

THE CORPORATION OF THE TOWNSHIP OF EAST GARAFRAXA

By-Law Number 38-2005

**BEING A BY-LAW PROHIBITING OR REGULATING SIGNS
AND ANY OTHER ADVERTISING DEVICES WITHIN
THE TOWNSHIP OF EAST GARAFRAXA**

WHEREAS Section 99 of the *Municipal Act, 2001*, S.O. 2001, c. 25, provides Council with the authority to pass by-laws prohibiting and regulating Signs, advertising and advertising devices;

NOW THEREFORE Council enacts as follows:

1. Definitions

In this By-law the following terms are defined as:

- 1.1. "Chief Building Official" means the Chief Building Official of the Township of East Garafraxa and includes his or her designate or other duly appointed official pursuant to the *Building Code Act*.
- 1.2. "Clerk" means the Clerk of the Township of East Garafraxa duly appointed under the *Municipal Act*; and also includes the Deputy Clerk, if any, duly appointed under the *Municipal Act*.
- 1.3. "Lot" means a parcel of land that is capable of being conveyed pursuant to Section 50(3) of the *Planning Act*.
- 1.4. "Property" means all lands in the Township and includes a lot.
- 1.5. "Sign" means a message board or advertising device bearing a message or advertisement consisting of letters, numbers, symbols or characters, the various materials upon which they are displayed, any internal and external mechanical or electrical parts, and any stiffening bars or ornamental mouldings but shall not include any supports or trusses upon which the Sign is supported, unless such Sign is a freestanding Sign, in which circumstances, the associated structure is deemed to be part of the Sign. Sign shall include a message painted on the wall or roof of a building. Sign shall be further defined in Schedule "A" to this By-law.
- 1.6. "Township" means the Corporation of the Township of East Garafraxa.
- 1.7. "Zone" means a designated area in the Township of East Garafraxa Zoning By-law 21/82, as amended from time to time or such successor zoning by-law as passed under the *Planning Act*.
- 1.8. "Township Zoning By-law" means the Township of East Garafraxa Zoning By-law 21/82, as amended from time to time, until such time as the Township of East Garafraxa Zoning By-law 60-2004 comes into force.

2. Signs Prohibited Unless Authorized Under This By-law

- 2.1. No person shall erect, display, alter or relocate any Sign located upon private or public property unless: a) a permit has been obtained in accordance with the provisions of this By-law; or b) such type of Sign is exempt from the permit requirements under Schedule "B" of this By-law.
- 2.2. Notwithstanding any other provision in this By-law, no Sign shall be located on any Township road or within any municipal road allowance without the express permission of the Township.
- 2.3. Any Third Party Sign is prohibited.
- 2.4. Any scrolling digital Sign is prohibited.

2.5. This By-law does not apply to any Sign which was lawfully erected prior to the enactment of this By-law.

2.6. A change in the message displayed by a Sign does not require a permit, provided such Sign has been erected in conformity with this By-law, and remains in conformity with the other provisions of this By-law.

3. No Permits Required

3.1. No permit is required for a non-illuminated Sign as set out in Schedule "B" to this By-law, provided such Sign complies with provisions of this by-law.

4. Signs Where Permit Required

4.1. A Sign as set out in Schedule "C" or "D" to this By-law may be permitted provided such Sign is authorized by a permit issued under this By-law.

4.2. Signs permitted in Schedule "C" or "D" to this By-law may be illuminated, provided that mitigation measures are taken to shield from neighbouring properties from light trespass, and providing that the Township Council expressly permits sign illumination.

4.3. Signs, other than those types of Signs enumerated in Schedules "B", "C" and "D" of this By-law, are prohibited in the Township.

5. Administration

5.1. This By-law shall be administered by the Clerk.

6. Permits

6.1. The applicant for a Sign permit shall provide to the Clerk the following documents:

6.1.1. a duly executed application form, including providing the Owner's authorization, if the applicant is not the Owner of the lot;

6.1.2. a plot plan indicating, at a minimum, the lot boundaries, adjacent roadways, the location of the Sign in relation to other structures on the lot, and,

6.1.3. construction drawings and construction specifications for the Sign.

6.2. A separate application and additional fee shall be required if an applicant proposes to erect an illuminated Sign.

6.3. Upon application for a Sign permit the applicant shall pay an application fee in accordance with Schedules "C", "D" and "E" of this By-law to the Township.

6.4. Where a building permit is required for the Sign under the *Building Code Act*, the applicant shall obtain a building permit together with a Sign permit prior to erecting the Sign. Nothing in this By-law restricts the Chief Building Official requiring further information from the applicant to determine compliance with the *Building Code Act*.

6.5. Should the Sign require a building permit, no Sign permit shall be issued by the Clerk under this By-law until the building permit has been issued by the Chief Building Official.

6.6. No Sign permit shall be issued by the Clerk under this By-law unless the proposed Sign complies with the provisions of this By-law and the Township Zoning By-law. In determining such compliance, the Clerk may circulate the application and documents received under this By-law for comment by the Clerk's Department, Chief Building Official; the Township's Director of Planning; the Township's Director of Public Works; the Police Chief having jurisdiction for the Township; the Fire Chief having jurisdiction for the Township; the County of Dufferin Director of Public Works; the Ministry of Transportation and/or any other public agency which may have an interest in the application. Should any of the above officials recommend denial of the Sign permit in writing with reasons, the Clerk shall deny the application and provide the applicant with the reasons for the denial.

7. Traffic Hazards

7.1. Notwithstanding any other provisions of this By-law any sign which creates a traffic hazard is prohibited. No sign shall be erected which reduces the effectiveness of any traffic signal on any roadway or otherwise interferes with traffic on any roadway including obstructing the view of motorists at any intersection of roadways; or access driveway; and/or a roadway within 6 metres of that intersection of the lot lines.

8. Municipal Property

8.1. No Signs shall be placed on any Township property without approval by the Township.

9. No Obstruction

9.1. No Sign shall be attached to or placed upon a building in such a manner as to obstruct any fire escape or to interfere in any way with the work of the Fire Department in case of a fire. In addition, no Sign shall be erected, constructed or installed on a lot that would preclude driveway access to the lot for firefighting purposes or otherwise, in the opinion of the Fire Chief having jurisdiction for the Township, impede access to the lot over firefighting routes.

10. Appeals to Council

10.1. Pursuant to s. 99 of the *Municipal Act, 2001*, Township Council may authorize a minor variance to this By-law if in the opinion of Township Council the general intent and purpose of this By-law are maintained.

10.2. An application for a minor variance to this By-law shall be made in writing to Township Council and shall be made within 21 days after the date on which the Sign permit was denied by the Clerk, and shall be accompanied with the requisite fee set out in Schedule "E" to this By-law. Township Council shall schedule a hearing within 45 days of the receipt of the application, and shall determine such application, after hearing from the applicant, should the applicant so desire to be heard, and hearing from any other persons who may have an interest in the matter, should such persons so desire to be heard. Township Council shall issue its decision within 45 days after the application has been heard by Township Council.

10.3. Any decision made by Township Council on an application for a minor variance to this By-law is final and binding.

11. Enforcement

11.1. Where the owner or occupant of a lot has erected a Sign requiring a permit without the issuance of the required Sign permit, the Township shall give notice of such violation by sending correspondence to the last known address on record at the Township via registered mail to the owner or occupant of a lot requiring the owner or occupant of a lot to remove the Sign within 7 days of the issuance of the correspondence.

11.2. Should the Sign not be removed in compliance with this By-law, the Township shall have the right to enter onto a lot and pull down, demolish or otherwise remove the Sign. For the purposes of pulling down, demolishing or otherwise removing the Sign under this By-law, an agent, employee or servant of the Township may enter upon the lot of the owner or occupant and shall not be liable to compensate the Owner, occupant or any other person having an interest in the lot by reason of anything done by or on behalf of the Township under the provisions of this By-law.

11.3. Any unauthorized Sign which is placed on any Township property or within any municipal road allowance shall be removed by the Township at the expense of the Owner of the Sign, as set out in Schedule "E" to this By-law.

11.4. When pulling down, demolishing or otherwise removing the Sign, the Township may recover all the expenses incurred in respect thereof, including legal fees, by any or all methods available by statute, including collection through the property tax system.

11.5. In addition, the Township may cause a prosecution to be brought against any person in the Courts for violation of this By-law.

12. Penalties

12.1. Every person who contravenes any provision of this By-law is guilty of an offence and liable upon conviction to a penalty as authorized by the *Provincial Offences Act*.

12.2. Upon conviction, the Court in which the conviction has been entered and any Court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted.

13. Schedules Form Part of By-law

13.1. Schedules "A", "B", "C", "D" and "E" shall form part of this By-law.

13.2. Notwithstanding Sect. 13.1 of this By-law, Schedule "D" shall only come into effect when Township Zoning By-law 60-2004 comes into force, at which time Schedule "C" is repealed.

14. Short Title

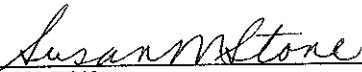
14.1. This subject By-Law shall be known and cited as the "Sign By-law".

BY-LAW READ A FIRST AND SECOND TIME THIS 13TH DAY OF SEPTEMBER 2005

BY-LAW READ A THIRD TIME AND PASSED THIS 13TH DAY OF SEPTEMBER 2005



HEAD OF COUNCIL



CAO/CLERK

**Schedule "A"
Sign Definitions**

SIGN TYPE	DEFINITION
Auction	Means any Sign, which advertises a public auction, and is placed on the lot where the auction is to be held, no more than 2 weeks prior to and during the auction event. At the conclusion of the auction event, such Sign shall be removed immediately. An auction event must not exceed one day and only one auction event per lot per year is allowed.
Awning	Means a covering stretched upon a frame that is affixed to the face of the building and may be moveable, with a Sign embossed, screened or otherwise affixed to awning. One building or one unit in a shopping centre/plaza may only display one of the following types of Signs: Awning, Canopy, Mansard, Marquee or Wall.
Banner	Means a piece of fabric bearing an emblem, message or slogan for the purpose of, advertising goods or services, identifying a business or enterprise, or promoting a philosophy, concept or organization.
Canopy	Means a solid overhanging covering that projects from the face of the building and is firmly attached into the wall of the building, with a Sign embossed, screened or otherwise affixed to canopy. One building or one unit in a shopping centre/plaza may only display one of the following types of Signs: Awning, Canopy, Mansard, Marquee or Wall.
Community Event	Means a Sign to promote citizen participation in civic or charitable activities and functions, placed for a period not exceeding 90 days, and providing the location of such sign has been approved by the Township of East Garafraxa.
Construction	Means a temporary Sign for a project, future use of site, or contractor sign, on a construction site for the lesser of, a period of not more than 6 months, or within 30 days of completion of the project, or as provided for in a site plan agreement or a subdivision agreement.
Contractor's Roadwork	Means a temporary sign placed for the purpose of warning traffic of a road construction project and/or directing traffic.
Directional	Means a Sign that is to give guidance or direction to locations on a lot.
Election	Means any Sign advertising or promoting the election of a candidate for municipal, provincial, or federal government office. Such Sign must be removed within 48 hours after the election.
Emergency	Means any Sign erected by emergency services, including the police, fire, or ambulance services, or as authorized under a municipal emergency.
Flag	Means a flag or emblem of patriotic, civic, educational or religious organizations or corporations provided that no more than three flags or emblems are located on one lot and each flag or emblem shall not exceed 2.7 square metres.
Freestanding	Means a Sign not attached to a building but supported by a permanent attachment to the ground.
Highway Traffic Act	Means any Sign erected by the Township, the County of Dufferin or the Province of Ontario under the <i>Highway Traffic Act</i> .
Hoarding	Means a message posted on, or affixed to construction hoarding placed around an active construction site, for a project, future use of site, or contractor sign, on a construction site for the lesser of, a period of not more than 6 months, or within 30 days of completion of the project, or as provided for in a site plan agreement or a subdivision agreement.
Home Industry	Means a Sign which messages or advertising on such signage must be directly related to the use being carried out on the lot, and which use must be permitted under the Township's Zoning By-law.
Home Occupation	Means a Sign which messages or advertising on such signage must be directly related to the use being carried out on the lot, and which use must be permitted under the Township's Zoning By-law. Such signage shall be limited in that it shall not provide additional advertising beyond providing any of the details of: the name of the business or logo or trademark; and/or name of the home occupier; and/or name of the home professional; the contact information, including phone number, facsimile number, web site and/or email; and, the hours of operation.

Identification	Means a Sign on the lot displaying only the name of the occupant, the address and/or the name of the dwelling.
Mansard	Means a Sign on or attached to a mansard roof. One building or one unit in a shopping centre/plaza may only display one of the following types of Signs: Awning, Canopy, Mansard, Marquee or Wall.
Marquee	Means a Sign attached to any roof-like structure or overhang constructed as a permanent part of a building over the entrance to the building which structure or overhang projects more than 0.3 metres from the exterior of the wall. One building or one unit in a shopping centre/plaza may only display one of the following types of Signs: Awning, Canopy, Mansard, Marquee or Wall.
Neighbourhood Identification	Means a Sign placed at the entrance to a neighbourhood identifying the name of the neighbourhood and the civic address, and containing no other message, as approved by the Township.
Planning Act	Means any Sign approved by the Township under an agreement between the Township and an applicant under the provisions of the <i>Planning Act</i> .
Portable	Means a Sign not exceeding 4 square metres that can be moved from place to place, and that is not attached to a building, the ground, or an immobile structure, and shall include mobile signs, inflatable advertising devices and Sandwich Board Signs. Portable signs shall only be allowed a maximum of 2 times per year for a period of 30 days each on a lot.
Real Estate	Means a Sign to the sale or leasing of the lot upon which the Sign is located and the sign is placed for a period not exceeding six months.
Sandwich Board	Means a freestanding, double-faced, inverted-vee type Sign.
Scrolling	Means a digital Sign, or readograph Sign or any Sign which has a message which scrolls across the face of the Sign or as either a static or a changing message.
Seasonal	Means a Sign erected for the purpose of retailing agriculture products.
Shopping Centre/Plaza	Means a Sign placed at a commercial or industrial lot, upon which a group of at least 5 separate uses have been developed, and which Sign advertises or identifies the occupants of the shopping centre or plaza.
Third Party	Means a Sign or advertising device which directs attention to products, goods, services, activities or facilities which are not the principal products, goods, services, activities or facilities provided on the lot upon which the Sign is located.
Trespass	Means a 'no trespass', 'no hunting', 'no fishing' or other warning Sign.
Wall	Means lettering or a display painted directly on the exterior wall of a building. One building or one unit in a shopping centre/plaza may only display one of the following types of Signs: Awning, Canopy, Mansard, Marquee or Wall.

Schedule "B"

SIGNS FOR WHICH NO PERMIT IS REQUIRED			
SIGN TYPE	MAXIMUM SIZE (For additional specific restrictions see applicable Definition)	ZONE(S) PERMITTED	APPLICATION FEE
Auction	1.5 sq m	All Zones	Nil
Community Event	1.5 sq m	All Zones	Nil
Contractor's Roadwork	As Approved by the Township of East Garafraxa, the County of Dufferin or the Ministry of Transportation	All Zones	Nil
Directional	0.75 sq m	All Zones	Nil
Election	N/A	All Zones	Nil
Emergency	As Approved by the Township of East Garafraxa	All Zones	Nil
Flag	2.7 sq m each	All Zones	Nil
Highway Traffic Act	As Prescribed by Legislation	All Zones	Nil
Home Occupation	0.5 sq m	All Residential, Rural and Agricultural Zones	Nil
Home Industry	1 sq m	All Agricultural, Rural and Rural Residential Zones	Nil
Identification	0.2 sq m	All Zones	Nil
Planning Act	As Approved by the Township of East Garafraxa	All Zones	Nil
Portable	2 faces, 4 sq m each face	All Agricultural Zones	Nil
Real Estate	1 sq m	All Zones	Nil
Seasonal	4 sq m	All Agricultural Zones	Nil
Trespass	0.2 sq m	All Zones	Nil
Wall	20% of wall face or 4 sq m (the lesser size shall apply)	All Agricultural Zones	Nil

Schedule "C"

SIGNS FOR WHICH A PERMIT IS REQUIRED (NON-ILLUMINATED) ¹			
SIGN TYPE	MAXIMUM SIZE (For additional restrictions see applicable Definition)	ZONE(S) PERMITTED	APPLICATION FEE
Awning	35% of Awning face, or 4 sq m (the lesser size shall apply)	General Commercial, Rural Commercial, Commercial-Light Industrial, General Industrial, Extractive Industrial, Rural Industrial, Institutional	\$300
Canopy	35% of Canopy face or 4 sq m (the lesser size shall apply)	General Commercial, Rural Commercial, Commercial-Light Industrial, General Industrial, Extractive Industrial, Rural Industrial, Institutional	\$300
Construction	10 sq m	All Zones	\$100
Freestanding	4 sq m	General Commercial, Rural Commercial, Commercial-Light Industrial	\$300
Hoarding	2 sq m	General Commercial, Rural Commercial, Commercial-Light Industrial, General Industrial, Extractive Industrial, Rural Industrial, Institutional	\$300
Mansard	35% of Mansard face or 4 sq m (the lesser size shall apply)	General Commercial, Rural Commercial, Commercial-Light Industrial, General Industrial, Extractive Industrial, Rural Industrial, Institutional	\$300
Marquee	35% of Marquee face or 4 sq m (the lesser size shall apply)	General Commercial, Rural Commercial, Commercial-Light Industrial, General Industrial, Extractive Industrial, Rural Industrial, Institutional	\$300
Neighbourhood Identification	5 sq m	General Commercial, Rural Commercial, Commercial-Light Industrial, General Industrial, Extractive Industrial, Rural Industrial, Institutional, Estate Residential, Rural Residential, Hamlet Residential	\$300
Portable	2 faces, 4 sq m each face	General Commercial, Rural Commercial, Commercial-Light Industrial, General Industrial, Extractive Industrial, Rural Industrial, Institutional	\$100
Sandwich Board	2 faces, 1.5 sq m each face	General Commercial, Rural Commercial, Commercial-Light Industrial, General Industrial, Extractive Industrial, Rural Industrial, Institutional	\$100
Shopping Centre	15 sq m	General Commercial, Rural Commercial, Commercial-Light Industrial, General Industrial, Extractive Industrial, Rural Industrial, Institutional	\$300
Wall	20% of wall face or 4 sq m (the lesser size shall apply)	General Commercial, Rural Commercial, Commercial-Light Industrial, General Industrial, Extractive Industrial, Rural Industrial, Institutional	\$300

1. An applicant who proposes to erect an illuminated Sign shall submit a \$100 fee in addition to the applicable Sign fee.

Schedule "D"

SIGNS FOR WHICH A PERMIT IS REQUIRED (NON-ILLUMINATED) ¹			
SIGN TYPE	MAXIMUM SIZE (For additional specific restrictions see applicable Definition)	ZONE(S) PERMITTED	APPLICATION FEE
Awning	35% of Awning face, or 4 sq m (the lesser size shall apply)	General Commercial, Highway Commercial, Institutional, Industrial, Extractive Industrial, Business Park, Recreational	\$300
Canopy	35% of Canopy face or 4 sq m (the lesser size shall apply)	General Commercial, Highway Commercial, Institutional, Industrial, Extractive Industrial, Business Park, Recreational	\$300
Construction	10 sq m	All Zones	\$100
Freestanding	4 sq m	General Commercial, Highway Commercial	\$300
Hoarding	2 sq m	General Commercial, Highway Commercial, Institutional, Industrial, Extractive Industrial, Business Park, Recreational	\$300
Mansard	35% of Mansard face or 4 sq m (the lesser size shall apply)	General Commercial, Highway Commercial, Institutional, Industrial, Extractive Industrial, Business Park, Recreational	\$300
Marquee	35% of Marquee face or 4 sq m (the lesser size shall apply)	General Commercial, Highway Commercial, Institutional, Industrial, Extractive Industrial, Business Park, Recreational	\$300
Neighbourhood Identification	5 sq m	General Commercial, Highway Commercial, Institutional, Industrial, Extractive Industrial, Rural Residential, Estate Residential, Hamlet Residential, Business Park	\$300
Portable	2 faces, 4 sq m each face	General Commercial, Highway Commercial, Institutional, Industrial, Extractive Industrial, Business Park, Recreational	\$100
Sandwich Board	2 faces, 1.5 sq m each face	General Commercial, Highway Commercial, Institutional, Industrial, Extractive Industrial, Business Park, Recreational	\$100
Shopping Centre	15 sq m	General Commercial, Highway Commercial, Institutional, Industrial, Extractive Industrial, Business Park	\$300
Wall	20% of wall face or 4 sq m (the lesser size shall apply)	General Commercial, Highway Commercial, Institutional, Industrial, Extractive Industrial, Business Park, Recreational	\$300

1. An applicant who proposes to erect an illuminated Sign shall submit a \$100 fee in addition to the applicable Sign fee.

Schedule "E"

APPEALS / JOINT PROCESS	
ACTIVITY	FEE
Appeals to Council	\$200
Enforcement, Removal of Sign from Township Property	\$100 fee plus \$50 per hour for labour and vehicle expense
Signs which are part of a Plan of Subdivision or Site Plan Approval process	Sign fees in Schedule "C" or "D" shall be discounted by 50% and the amount deducted from the Plan of Subdivision or Site Plan Approval deposit