if located on a *lane* shall be located less than 5.0 meters (16.40 feet) measured vertically from the surface of the lane.
- f) Wall signs shall only be located at the level having direct access to an exterior public way except that where a premise occupies all levels in a multi-storey building the wall sign may be located above the level having direct access to an exterior public way.
- g) Wall *signs* permitted on any wall of a commercial, industrial or institutional building shall have a maximum sign area of 0.75 m² (8.07 ft.) per horizontal linear meter of the wall face.
- h) Wall *signs* shall not cover more than 20% in total aggregate area of the wall on which they are erected, displayed or placed.
- i) The total area of any single wall sign per business premise shall not exceed 35 m² (376.74 ft.²).
- j) Wall signs shall not be painted on the exterior walls of any building excluding a mural which has been approved by Council.

8.17. WINDOW SIGNS

- a) Window signs shall not block the clear view of exits or entrances at any time;
- b) All zones are permitted window signs of less than 1.0 meter (10.76 ft.) squared indicating that the business is "open";
- c) No window signage shall be permitted above the second story of any building; and
- d) For premises on the second storey or higher level of a building which has a door or entrance at the street level, a window sign or sign shall be permitted at the street level.

SECTION 9 VARIANCES

9.1. APPROVAL AUTHORITY

The Director as the delegated authority, at his/her discretion, may approve minor sign variances to this Sign By-law in the following situations:

- a) The Director may vary the following provisions of the Sign By-law at the time

of site plan approval:

- i. The location of any sign on a building or property.
 - ii. The number of signs on a building or property, having regard for the sign type, property use and the size of the property
- b) The Director will consider minor sign variance applications for properties that are not subject to site plan approval for the provisions of the Sign By-law that are identified in Section 9.1 (a);
 - c) At the discretion of the Director, applications which are deemed to be not minor in nature will be considered immediately by Town Council for a final decision.

9.2. MINOR SIGN VARIANCE CONSIDERATIONS

In considering a minor sign variance application, the Director shall have regard to:

- a) Special circumstances or conditions applying to the property, building, or use referred to in the application;
- b) whether such special circumstances or conditions are pre-existing and not created by the owner or applicant;
- c) whether the proposed sign will detrimentally alter the character of the building, property or area, and
- d) whether the general intent and purpose of the Sign By-law is maintained.

9.3. DIRECTOR APPROVED EXEMPTIONS

The Director's approval authority does not apply to the following sections of the Sign By-law:

- a) Schedule A, Permitted Sign Use/Property Use Table, Signs allowed by property use;
- b) All Sign By-law provisions with regards to Mobile Signs;
- c) All provisions with regard to Billboard Signs.

9.4. VARIANCE APPLICATIONS

An application for a variance from one or more of the requirements in this Sign By-law shall:

- a) Describe the land, building or structure on which the proposed sign is or is to be erected, by street name, street number or by other equivalent description;
- b) State the full names, addresses, and telephone numbers of the owner and any occupant of the premises and the owner and/or lessee of the sign;

- c) Contain a declaration to be sworn by the applicant as to the truth and accuracy of the application, its contents and the submitted documents including property owner authorization; Be accompanied by plans, specifications, and drawings in accordance with the following subsection;
- d) The plans, specifications, and drawings required and referred to above shall:
 - i. Be drawn to scale and be of sufficient detail to establish that the work, when completed, will conform to the provisions of this By-law and all other relevant By-laws of the Corporation;
 - ii. Include information with regard to materials used: message; lighting; colours; dimensions of the sign area; sign face and supporting members; the maximum height; clearance; projection and all other relevant structural information;
 - iii. When applicable include an elevation of the premises upon which the sign is to be erected indicating the location and dimensions of the proposed sign on the building, vehicular access, doors, windows and other existing signs; and
 - iv. When applicable include a site plan of the lands upon which the sign is to be erected indicating the location of the proposed sign on the site, street lines and other boundaries of the property, sight/visibility triangle and the location and dimensions of the building(s) thereon.
 - v. Heritage review in accordance with the Section 3.6.
- e) Be made by an owner, or authorized representative of an owner, of the property on which the sign is to be erected.
- f) Be filed with the Town for consideration by the Director.
- g) Include a justification of why the provisions of the Sign By-Law cannot be complied with.

9.5. APPROVAL AND CONDITIONAL APPROVAL

The Director may approve or refuse any variance application and may impose conditions upon an approval as deemed appropriate.

9.6. APPEAL PROCESS

Should the Director refuse a variance application the property owner, or authorized representative of the owner, may file an application with the Town for an amendment to the Sign By-law for consideration by Council.

SECTION 10 ENFORCEMENT PROVISIONS AND REMOVAL OF UNLAWFUL SIGNS

10.1. TOWN PROPERTY

No signs shall be placed on or over Town property without approval from the Town. Where a sign does not comply with this by-law, is erected or displayed on, over, partly on, or over property owned by or under the jurisdiction of the Town, the sign may be removed immediately by the Town without notice or compensation. For this purpose, the Town and its agents may enter upon land at any reasonable time.

10.2. CONTRAVENTION PROCEDURE

Where a sign does not comply with this by-law, is erected or displayed, the Chief Building Official or By-Law Enforcement Officer shall issue an order to do the work to correct the contravention, by personal service or regular mail, to the owner of the sign, or the owner or occupier of the land upon which the sign is located, the order shall include the following:

- a) The order shall outline the nature of the contravention;
- b) The section of the by-law that is contravened;
- c) The date by which there must be compliance;
- d) A description and address of the sign that is in contravention;
- e) Include a statement of where and how the Sign may be redeemed

10.3. SIGN REMOVAL AND DISPOSAL

Where a sign has been removed by the Municipality pursuant to this by-law, the owner and/or occupant is liable to a minimum charge per sign as per the Municipalities Rates and Fees By-Law as amended or the actual cost of removing the sign(s), whichever is greater. Signs that are removed shall be stored by the Municipality for a period of 30 days, during which time the owner, occupant, and/or permit applicant is entitled to redeem the sign. The cost of removing the sign and the storage fee as per the Municipalities Rates and Fees By-Law as amended must be paid to the Municipality before the sign will be released. At the expiry of 30 day period, the sign will be disposed of by the Municipality. All fees and removal is to be at the expense of the owner or occupant and the expense may be collected in like manner as municipal taxes.

10.4. UNCLAIMED SIGNS

If there is no lessee of the sign or the lessee or owner of the sign or their agents cannot be determined with certainty, the Chief Building Official or designate may forward the notice to the person or agent thereof having the use or major benefit of the sign.

10.5. UNSAFE SIGNS

Where in the opinion of the Chief Building Official a sign is unsafe, the Chief Building Official may have the sign removed immediately without notice.

10.6. MAINTENANCE

The owner of the lands or premises upon which any sign or advertising device is located shall maintain or cause such sign or advertising device to be maintained in a proper state of repair so that such sign or advertising device does not become unsafe, unsightly, dangerous or a nuisance. All signs shall be completely operative at all times.

SECTION 11 OFFENCE AND PENALTIES

11.1. RESPONSIBILITY TO COMPLY

It shall be the duty of every *person* who *erects*, uses, maintains or causes a *sign* to be *erected*, used or maintained to ensure that any *sign erected*, used or maintained by them shall comply with all the provisions and requirements of this By-law.

11.2. LIABILITY TO FINES

Every *person* who contravenes any provision of this By-law shall be guilty of an offence and on conviction is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, c.P. 33.

11.3. RECOVERING EXPENSES

- a) Where any person is directed or required by this by-law to do any matter or thing, such matter or thing may be done in default of its being done by the person directed or required to do it, at that person's expense, and such expense may be recovered by action or as municipal taxes in the manner prescribed by the Municipal Act.
- b) The payment of any fees and charges are required under this by-law does not constitute partial or full payment of any fines imposed by a court of competent jurisdiction for an offence committed under this or any other by-laws.

SECTION 12 SEVERABILITY

If a court of competent jurisdiction should declare any section or part of a section of this By-law to be invalid, such decision does not affect the validity, effectiveness, or enforceability of the other sections or parts of the provisions of this By-law unless the court makes an order to the contrary.

SECTION 13 CONFLICTING BY-LAWS

Where there is a conflict of the provisions between this By-law and any other By-law of the Town regulating signage, the provisions of the By-law deemed by the Chief Building Official to be the most restrictive shall prevail.

SECTION 14 INDEMNIFICATION

The applicant for a permit for a sign, and the owner and occupant of the lands and premises on which any sign is erected, shall be jointly and severally responsible

to indemnify the Town, its officers, employees, servants and agents, from all loss, damages, costs, expenses, claims, demands, actions, suits or other proceedings of every nature and kind arising from and in consequence of the construction, erection, maintenance, display, alteration, repair or removal of such sign.

SECTION 15 VALIDITY

In the event any part or provision of this By-law is held to be illegal or void, this shall not have the effect of making illegal or void any of the other parts or provisions thereof, which may or shall be determined to be legal.

SECTION 16 REPEAL

Town of Tillsonburg By-Law 2976 and all of its amendments are hereby repealed upon the date this By-law comes into effect.

SECTION 17 EFFECTIVE DATE

This by-law shall become effective upon the passing thereof.

READ A FIRST TIME AND SECOND TIME THIS 27th day of FEBRUARY, 2014.

READ A THIRD AND FINAL TIME AND PASSED THIS 28th day of APRIL, 2014.

_____ original signed _____

MAYOR – John Lessif

_____ original signed _____

TOWN CLERK – Donna Wilson