

Town of Midland Sign By-law



By-law 2011-79

Effective January 1, 2012



Town of Midland Sign By-law 2011-79

LOG OF AMENDMENTS

Includes all amendments to December 15, 2015

By-law No.	Date of Passing	Purpose
2013-72	November 6, 2013	To permit 14 additional Fascia Signs and to increase the permitted sign area and height of a Pylon Sign at 281 Cranston Crescent
2014-13	March 24, 2014	To add the definition of “Non-Profit Organization” and to amend Part 5 – Exemptions by providing special provisions for the Incidental Signs of Non-Profit Organizations
2014-95	December 8, 2014	To permit 12 additional Fascia Signs, to permit 6 additional Canopy Signs and to permit 2 Temporary Banner Signs at 930 Jones Road (LCBO).
2015-26	May 25, 2015	To Prohibit Amphibious Floating Signs and to add a new Definition “Amphibious Floating Water Signs”
2015-65	September 28, 2015	To permit 3 Fuel Bar Canopy Signs at 8933 County Road 93 (Sarjeant Co. Ltd.)
2015-86	December 14, 2015	To permit 14 Fascia Signs at 952 Jones Road; To permit 18 Fascia Signs at 947 Jones Road; To permit larger and taller Pylon Signs at 921 – 990 Jones Road

THE CORPORATION OF THE TOWN OF MIDLAND

BY-LAW 2011-79

A By-law to Regulate or Prohibit Signs or Other
Advertising Devices and the Posting of Notices and to
Repeal By-law 2007-70.

WHEREAS pursuant to Section 23 (1) and 99 of the *Municipal Act, 2001* S.O. c 25, the Council of The Corporation of the Town of Midland may pass a by-law to prohibit or regulate structures, including signs and other advertising devices;

AND WHEREAS Council passed By-law 2007-70 on the Twenty-sixth day of November, 2007 to provide for the governance of signs in the Town of Midland;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF MIDLAND HEREIN ENACTS AS FOLLOWS:

SIGN BY-LAW

PART 1.0	TITLE, SCOPE AND DEFINED AREA	1
1.1	Short Title	1
1.2	Purpose	1
1.3	Scope	1
PART 2.0	DEFINITIONS.....	2
PART 3.0	INTERPRETATION AND ADMINISTRATION	11
3.1	Interpretation	11
3.2	Administration.....	11
3.3	Sign Permit Applications.....	12
PART 4.0	GENERAL PROVISIONS.....	13
4.1	Encroachments.....	13
4.2	Design Standards	13
4.3	Siting	13
4.4	Maintenance	14
4.5	Health and Public Safety	14
4.6	Federal, Provincial, County or Agency Interests.....	14
4.7	Legal Non-Conforming Signs	14
4.8	Businesses Ceasing to Operate	15
PART 5.0	EXEMPTIONS.....	16
PART 6.0	PROHIBITIONS.....	18
6.1	Billboard Sign	18
PART 7.0	SIGNS PERMITTED IN ALL NON-RESIDENTIAL ZONES.....	19
7.1	Banner Signs	19
7.2	Temporary Signs	19
7.3	Inflatable Signs	20
PART 8.0	SIGNS PERMITTED BY ZONE.....	21
8.1	Signs in the Downtown Core Commercial Zone	21
8.2	Signs in the Highway Commercial, Neighbourhood Commercial, Marine Commercial, and Institutional Zones	25
8.3	Signs in Industrial Zones	28
8.4	Signs in Residential Zones	30

8.5	Signs in Rural, Open Space, and Environmental Protection Zones.....	32
PART 9.0	VARIANCES AND AMENDMENTS	33
9.1	Regulations	33
9.2	Sign Variance Committee	33
9.3	Exceptions	34
PART 10.0	ENFORCEMENT	<u>3936</u>
10.1	Violations	<u>3936</u>
10.2	Penalty For Non-Compliance	<u>3936</u>
10.3	Removal of Illegal Signs	<u>4037</u>
10.4	Conflict	<u>4037</u>
10.5	Liability for Damages	<u>4037</u>
10.6	Severability	<u>4138</u>
10.7	Repeal	<u>4138</u>
10.8	Effective Date	<u>4138</u>
APPENDIX A – SIGHT TRIANGLE		<u>4239</u>

PART 1.0 TITLE, SCOPE AND DEFINED AREA

1.1 Short Title

This By-law shall be known and cited as the "Sign By-law" for the Corporation of the Town of Midland.

1.2 Purpose

The purpose of this Sign By-law is to regulate signs in the Town of Midland to authorize signs that:

- a) Are appropriate in the type, placement, and scale to the type of business or use to which they pertain;
- b) Minimize adverse impacts on nearby public and private property;
- c) Do not create a distraction or safety hazard for pedestrians or motorists;
- d) Provide appropriate communication to the public in order to identify facilities, businesses, and services without difficulty or confusion;
- e) Protect and enhance the aesthetic qualities and character of the Town of Midland.

1.3 Scope

1.3.1 The area to which this Sign By-law applies shall be those lands which fall within the corporate boundaries of the Town of Midland.

1.3.2 The use of signs is regulated to specific land use zones of Zoning By-law 2004-90, as amended or any subsequent Zoning By-law. No sign shall be permitted on a property except as permitted in this By-law.

PART 2.0 DEFINITIONS

In this By-law, words that are defined are **bolded** and have the following meanings:

'A' Frame Sign

Shall mean the same as **Sandwich Board Sign**.

Abandoned Sign

Shall mean a sign which no longer identifies or advertises an operating business, service, **owner**, product, or activity, and/or for which no legal **owner** can be found.

Accessory Building

Shall mean a separate building or structure, normally incidental, subordinate, or exclusively devoted to and located on the same lot as the principal use, building or structure but not including a building or structure used for human habitation except where specifically permitted.

Address Sign

See By-law 2010-47, as amended or any subsequent By-law for Municipal Addressing.

Advertising Device

Shall mean any designed device or object that is erected, located, or affixed on any land, building or structure in order to attract attention to any goods or services or facilities or events, and includes flags, banners, pennants, lights or any object intended for advertising purposes.

Alter

Shall mean any change to a sign structure or location, but shall not include replacement of the **sign face**, painting, cleaning, or normal maintenance and repair of a sign not involving structural change.

Backlit

Shall mean an artificial light source at the back side or within a sign structure.

Banner Sign

Shall mean a sign composed of non-rigid materials such as, but not limited to, vinyl or canvas, either enclosed or not enclosed on a rigid frame, secured in such a way as to permit movement of the sign by atmospheric conditions.

Billboard Sign

Shall mean a sign which advertises goods, products, services or facilities not available on the premises or land upon which the sign is located or which

directs persons to a different location from that upon which the sign is located and is either single faced or doubled faced.

Building Face

Shall mean an exterior building wall facing a **street** or any other building wall which does not face a street but where there is a public entrance located.

Building Frontage

Shall mean the length of a **building face** fronting onto a public street.

Building Sign

Shall mean a sign on a building indicating the corporate, historical or colloquial name of the building, the address, and/or the date of construction, but excluding the names of the individual occupants, goods, or services provided.

Business

Shall mean all or a part of a building in which one or more persons are employed in the management, direction or conduct of a business and shall include such uses as retail sales, consultation or treatment, services or places of assembly, amusement and entertainment.

Canopy Sign

Shall mean a non-retractable awning or roof-life structure that is not supported from the ground but instead is attached to and supported from the exterior wall of a building and that is or functions as a **sign**.

Chief Building Official

Shall mean the Chief Building Official or Building Inspector or designate as appointed by the Council of the Corporation of the Town of Midland.

Commercial Zone

Shall mean the following zones contained in the Town of Midland Zoning By-law 2004-90, as amended:

- Highway Commercial (HC)
- Neighbourhood Commercial (NC)
- Marine Commercial (MC)

Contractor Sign

Shall mean a sign which identifies or provides information relating to or advertising the development or the construction of a building on the lands on which the sign is erected.

Copy

Shall mean the graphic content of a sign surface in either permanent or removable letters, pictorial, symbolic, logo or numeric form.

Council

Shall mean the Council of The Corporation of the Town of Midland.

Director of Planning and Development

Shall mean the Director of Planning and Development or designate as appointed by **Council**.

Director of Public Works

Shall mean the Director of Public Works or designate as appointed by the **Council**.

Directional Sign

Shall mean a sign for public convenience and safety that bears no commercial advertising, such as, but not limited to: caution signs, construction and detour signs, entrance and exit signs.

Directory Sign

Shall mean a sign listing the tenants of a multi-tenant building and may contain the municipal address and may contain a list of tenants or occupancies for identification purposes only.

Downtown Core Commercial Zone

Shall mean the Downtown Core Commercial Zone as defined in the Town of Midland Zoning By-law 2004-90, as amended.

Electronic Display

Shall mean the use of changing lights, including Light Emitting Diodes (LED's) to form a message or messages wherein the sequence of the messages and the rate of change is electronically programmed and can be modified by an electronic process.

Erect

Shall mean to build, construct, reconstruct, locate, or relocate a sign, advertising device or support member thereof.

Fascia Sign

Shall mean a sign which is attached to, erected, or placed approximately parallel to and flat against a wall forming part of a building, including a sign comprised of, but not limited to, self-contained letters that are mounted directly to a building face, buttress wall, **parapet wall**, or gasoline pump island.

Flashing Sign

Shall mean a sign with illumination that varies in intensity and/or colour at periodic intervals, but does not include an **electronic display**.

Frontage

Shall mean the length of the **property line** of any one lot parallel to and along each legally accessible public street.

Grade

Shall mean the average elevation of the finished ground level where the said ground level is in contact with a building, structure or sign.

Ground Sign

Shall mean a sign in a permanently fixed location, supported by a structure secured to the ground, and not supported by any building or other structure. May include a changeable **copy** component, on which the **copy** can be changed manually, with changeable letters or changeable pictorial panels. Shall not include a **Pylon Sign** or any other sign mentioned in this By-law.

Heritage Plaques

Shall mean a sign identifying a site or a building designated by the Federal Government, or the Province, or the **Town** as being of architectural or historical value.

Home Occupation

Shall mean an accessory use of part of a dwelling or for gainful employment secondary to and compatible with a domestic household and which is carried on by the members of the household residing in the dwelling unit.

Incidental Sign

Shall mean a sign of minor consequence and size whose use is incidental to another use and which does not require detailed regulations, such as charity functions, birthdays, anniversaries, or other such signs.

Industrial Zone

Shall mean the following zones contained in the Town of Midland Zoning By-law 2004-90, as amended:

Industrial Zone (M1)

Industrial Zone (M2)

Inflatable Sign

Shall mean a sign or advertising device designed to be airborne and tethered to the ground or any other structure and shall include balloons and any other inflatable advertising device.

Menu Board Sign

Shall mean a sign erected as part of a drive-through facility and used to display and order products and services available in association with a drive-through business.

Movement Sign

Shall mean any sign which is in motion by means of swinging, revolving, spinning, streaming, twirling or rotating. Shall not include an **electronic display, Projecting Sign**, or corporate, Municipal, County, Provincial or Federal flags.

Municipal Law Enforcement Officer

Shall mean the Municipal Law Enforcement Officer or designate as appointed by the **Council**.

Non-Profit Organization

Shall mean a Not for Profit Corporation, a Public Benefit Corporation or a Non-Profit Community Organization created for a charitable or community service purpose that provide a range of services and activities to the broader Community.

Occupant

Shall mean the person in physical possession of the premises and includes all persons who have the responsibility for and control over the condition of the premises or the activities carried on, notwithstanding that there may be more than one occupant of the same premises.

Official Sign

Shall mean a sign required or erected due to any law by any Municipal, Provincial or Federal government or governmental authority, agency, department or commission.

Owner

Shall mean a person or persons having legal or equitable title to the land, building or structure upon which a sign is located and includes all persons having a legal right to obtain physical possession of the premises.

Parapet Wall

Shall mean that portion of a building or structure which extends above a roof level of a building or structure and is architecturally cosmetic in function.

Person

Shall mean any human being, association, firm, partnership, incorporated company, corporation, agent or trustee, and the heirs, executor or other legal representative of a person to whom the context can apply.

Poster

Shall mean a printed notice generally made of cardboard, plastic, fibreboard, vinyl, mylar, paper or other similar flexible material, conveying information intended to be displayed for a temporary period of time and includes but is not limited to a bill, handbill, leaflet, notice, and placard.

Projecting Sign

Shall mean a sign which projects from a wall of a building and which is either single or double-faced, with the **sign face** or faces approximately perpendicular to the plane of such wall. For the purpose of this By-law, a projecting sign shall not include a **Canopy Sign**.

Property Line

Shall mean the lines that define the boundary of the property.

Public Property

Shall mean property, land, including road allowances and sidewalks, or a building owned by the **Town**, County, Provincial or Federal governments.

Pylon Sign

Shall mean a free-standing vertical sign supported by permanent column(s) on a foundation in the ground and which is not attached to any building or structure. May include a changeable **copy** component, on which the **copy** can be changed manually or by **electronic display**.

Real Estate Sign

Shall mean a temporary, non-illuminated sign pertaining to the sale, lease or rental of any lands or buildings upon which the said sign is located.

Residential Contents Sale Sign

Shall mean a sign advertising the sale of personal merchandise, including a garage or yard sale on a property that is located within a **Residential Zone**.

Residential Zone

Shall include all or any of the following Residential Zones contained in the Town of Midland Zoning By-law 2004-90, as amended:

- Residential Zone – R1
- Residential Zone – R2
- Residential Zone – R3
- Residential Zone – R4
- Residential Zone – R5
- Residential Apartment Zone – RA
- Residential Townhouse Zone – RT
- Residential Office Zone – RO
- Residential Mobile Home Zone – RM

Restaurant Menu Sign

Shall mean a sign which is affixed to a window, door or wall, but shall not include a **Menu Board Sign** or **Sandwich Board Sign**.

Roof Sign

Shall mean a sign which is located entirely on or above the main roof of a building or structure or located entirely on the top of or above a **parapet wall** or canopy.

Sandwich Board Sign

Shall mean a sign built of rigid material with two (2) **sign faces** of equal size that are secured with cross bracing, not permanently attached to a building, structure or affixed to the ground and is specifically designed to be temporary in nature and readily moved from one location to another.

Setback

Shall mean the least horizontal distance measured from and at right angles to a **property line** to the nearest part of any building, or structure, or sign on the lot.

Sidewalk Permit

Shall mean a written document issued by the **Town's** Clerks Office indicating that the specific application has been approved for encroachment over **Town** property.

Sight Triangle

Shall mean a triangular space formed by the intersection of two (2) streets, measured from the actual and projected point of intersection a distance of 6.0 metres (20 ft.) along each **property line**. ***SEE APPENDIX A**

Sign

Shall mean any visual medium, including its structure and component parts, which are used or are capable of being used to draw attention to a specific matter for identification, information, advertising, service, activity, person, business, product, good, or location of the business property on which it is located.

Sign Area

Shall mean the entire area of the sign delineated by the boundaries of the outer limits of the sign including all support and/or structural fixtures. Where a sign is composed of individually installed letters, numerals or shapes, the **sign area** shall mean the total aggregate area of all of the letters, numerals, logos or shapes.

Sign Clearance

Shall mean the vertical distance between the lowest limit of the sign and the **grade** directly beneath the sign.

Sign Face

Shall mean the opaque, transparent or translucent surface of a sign, upon, against or through which the message of the sign is displayed, and is the area defined by a geometric shape within a perimeter bounded by the inside of the sign frame or sign structure.

Sign Height

Shall mean the vertical dimension between the **grade** at the base of the sign and the highest point of the sign.

Sign Permit

Shall mean a written document issued by the **Chief Building Official** of the **Town** and/or another upper tier government approval agency indicating that the specific application has been approved.

Storey

Shall mean that portion of a building above finished **grade**, located between a floor and the floor, ceiling or roof next above it.

Street

Shall mean any street, highway, road or other public right of way but does not include a private lane.

Temporary Sign

Shall mean a sign which is temporarily affixed to a building or structure, or built on a trailer and/or other solid framework with or without wheels, and may include a double faced changeable letter type sign (i.e. readograph) used to convey a message applicable for a definable and specific time period. For the purpose of this By-law, a **Temporary Sign** shall not include an **electronic display** or a **Sandwich Board Sign**.

Town

Shall mean the Corporation of the Town of Midland.

Utility Pole Sign

Shall mean a sign affixed to the **Town** lamp posts to advertise seasonal events or specific **Town** programs and shall include the Business Improvement Area (BIA) signs in the downtown core.

Window Display

Shall mean an arrangement in the exterior window of a business consisting of goods or products marketed or offered for sale from or on the premises where the window display exists. Such display may include items not marketed or offered for sale on the premises if such items are accessory to the main display of goods or products.

Window Sign

Shall mean a sign with letters, an image or combination thereof, posted, painted, placed or affixed in or on a window exposed to public view, and may include an interior sign that faces the window exposed to public view.

PART 3.0 INTERPRETATION AND ADMINISTRATION

3.1 Interpretation

- 3.1.1 In case of conflict between the provisions in the By-law or the provisions of other By-laws or regulations, the most restrictive provision shall apply.
- 3.1.2 In this By-law, the word 'may' means permissive and the word 'shall' means mandatory.
- 3.1.3 In this By-law, words importing the masculine gender include the feminine or neutral gender and words in the singular include the plural and vice versa.
- 3.1.4 This By-law utilizes the metric system to establish measurements when such measurements form part of a regulation or a requirement. (*Imperial measurements are provided for the convenience of the reader.*)

3.2 Administration

- 3.2.1 The **Chief Building Official** or **Municipal Law Enforcement Officer** shall be responsible for the administration and enforcement of this By-law.
- 3.2.2 The **Chief Building Official** shall perform the following functions:
- a) Receive and review all applications in conjunction with any Sign governed by this By-law.
 - b) When the application conforms to the provisions of this By-law and all other By-laws of the **Town**, the **Chief Building Official**, will sign the application, drawings and specifications; retain one (1) set for file purposes and issue a **sign permit**.
 - c) Carry out such inspections as may be necessary to satisfy that all the works are in accordance with the approved plans.
 - d) Issue the required order to comply whenever work is found not to be in conformity with the approved plans.

3.3 Sign Permit Applications

3.3.1 **Sign permits** shall not be issued until an application has been filed with the **Town** accompanied by payment of the appropriate fee and the submission of the following documents in duplicate:

- a) The name and address of the **owner**, applicant or authorized agent.
- b) Plans to scale showing the location, type, and dimensions of all existing and proposed signs on a proper site plan of the property.
- c) A statement of the total estimated cost of the sign to be erected.
- d) A copy of the Ministry of Transportation or County **sign permit**, as applicable, if the property fronts onto a Provincial Highway or County Road.
- e) Any other plans or information deemed necessary to establish the conformity of the application to the By-law.

3.3.2 The fee payable upon the issuance of a **sign permit** shall be as prescribed by **Council** and directed by the **Chief Building Official**.

3.3.3 A **sign permit** shall be obtained from the **Chief Building Official** of the **Town**.

PART 4.0 GENERAL PROVISIONS

4.1 Encroachments

- 4.1.1 No sign is permitted to encroach on, partly on or over a **street** except for an **Official Sign** or a sign otherwise permitted by this By-law or as authorized by the **Town**, County or Province.
- 4.1.2 Signs shall not be **erected** on, attached to, or extended over public lands, unless a **sidewalk permit** has been obtained.
- 4.1.3 No person shall erect a sign in a location which may interfere with or damage any above or below ground municipal or public utility service which has been lawfully placed at the location.

4.2 Design Standards

- 4.2.1 Construction standards for all signs shall meet the requirements of the Ontario Building Code, where applicable.
- 4.2.2 All illuminated signs which utilize electrical equipment shall be approved and inspected in accordance with the rules defined in the Ontario Electrical Safety Code (OESC).
- 4.2.3 Signs which by its shape or colour may possibly be confused with or be in conflict with flashing lights used by emergency service vehicles or traffic signals shall not be permitted until they have been approved by the **Director of Public Works**.

4.3 Siting

- 4.3.1 Illuminated, flashing or reflecting signs which by their shape or colour may possibly create a conflict with traffic signals at an intersection shall not be **erected** within 30.0 m of the intersection.
- 4.3.2 Where a sign is illuminated by an internal or an external light source, the said light source shall be directed so that it does not cause an inconvenience to neighbouring properties. Additionally, illuminated signs on properties in Commercial, Industrial or Institutional Zones shall not face into lands that are zoned Residential unless those residential lands are separated from the site by a **street**.
- 4.3.3 Except for **Temporary Signs**, no person shall attach, affix or display any sign or advertisement on a vehicle or trailer which is

parked, stored or located on a site for the primary purpose of displaying said sign or advertisement.

4.4 Maintenance

- 4.4.1 The **owner**, lessee or agent 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 or dangerous and so that such sign shall be completely operative at all times.

4.5 Health and Public Safety

- 4.5.1 Signs shall not be attached to, mounted on, or obstruct a fire escape or in front of a door that is used for public or private access.
- 4.5.2 Where any sign, advertising device or support member thereof threatens the health or public safety of any person, the **Municipal Law Enforcement Officer**, upon their discretion, may remove, alter, cover, change or relocate at once the sign, advertising device or support member or place it in a proper state of repair.

4.6 Federal, Provincial, County or Agency Interests

- 4.6.1 Where the erection or display of any sign or advertising device requires proper authorization from one or more Federal, Provincial, County agency, the onus of responsibility shall remain entirely upon the **owner** of the sign to ensure compliance with all such regulations.
- 4.6.2 Notwithstanding any other section of this By-law, in all cases where permitted signs are to be **erected** on lands or buildings abutting a Ministry of Transportation or County of Simcoe controlled road, then the requirements of the said Ministry or the County shall be met, in addition to the requirements of this By-law. A copy of the Ministry of Transportation Ontario or County of Simcoe **sign permit** shall accompany any sign application to the **Town**.

4.7 Legal Non-Conforming Signs

- 4.7.1 Determination of Legal Non-conformity:

Legally existing signs which do not conform to the specific provisions of this By-law may be eligible for the designation “legal non-conforming” provided that:

- (a) The **Chief Building Official** determines such signs are properly maintained and do not in any way endanger the public; and
- (b) The sign was installed in compliance with a valid permit and variance and complied with all applicable laws on the date of adoption of this By-law.

4.7.2 Loss of Legal Non-conforming Status:

A legal non-conforming sign may lose this designation if:

- (a) The sign is relocated or replaced. This does not refer to a change of **copy**; or
- (b) The structure or the size of the sign is altered in any way except towards conformity with this By-law. This does not refer to normal maintenance.

4.7.3 Maintenance and Repair of Legal Non-conforming Signs:

- (a) Legal non-conforming signs are subject to all requirements of this By-law regarding safety, maintenance, and repair. However, if the sign suffers more than 50% damage or deterioration it must be brought into conformity with this By-law or removed.

4.8 **Businesses Ceasing to Operate**

4.8.1 Where a business ceases to operate, the **owner** or **owners** of any sign(s) advertising said business shall cause to have the sign(s) removed before vacating the property.

4.8.2 Where the sign(s) of a business which has ceased to operate has not been removed by the **owner** or **owners** of the sign(s), the **owner** of the property shall remove the sign(s) in question within 60 days of the business being vacated.

4.8.3 Should the **owner** of a property refuse to remove or neglect to remove the sign(s), the **Town** shall cause the sign(s) to be removed.

PART 5.0 EXEMPTIONS

The following signs shall be exempt from the requirements of a **sign permit**, provided they are in conformity with the provisions of this and any other By-laws:

- a) **Official Signs** of the **Town**, County, Provincial, or Federal government or of another public authority.
- b) **Contractor Signs** shall be a maximum of 4.5 square metres (48 sq.ft.), provided that the signs are not displayed for a period longer than thirty (30) days beyond the completion of the project.
- c) **Directional Signs** with a maximum **sign area** of 0.6 square metres (6.5 sq.ft.), provided they are not located on **public property** or the road allowance.
- d) Flags of countries, provinces, municipalities, corporations, and educational or religious organizations provided not more than five (5) flags are located on one building or property.
- e) **Heritage Plaques, Building Signs, and Address Signs.**
- f) **Incidental Signs** with a maximum **sign area** of 0.6 square metres (6.5 sq.ft.), provided they are not located on **public property** or the road allowance. **Incidental Signs** shall be **erected** no sooner than 72 hours prior to the event and removed no later than 24 hours after the event.

Incidental Signs for a **Non-Profit Organization** shall have a maximum **sign area** of 1.48 square metres (16 sq.ft.), provided they are not located on public property or the road allowance. **Incidental Signs** for a **Non-Profit Organization** shall be erected no sooner than 21 days prior to the event and removed no later than 24 hours after the event.
- g) “No Trespassing” signs provided they do not exceed 0.20 square metres (2.2 sq.ft.) of **sign area**.
- h) **Real Estate Signs** shall be a maximum of 0.55 square metres (6 sq.ft.) and only **erected** on properties that are for private sale or formally listed with a real estate company, provided not more than one (1) sign is located per **building frontage** and the sign shall not exceed the first **storey** of any building on which it is located.
- i) **Residential Contents Sale Sign** which identifies the date and location of the sale and is removed within 24 hours following the event.
- j) **Restaurant Menu Signs** no larger than 0.5 square metres (5.4 sq.ft.).

- k) **Utility Pole Signs** that are **erected** by the Midland Power Utility Commission (MPUC) or **Town** staff.
- l) **Window Signs** and **Window Displays**.

PART 6.0 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:

- a) **Billboard Sign**;
- b) **Flashing sign**, with the exception of an **electronic display** as permitted under this By-law;
- c) **Movement Sign**, unless specifically permitted by amendment to the Sign By-law;
- d) **Poster** affixed on or to **public property**;
- e) **Roof Sign**;
- f) Sign with fluorescent, luminous or reflective paint or similar products except for traffic control purposes;
- g) Sign displayed on a vehicle, trailer, or truck which is parked or located on the property in a manner that is more consistent with its use as a sign;
- h) Sign which obstructs, or is **erected**, located or displayed in a parking space required by the **Town's** Zoning By-law.
- i) Sign located within a **sight triangle**;

6.1 **Billboard Sign**

It shall be the policy of **Council** that the erection of **Billboard Signs** shall be prohibited on any lands within the **Town**.

A **Billboard Sign** that was legally established may remain in place with the **sign face** being changed, but the sign shall not be rebuilt or relocated on the same property.

A **Billboard Sign** may be permitted at the **Council's** discretion and by way of Amendment to this By-law in any Zone provided the sign is located on lands which have **frontage** on a Provincial highway or a County road.

PART 7.0 SIGNS PERMITTED IN ALL NON-RESIDENTIAL ZONES

7.1 Banner Signs

- a) One (1) **Banner Sign** shall be permitted per business. In a multi-occupancy building, more than one (1) **Banner Sign** shall be permitted at one time, provided it can be separated a minimum of 20.0 metres (66 ft.) from another **Banner Sign**.
- b) A **Banner Sign** shall not exceed a **sign area** of 6 square metres (65 sq.ft.).
- c) A **Banner Sign** shall only be used for a maximum of thirty (30) consecutive days per annum, typically to advertise a grand opening or closing.

7.2 Temporary Signs

- a) One (1) **Temporary Sign** shall be permitted per business. In a multi-occupancy building, more than one (1) **Temporary Sign** shall be permitted at one time to a maximum of three (3) signs per property, provided it can be **setback** a minimum of 20.0 metres (66 ft.) from another **Temporary Sign**.
- b) A **Temporary Sign** shall not exceed a **sign area** of 4.2 square metres (45 sq.ft.) and a maximum **sign height** of 2.3 metres (7.5 ft.).
- c) A **Temporary Sign** shall be **setback** 1.5 metres (5 ft.) from the front yard **property line**, shall not be placed any closer than 12.0 metres (40 ft.) to any traffic signal and shall not be located within a **sight triangle**.
- d) A **Temporary Sign** shall only be used for a maximum period of thirty (30) consecutive days per three month quarter in any calendar year, and this may include an aggregate of sixty (60) days over two (2) consecutive quarters.
- e) All **Temporary Signs** shall have the **sign permit** clearly posted on the said sign for the specified time of display and shall be removed on or before the date specified in the application for **sign permit**.
- f) If applicable, a **Temporary Sign** must bear evidence of Ontario Electrical Safety Code approval, and all electrical connections shall comply with the requirements of the Ontario Electrical Safety Code and the Ontario Building Code.

7.3 Inflatable Signs

- a) One (1) **Inflatable Sign** shall be permitted per property.
- b) An **Inflatable Sign** shall be **setback** 1.5 metres (5 ft.) from the front yard **property line**, shall not be placed any closer than 12.0 metres (40 ft.) to any traffic signal and shall not be located within a **sight triangle**.
- c) An **Inflatable Sign** shall only be used for a maximum period of thirty (30) consecutive days per three month quarter in any calendar year, and this may include an aggregate of sixty (60) days over two (2) consecutive quarters.
- d) An **Inflatable Sign** shall be anchored to the ground or a structure in a manner approved by the **Chief Building Official**.

PART 8.0 SIGNS PERMITTED BY ZONE

8.1 Signs in the Downtown Core Commercial Zone

The following provisions shall apply to signs in the **Downtown Core Commercial Zone**:

- a) Signs in the **Downtown Core Commercial Zone** will be encouraged to achieve a Victorian heritage appearance with the following characteristics:
 - i. Sign **copy** with a three dimensional or relief effect;
 - ii. **Sign face** enclosed by a bordered trim or with cornices;
 - iii. Muted colours and a matte finish;
 - iv. Gooseneck lighting or similar.
- b) No sign in the **Downtown Core Commercial Zone** shall be **backlit** and any lighting for a sign in this area shall be designed and constructed to minimize illumination of areas other than the sign;

8.1.1 Canopy Signs

- a) One (1) **Canopy Sign** shall be permitted per ground-level business entrance.
- b) The maximum **sign height** of a **Canopy Sign** shall not exceed the first **storey** of the building.
- c) A **Canopy Sign** shall not project further than 0.4 metres (1.3 ft.) from the fascia of the canopy and shall not extend above or below the line of the canopy.
- d) A **Canopy Sign** must have a minimum 2.6 metres (8.5 ft.) **sign clearance**.
- e) A **Canopy Sign** shall only be displayed once a **sidewalk permit** has been obtained, and the **owner** shall provide confirmation that a minimum of \$2 million liability insurance is in effect and the **Town** is named as an additional insured on the policy.

8.1.2 Directory Signs

- a) One (1) **Directory Sign** shall be permitted per property.

- b) The maximum **sign area** of a **Directory Sign** shall be 0.3 square metres (3.2 sq.ft.).
- c) The maximum **sign height** of a **Directory Sign** shall be 2.0 metres (6.6 ft.).
- d) A **Directory Sign** not located on a building shall be **setback** a minimum of 1.5 metres (5 ft.) from all **property lines** and not located within a **sight triangle**.

8.1.3 Fascia Signs

- a) One (1) **Fascia Sign** shall be permitted per business per **building face**. In the case of a corner lot, a **Fascia Sign** shall be permitted on each **building face** facing a **street**, except those that directly abut land that is zoned Residential.
- b) The maximum **sign area** of a **Fascia Sign** is ten percent (10%) of the area of the **building face**.
- c) The maximum **sign height** of a **Fascia Sign** shall not exceed the first **storey** of the building.
- d) A **Fascia Sign** shall not extend more than 0.5 metres (1.6 ft.) past the limits of the **building face** upon which the sign is mounted.

8.1.4 Ground Signs

- a) One (1) **Ground Sign** shall be permitted per **building frontage**.
- b) The maximum **sign area** of a **Ground Sign** shall be calculated at a rate of 0.2 square metres per metre of **frontage** to a maximum sign area of 4 square metres (43 sq.ft.) and have a maximum **sign height** of 2.0 metres (6.6 ft.).
- c) The **Ground Sign** shall be **setback** from the front yard **property line** a minimum of 1.5 metres (5 ft.), and not be located within a **sight triangle**.

8.1.5 Menu Board Signs

- a) One (1) **Menu Board Sign** shall be permitted per property.
- b) The maximum **sign area** for a **Menu Board Sign** shall be 4.1 square metres (44 sq.ft.).

- c) The maximum **sign height** for a **Menu Board Sign** shall be 3.0 square metres (9.8 ft.).
- d) A **Menu Board Sign** shall be **setback** a minimum of 3.0 metres (10 ft.) from all **property lines** and not located within a **sight triangle**.

8.1.6 Projecting Signs

- a) One (1) **Projecting Sign** shall be permitted per business occupancy. For businesses located on a second **storey**, the sign shall be placed at the ground-level business entrance only.
- b) The maximum **sign area** of a **Projecting Sign** shall not exceed 1.4 square metres (15.0 sq.ft.).
- c) A **Projecting Sign** must have a minimum 2.6 metres (8.5 ft.) **sign clearance**.
- d) A **Projecting Sign** shall only be displayed once a **sidewalk permit** has been obtained, and the **owner** shall provide confirmation that a minimum of \$2 million liability insurance is in effect and the **Town** is named as an additional insured on the policy.

8.1.7 Sandwich Board Signs

- a) One (1) **Sandwich Board Sign** shall be permitted for display along the **frontage** of the building for which the business it is promoting is located, or one (1) **Sandwich Board Sign** for every 8.0 metres (26 ft.) of **frontage**.
- b) A **Sandwich Board Sign** shall have a maximum **sign area** of 0.6 square metres (6 sq.ft.), with a maximum **sign height** of 1.06 metres (3.5 ft.) and a maximum width of 0.6 metres (2 ft.).
- c) A **Sandwich Board Sign** shall be **setback** a minimum of 0.6 metres (2 ft.) from the **street** curb, and shall not be located within a **sight triangle**.
- d) A **Sandwich Board Sign** shall not be **erected** within 3.0 metres (10 ft.) of another **Sandwich Board Sign**.
- e) A **Sandwich Board Sign** may advertise more than one **occupant** or business contained within a single building or storefront;
- f) A **Sandwich Board Sign** shall be displayed only during normal business hours, and shall not be on display during snow storms, or during snow removal operations.

- g) A **Sandwich Board Sign** shall only be placed on a municipal sidewalk providing it does not impede the free flow of pedestrians on the sidewalk and shall not adversely affect the parking of vehicles or access to the parking meters. A **Sandwich Board Sign** shall not be placed on snow banks, planters, or street furniture.

- h) Where a **Sandwich Board Sign** is located on a sidewalk or other **public property**, such applicant shall obtain a **sidewalk permit** and provide confirmation that a minimum of \$2 million liability insurance is in effect and the **Town** is named as an additional insured on the policy.

8.2 Signs in the Highway Commercial, Neighbourhood Commercial, Marine Commercial, and Institutional Zones

The following provisions shall apply for signs in **Commercial Zones** outside of the **Downtown Core Commercial Zone** and in all Institutional Zones:

- a) Signs in a **Commercial Zone** or **Institutional Zone** may be illuminated, but in such a manner as to not interfere with the safe movement of any pedestrian or vehicular traffic flow in the area and such illumination shall not face **Residential Zones** unless separated by a **street**.

8.2.1 Canopy Signs

- a) One (1) **Canopy Sign** shall be permitted per business entrance onto a **street**. In the case of a corner lot, a **Canopy Sign** shall be permitted on each **building frontage**.
- b) The maximum **sign height** of a **Canopy Sign** shall not exceed the first **storey** of the building.
- c) A **Canopy Sign** must have a minimum 2.6 metres (8.5 ft.) **sign clearance**.
- d) A **Canopy Sign** shall not project further than 0.4 metres (1.3 ft.) from the fascia of the canopy and shall not extend above the roof line of the canopy.

8.2.2 Directory Signs

- a) One (1) **Directory Sign** shall be permitted per property.
- b) The maximum **sign area** of a **Directory Sign** shall be 0.3 square metres (3.2 sq.ft.).
- c) The maximum **sign height** of a **Directory Sign** shall be 2.0 metres (6.6 ft.).
- d) A **Directory Sign** not located on a building shall be **setback** a minimum of 1.5 metres (5 ft.) from all **property lines** and not located within a **sight triangle**. Where the sign is located on a Provincial highway or County road, the **setback** requirements of the Provincial or County governments (as the case may be) shall be the required **setback**.

8.2.3 Fascia Signs

- a) One (1) **Fascia Sign** shall be permitted per business per **building face**. In the case of a corner lot, a **Fascia Sign** shall be permitted on each **building face** facing a **street**, except in the case of a corner lot where the building faces a **Residential Zone**.
- b) The maximum **sign area** of a **Fascia Sign** is 4.0 square metres (43 sq.ft.) per business. The combined **sign area** of all **Fascia Signs** shall not exceed ten percent (10%) of the **building face**.
- c) The maximum **sign height** of a **Fascia Sign** shall not exceed the first **storey** of the building.
- d) The **Fascia Sign** shall not extend more than 0.5 metres (1.6 ft.) past the limits of the **building face** upon which the sign is mounted.

8.2.4 Ground Signs and Pylon Signs

- a) One (1) **Ground Sign** or **Pylon Sign** shall be permitted per property.
- b) The maximum **sign area** of a **Ground Sign** shall be calculated at a rate of 1 square metre per 10 metres of **frontage** to a maximum sign area of 6 square metres (65 sq.ft.), and a maximum **sign height** of 2.0 metres (6.6 ft.).
- c) The maximum **sign area** of a **Pylon Sign** shall be calculated at a rate of 1 square metre per 10 metres of **frontage** to a maximum sign area of 10.0 square metres (108 sq.ft.), a maximum **sign height** of 7.62 metres (25 ft.), and a minimum **sign clearance** of 2.44 metres (8 ft.).
- d) In the Marine Commercial (MC) Zone, the maximum **sign area** of a **Pylon Sign** that faces water shall be 14.0 square metres (150 sq.ft.) and have a maximum **sign height** of 10.0 metres (33 ft.).
- e) A **Ground Sign** or **Pylon Sign** shall be located within a landscaped island in a parking lot or at a driveway entrance, and shall be **setback** a minimum of 1.5 metres (5 ft.) from all **property lines** and not located within a **sight triangle**. Where the sign is located on a Provincial highway or County road, the **setback** requirements of the Provincial or County governments shall be the required **setback**.

8.2.5 Menu Board Signs

- a) One (1) **Menu Board Sign** shall be permitted per property.
- b) The maximum **sign area** for a **Menu Board Sign** shall be 4.1 square metres (44 sq.ft.).
- c) The maximum **sign height** for a **Menu Board Sign** shall be 3.0 square metres (9.8 ft.).
- d) A **Menu Board Sign** shall be **setback** a minimum of 3.0 metres (10 ft.) from all **property lines** and not located within a **sight triangle**.

8.2.6 Sandwich Board Signs

- a) One (1) **Sandwich Board Sign** shall be permitted for display on private property along the **frontage** of the building for which the business it is promoting is located, or one (1) **Sandwich Board Sign** for every 8.0 metres (26 ft.) of **frontage**.
- b) A **Sandwich Board Sign** shall have a maximum **sign area** of 0.6 square metres (6 sq.ft.), with a maximum **sign height** of 1.06 metres (3.5 ft.) and a maximum width of 0.6 metres (2 ft.).
- c) A **Sandwich Board Sign** may advertise more than one **occupant** or business contained within a single building or storefront;
- d) A **Sandwich Board Sign** shall be displayed only during normal business hours, and shall not be on display during snow storms, or during snow removal operations.
- e) A **Sandwich Board Sign** shall not be **erected** within 3.0 metres (10 ft.) of another **Sandwich Board Sign**.
- f) A **Sandwich Board Sign** shall be **setback** a minimum of 0.6 metres (2 ft.) from all **property lines**, and shall not be located within a **sight triangle**.

8.3 Signs in Industrial Zones

The following provisions shall apply for signs in Industrial Zones:

8.3.1 Canopy Signs

- a) One (1) **Canopy Sign** shall be permitted per business entrance onto a **street**. In the case of a corner lot, a **Canopy Sign** shall be permitted on each **building frontage**.
- b) The maximum **sign height** of a **Canopy Sign** shall not exceed the first **storey** of the building.
- c) A **Canopy Sign** must have a minimum 2.6 metres (8.5 ft.) **sign clearance**.
- d) A **Canopy Sign** shall not project further than 0.4 metres (1.3 ft.) from the fascia of the canopy and shall not extend above the roof line of the canopy.

8.3.2 Directory Signs

- a) One (1) **Directory Sign** shall be permitted per **building frontage**.
- b) The maximum **sign area** of a **Directory Sign** shall be 0.65 square metres (7 sq.ft.).
- c) The maximum **sign height** of a **Directory Sign** shall be 2.0 metres (6.6 ft.).
- d) A **Directory Sign** not located on a building shall be **setback** a minimum of 3.0 metres (10 ft.) from all **property lines**, and where the sign is located on a Provincial highway or County road, the **setback** requirements of the Provincial or County governments (as the case may be) shall be the required **setback**;
- e) A **Directory Sign** shall not be located within a **sight triangle**.

8.3.3 Fascia Signs

- a) One (1) **Fascia Sign** shall be permitted per business per **building frontage**.
- b) The maximum **sign area** of a **Fascia Sign** shall not exceed ten percent (10%) of the area of the **building face** upon which the sign is mounted, to a maximum of 4.0 square metres (43 sq.ft.) per business.

- c) The maximum **sign height** of a **Fascia Sign** shall not exceed the first **storey** of the building.
- d) The **Fascia Sign** shall not extend more than 0.5 metres (1.6 ft.) past the limits of the **building face** upon which the sign is mounted.

8.3.4 Ground Signs and Pylon Signs

- a) One (1) **Ground Sign** or **Pylon Sign** shall be permitted per **building frontage**.
- b) The maximum **sign area** of a **Ground Sign** or **Pylon Sign** shall be calculated at a rate of 1 square metres for each 10 metres (33 ft.) of **building frontage** on which it is to be located, to a maximum **sign area** of 8.0 square metres (86 sq.ft.).
- c) The maximum **sign height** of a **Ground Sign** or **Pylon Sign** shall be 7.62 metres (25 ft.).
- d) A **Ground Sign** or **Pylon Sign** shall be located within a landscaped island protected with concrete curbs in a parking lot or at a driveway entrance, and shall be **setback** a minimum of 1.5 metres (5 ft.) from all **property lines**, and where the sign is located on a Provincial highway or County road, the **setback** requirements of the Provincial or County governments shall be the required **setback**.
- e) A **Ground Sign** or **Pylon Sign** shall not be located within a **sight triangle**.

8.3.5 Menu Board Signs

- a) One (1) **Menu Board Sign** shall be permitted per property.
- b) The maximum **sign area** for a **Menu Board Sign** shall be 4.1 square metres (44 sq.ft.).
- c) The maximum **sign height** for a **Menu Board Sign** shall be 3.0 square metres (9.8 ft.).
- d) A **Menu Board Sign** shall be **setback** a minimum of 3.0 metres (10 ft.) from all **property lines** and not located within a **sight triangle**.

8.4 Signs in Residential Zones

The following provisions shall apply for signs in **Residential Zones**:

8.4.1 Canopy Signs

- a) One (1) **Canopy Sign** shall be permitted per **building frontage** only in the Residential Apartment (RA) and Residential Office (RO) Zones.
- b) The maximum **sign height** of a **Canopy Sign** shall not exceed the first **storey** of the building.
- c) A **Canopy Sign** must have a minimum 2.6 metres (8.5 ft.) **sign clearance**.
- d) A **Canopy Sign** shall not project further than 0.4 metres (1.3 ft.) from the fascia of the canopy and shall not extend above the roof line of the canopy.

8.4.2 Directory Signs

- a) A maximum of four (4) **Directory Signs** shall be permitted per property only in Residential Townhouse (RT), Residential Apartment (RA), and Residential Mobile Home (RM) Zones.
- b) The maximum **sign area** of a **Directory Sign** shall be 0.55 square metres (6 sq.ft.).
- c) The maximum **sign height** of a **Directory Sign** shall be 2.0 metres (6.6 ft.).
- d) A **Directory Sign** not located on a building shall be **setback** a minimum of 1.5 metres (5 ft.) from all **property lines** and not located within a **sight triangle**.

8.4.3 Ground Signs

- a) One (1) **Ground Sign** shall be permitted per **building frontage** in the Residential Townhouse (RT), Residential Apartment (RA), and the Residential Office (RO) Zones.
- b) The maximum **sign area** of a **Ground Sign** shall be calculated at a rate of 1 square metre per 10 metres of **frontage** to a maximum **sign area** of 3 square metres (32 sq.ft.).
- c) The maximum **sign height** of a **Ground Sign** shall be 1.5 metres (5 ft.).

- d) The **Ground Sign** shall be **setback** from all **property lines** a minimum of 1.5 metres (5 ft), and not be located within a **sight triangle**.

8.4.4 Projecting Signs

- a) One (1) **Projecting Sign** shall be permitted in **Residential Zones** for **home occupation** purposes.
- b) The maximum **sign area** of a **Projecting Sign** shall not exceed 0.6 square metres (6.0 sq.ft.).
- c) A **Projecting Sign** must have a minimum 2.6 metres (8.5 ft.) of **sign clearance**.
- d) A **Projecting Sign** shall not extend over **public property**.

8.5 Signs in Rural, Open Space, and Environmental Protection Zones

The following provisions shall apply to signs in Rural, Open Space, and Environmental Protection Zones:

8.5.1 Sandwich Board Signs

- a) One (1) **Sandwich Board Sign** shall be permitted for display on private property along the **frontage** of the building for which the business it is promoting is located, in the Rural Zone only.
- b) A **Sandwich Board Sign** shall have a maximum **sign area** of 0.6 square metres (6 sq.ft.), with a maximum **sign height** of 1.06 metres (3.5 ft.) and a maximum width of 0.6 metres (2 ft.).
- c) A **Sandwich Board Sign** shall be **setback** a minimum of 0.6 metres (2 ft.) from the front **property line**, shall not be closer than 3.0 metres (10 ft.) from another **Sandwich Board Sign**, and shall not be located within a **sight triangle**.
- d) A **Sandwich Board Sign** shall be displayed only during normal business hours, and shall not be on display during snow storms, or during snow removal operations.

8.5.2 Fascia Signs

- a) One (1) **Fascia Sign** shall be permitted on one (1) **accessory building** per property.
- b) The maximum **sign area** of the **Fascia Sign** shall not exceed ten percent (10%) of the area of the **building face** upon which the sign is mounted, to a maximum of 3.0 square metres (32 sq.ft.).

8.5.3 Ground Signs

- a) One (1) non-**backlit Ground Sign** shall be permitted per property.
- b) The maximum **sign area** of a **Ground Sign** shall be calculated at a rate of 1 square metre per 10 metres of **frontage** to a maximum **sign area** of 3 square metres (32 sq.ft.).
- c) The maximum **sign height** of a **Ground Sign** shall be 3 metres (10 ft.).
- d) The **Ground Sign** shall be **setback** from all **property lines** a minimum of 1.5 metres (5 ft), and not be located within a **sight triangle**.

PART 9.0 VARIANCES AND AMENDMENTS

9.1 Regulations

- 9.1.1 Any person may apply for a Sign Variance or Sign Amendment from the provisions of this By-law or any provision thereof.
- 9.1.2 All applications for variances to this By-law shall be referred to the Sign Variance Committee for approval. The Sign Variance Committee may upon application of any person, authorize variances from the By-law if in the opinion of the Committee the general intent and purpose of the By-law is maintained.
- 9.1.3 All applications for Amendment to this By-law shall be referred to **Council** for approval. **Council** may upon application of any person, authorize amendments to the By-law if in the opinion of Council the general intent and purpose of the By-law is maintained.
- 9.1.4 All requested changes to this By-law shall be submitted on the appropriate Sign Variance or Sign Amendment application and submitted to **Town**.
- 9.1.5 The appropriate forms together with the required fee shall be submitted for Sign Variance or Sign Amendment with an application form together with the appropriate fee, as prescribed under this By-law or Fees By-law in current force and effect.
- 9.1.6 That Notice shall be provided in accordance with the **Town's** Notice By-law.

9.2 Sign Variance Committee

- 9.2.1 The Sign Variance Committee of the **Town** is hereby appointed for the purpose of approval, refusal, or deferral of any applications for variances from the provisions of this By-law.
- 9.2.2 That the Sign Variance Committee shall be composed of five (5) members appointed by **Council** and shall hold office until the expiry of their term of office.
- 9.2.3 Members of the Committee shall hold office until their successors are appointed, and are eligible for reappointment, and where a member ceases to be a member before the expiration of their term, the **Council** shall appoint another eligible person for the unexpired portion of the term.

- 9.2.4 Three (3) members of the Committee shall constitute a quorum.
- 9.2.5 The members of the Committee shall elect one of themselves as Chair and Vice Chair, and where the Chair is absent the Vice Chair will act as Chair.
- 9.2.6 The hearing of every application shall be held in public, and the Committee shall hear the applicant and every other person who desires to be heard in favour of or against the application and the Committee may defer the application or reserve its decision.
- 9.2.7 No decision of the Committee on an application is valid unless it is concurred in by the majority of the members of the Committee that heard the application and the decision of the Committee, whether granting or refusing of the application, shall be in writing and shall set out the reasons for the decision and shall be signed by the members who concur in the decision.

9.3 Exceptions

- 9.3.1 That the following signs are permitted as exceptions to the provisions of Section 8.3 of this By-law for the building located at 281 Cranston Crescent:
- a) That ten (10) additional Fascia Signs are permitted on the east Building Face (Parking Lot façade) as follows:
- Sign 2: “Brakes and Batteries” Sign having and Sign Area of 0.68 m²
 - Sign 3: “Alignment” Sign having a Sign Area of 0.37 m².
 - Sign 4: “Oil & Filter” Sign having a Sign Area of 0.39 m².
 - Sign 5: “Brakes” Sign having a Sign Area of 0.25 m².
 - Sign 6: “Tires” Sign having a Sign Area of 0.18 m².
 - Sign 7: “Quick Lane” Sign having a Sign Area of 10.67 m².
 - Sign 8: “Quick Lane Hours of Operation” Sign having a Sign Area of 1.39 m².
 - Sign 9: “Service” Sign having a Sign Area of 2.15 m².
 - Sign 10: “Ford Logo” Sign having a Sign Area of 2.95 m².
 - Sign 11: “Bourgeois” Sign having a Sign Area of 4.30 m².
- b) That one (1) additional Fascia Sign is permitted on the north Building Face (Highway 12 façade) as follows:
- Sign 12: “Bourgeois” Sign having a Sign Area of 4.30 m².

- c) That three (3) additional Fascia Signs are permitted on the west Building Face (King Street façade) as follows:
- Sign 15: “Quick Lane” Sign having a Sign Area of 10.67 m².
 - Sign 16: “While you wait – Service on All Makes” Sign having a Sign Area of 3.06 m².
 - Sign 17: “Collision Repair” Sign having a Sign Area of 4.76 m².
- d) That one (1) Pylon Sign is permitted having the following dimensions:
- Sign Area - 10.19 m²
 - Sign Height - 8.14 m

9.3.2

That the following signs are permitted as exceptions to the provisions of Section 8.3 of this By-law for the building located at 930 Jones Road (LCBO):

- a) That twelve (12) **Fascia Signs** are permitted on the **Building Faces** as follows:
- Sign 1: South Building Face (Illuminated Sign Box LCBO - 7.81 m²)
 - Sign 2: West Building Face (LCBO – 7.81 m²)
 - Sign 3: West Building Face (Exterior Display - 2.51 m²)
 - Sign 4: West Building Face (Community Sign - 0.43 m²)
 - Sign 5: West Building Face (Exterior Display - 2.51 m²)
 - Sign 6: West Building Face (Illuminated Sign Box LCBO - 7.81 m²)
 - Sign 7: East Building Face (Illuminated Sign Box LCBO - 7.81 m²)
 - Sign 8: East Building Face (Illuminated Sign Box LCBO - 7.81 m²)
 - Sign 9: East Building Face (Illuminated Sign Box LCBO - 7.81 m²)
 - Sign 10: North Building Face (Exterior Display - 2.51 m²)
 - Sign 11: North Building Face (LCBO – 7.81 m²)
 - Sign 12: North Building Face (Exterior Display - 2.51 m²)
- b) That six (6) **Canopy Signs** are permitted on the **Building Faces** as follows:
- Canopy Sign 1: “Wine Spirits Beer” (10.4 m²)

- Canopy Sign 2: “LCBO” Sign (10.4 m²)
- Canopy Sign 3: “Wine Spirits Beer” (10.4 m²)
- Canopy Sign 4: “Wine Spirits Beer” (10.4 m²)
- Canopy Sign 5: “LCBO” Sign (10.4 m²)
- Canopy Sign 6: “Wine Spirits Beer” (10.4 m²)

c) That two (2) **Temporary Banner Signs** are permitted on the **Building Faces** as follows for a maximum period of one (1) year:

- Banner Sign 1: West Building Face (10.22 m²)
- Banner Sign 2: West Building Face (10.22 m²)

9.3.3 That the following signs are also permitted as exceptions to the provisions of Section 8.3 of this By-law for the property located at 8933 County Road 93:

a) That three (3) **Fuel Bar Canopy Signs** are permitted as follows:

- Sign 1: West Canopy Face (1.02m x 13.41m = 13.68m²)
- Sign 2: South Canopy Face (1.02m x 7.32m = 7.47m²)
- Sign 3: North Canopy Face (1.02m x 7.32m = 7.47m²)

b) That **Fuel Bar Canopy Sign** means a sign attached to or constructed as part of a **Fuel Bar Canopy**.

c) That **Fuel Bar Canopy** means an open and permanent roof structure, free standing or attached to a building, erected or the purpose of sheltering fuel service pumps.

9.3.4 That the following signs are permitted as exceptions to the provisions of Section 8.2.3 a) and b) of this By-law for the building located at 952 Jones Road:

a) That fourteen (14) **Fascia Signs** are permitted as follows:

- Sign 1: East Elevation (with a maximum **sign area** of 8.92m²)
- Sign 2: South Elevation (with a maximum **sign area** of 8.92m²)
- Sign 3: West Elevation (with a maximum **sign area** of 8.92 m²)
- Sign 4: East Elevation (with a maximum **sign area** of 4.46m²)

- Sign 5: West Elevation (with a maximum **sign area** of 4.46 m²)
- Sign 6: East Elevation (with a maximum **sign area** of 7.43m²)
- Sign 7: West Elevation (with a maximum **sign area** of 7.43m²)
- Sign 8 East Elevation (with a maximum **sign area** of 4.46 m²)
- Sign 9: West Elevation (with a maximum **sign area** of 4.46 m²)
- Sign 10: East Elevation (with a maximum **sign area** of 7.43m²)
- Sign 11: West Elevation (with a maximum **sign area** of 7.43m²)
- Sign 12: East Elevation (with a maximum **sign area** of 8.92m²)
- Sign 13: North Elevation (with a maximum **sign area** of 8.92m²)
- Sign 14: West Elevation (with a maximum **sign area** of 8.92 m²)

9.3.5

That the following signs are permitted as exceptions to the provisions of Section 8.2.3 a) and b) of this By-law for the building located at 947 Jones Road:

a) That eighteen (18) **Fascia Signs** are permitted as follows:

- Sign 1: South Elevation (with a maximum **sign area** of 8.92m²)
- Sign 2: North Elevation (with a maximum **sign area** of 8.92m²)
- Sign 3: East Elevation (with a maximum **sign area** of 8.92m²)
- Sign 4: South Elevation (with a maximum **sign area** of 4.46m²)
- Sign 5: North Elevation (with a maximum **sign area** of 4.46 m²)
- Sign 6: South Elevation (with a maximum **sign area** of 4.46m²)
- Sign 7: North Elevation (with a maximum **sign area** of 4.46 m²)
- Sign 8: South Elevation (with a maximum **sign area** of 4.46m²)
- Sign 9: North Elevation (with a maximum **sign area** of 4.46 m²)

- Sign 10: South Elevation (with a maximum **sign area** of 4.46m²)
- Sign 11: North Elevation (with a maximum **sign area** of 4.46 m²)
- Sign 12: South Elevation (with a maximum **sign area** of 4.46m²)
- Sign 13: North Elevation (with a maximum **sign area** of 4.46 m²)
- Sign 14: South Elevation (with a maximum **sign area** of 4.46m²)
- Sign 15: North Elevation (with a maximum **sign area** of 4.46 m²)
- Sign 16: South Elevation (with a maximum **sign area** of 8.9m²)
- Sign 17: North Elevation (with a maximum **sign area** of 8.9m²)
- Sign 18: West Elevation (with a maximum **sign area** of 8.9 m²)

9.3.6

That the following exception to the provisions of Section 8.2.4 c) of this By-law is permitted for the lands known municipally as 921, 930, 947, 952, 985, and 990 Jones Road:

- a) A **Pylon Sign** shall be permitted to have a maximum **sign area** of 25.2m² (271 sq.ft.), a maximum **sign height** of 10.67 metres (35 ft.), and a minimum **sign clearance** of 2.44 metres (8 ft.)

PART 10.0 ENFORCEMENT

10.1 Violations

10.1.1 When, in the opinion of the **Municipal Law Enforcement Officer**, a violation of the By-law exists, the **Municipal Law Enforcement Officer** may issue a written compliance notice to the alleged violator. The notice shall specify those sections of the By-law which the violator is in violation of and shall state that the violator has 48 hours from the delivery of the notice in which to correct the alleged violation.

10.1.2 If upon inspection the **Chief Building Official** or **Municipal Law Enforcement Officer** finds that a sign is abandoned or structurally, materially, or electrically defective, or in any way endangers the public, the **Chief Building Official** or **Municipal Law Enforcement Officer** may issue a written order to the **owner** of the sign and/or **occupant** of the premises stating the nature of the violation and requiring the sign to be repaired or removed within 72 hours of the date of that order.

10.1.3 In cases of emergency, the **Chief Building Official** or **Municipal Law Enforcement Officer** may cause the immediate removal of a dangerous or defective sign without notice. Signs removed in this manner must present an imminent hazard to public safety.

10.1.4 Service of any notice under this section shall be carried out by personal service or by prepaid registered mail upon the **owner** by the **Municipal Law Enforcement Officer**. All notices sent by prepaid registered mail are construed to have been accepted two (2) days after mailing.

10.2 Penalty For Non-Compliance

10.2.1 Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for in the *Provincial Offences Act*. Each day such violation is committed, or permitted to continue, shall constitute a separate offence and may be punishable as per the *Provincial Offences Act*.

10.2.2 Neither the granting of a permit nor the approval of the drawings and specifications, nor inspection made by the authority having jurisdiction during the erection of a sign shall, in any way, relieve the **owner** of such sign, tenant or the **owner** of property on which the sign is located, from full responsibility for carrying out the work in accordance with the provisions of this By-law.

10.3 Removal of Illegal Signs

- 10.3.1 If a sign is located on property other than property owned by or under the jurisdiction of the **Town**, the **Municipal Law Enforcement Officer** may provide a notice, requiring that the sign be permanently removed within 48 hours of the Notice and thereafter not replaced with any sign in contravention of this By-law.
- 10.3.2 If the notice is not complied with, the **Municipal Law Enforcement Officer** may require that the **Town**, its employees, or an independent contractor enter upon the land and remove said sign.
- 10.3.3 Signs so removed shall be stored by the **Town** for a period of time of not more than ten (10) days, during which time the **owner** or his agent may be entitled to redeem said sign.
- 10.3.4 Where a sign has been removed by the **Town** and stored for a period of ten (10) days and has not been redeemed, such sign may be destroyed or otherwise disposed of by the **Town** on authority and direction from the **Municipal Law Enforcement Officer**.
- 10.3.5 The **owner** of the sign shall be liable to pay to the **Town** the cost of removal and storage of the sign, and these costs shall be recoverable similarly to municipal taxes.

10.4 Conflict

- 10.4.1 If any portion of this By-law is found to be in conflict with any other provision of any zoning, building, fire, safety, or other By-law of the **Town**, the provision which establishes the higher standard shall prevail.

10.5 Liability for Damages

- 10.5.1 The provisions of this By-law shall not be construed as relieving or limiting the responsibility or liability of any person erecting or owning any sign or display from personal injury or property damage resulting from the placing of such sign or resulting from the negligence or wilful acts of such person, his agents or employees, in the construction, erection, maintenance, repair or removal of any sign **erected** in accordance with a permit issued hereunder. Further, the provisions of this By-law cannot be construed as imposing upon the **Town** or its officers or employees any responsibility or liability by reason of the approval of any signs, materials or devices under the provisions of this By-law.

10.6 Severability

10.6.1 Should any section, clause or provision of this By-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or in part thereof, other than the part which was declared to be invalid.

10.7 Repeal

10.7.1 That By-law 2007-70 is hereby repealed, as of January 1, 2012.

10.8 Effective Date

10.8.1 Notwithstanding Section 4.7 Existing Signs, Section 4.9 Businesses Ceasing to Operate shall be deemed retroactive from the date this By-law comes into force and a period of 60 days shall be provided to remove said signs.

10.8.2 That this By-law shall come into full force and effect on January 1, 2012.

BY-LAW read a **FIRST, SECOND** and **THIRD TIME**, and finally **PASSED** at a meeting of the Municipal Council of The Corporation of the Town of Midland on this 19th day of December, 2011.

Mayor

Clerk

APPENDIX A – SIGHT TRIANGLE

Intersection of Two Streets

