

# CORPORATION OF THE TOWNSHIP OF ST. CLAIR

## BYLAW 13 OF 2017

### SIGN BYLAW

**Being a Bylaw to be known as the Sign Bylaw to regulate the erection, display, alteration, repair and removal of signs within the Township of St. Clair**

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WHEREAS Section 11 of the Municipal Act, 2001, c.25 authorizes a municipality to pass bylaws respecting structures, including fences and signs;

AND WHEREAS Section 99(2) of the Municipal Act, 2001, S.O. c.25 as amended, provides that a municipality may enter land and pull down or remove a sign if it is erected or displayed in contravention of a bylaw respecting signs;

AND WHEREAS it is deemed desirable to establish regulations concerning signs for the Corporation of the Township of St. Clair;

AND WHEREAS Council wishes to list the Bylaw as an Offence under Part 1 of the Provincial Offences Act;

NOW THEREFORE Council of the Township of St. Clair enacts as follows:

#### 1. **Definitions:**

"Abandoned Sign" means a sign that no longer identifies or advertises an activity, business, product or service, or identifies or advertises an activity, business, product or service which is no longer conducted or available on the premises on which the sign is located.

"Alter" means to change one or more dimensions of a sign.

"Animated Sign" means any sign that includes action or motion of all or any part of a sign and includes a sign containing an intermittent or flashing light source.

"Area" means the surface of (1) one side of the sign including the border and frame.

"Awning" means a retractable, collapsible or moveable shelter, hood or cover that projects from the wall of a building.

"Awning Sign" means a sign painted on or affixed flat to the surface of an awning that does not extend beyond the limits of the awning, is used solely for identification of the business and contains no other commercial message.

"Banner Sign" means any sign composed of a non-rigid material such as cloth, canvas or other similar material used for temporary purposes with or without frames.

"Billboard Sign" means any sign other than a real estate sign, measuring more than 3.0m<sup>2</sup> (32.28 ft<sup>2</sup>) in Area, that directs attention to products, goods and services, activities and or facilities not provided on the premises on which the sign is located.

"Building Inspector" means the Building Inspector as identified by the Township of St. Clair.

"Bylaw Enforcement Officer" means any person appointed by the Township to act as a Municipal Enforcement Officer/Provincial Offences Officer and or Bylaw Officer.

"Canopy" means a permanent non-retractable shelter, hood or cover that projects from the wall of a building but does not include a projecting roof.

"Canopy Sign" means a sign painted on, affixed flat to or constructed in or on the surface of a canopy.



“Chief Building Official” means the person appointed as such by the Township under the Building Code Act, as amended from time to time.

“Council” means the Council of the Township of St. Clair.

“Directional Sign” means a sign that communicates information regarding pedestrian or vehicular movement.

“Erect” means to attach, install, hang, place, suspend or affix, a sign or letters or to build, construct, reconstruct, alter, enlarge, relocate the sign and includes changing the surface of a sign.

“Existing Sign” means a sign that was lawfully on display prior to the adoption of this bylaw.

“Fascia Sign” means a sign located in such a manner that the sign surface is parallel to the main wall of the building to which it is attached.

“Grade” means the average elevation on the finished surface of the ground immediately surrounding the sign.

“Ground Sign” means a sign affixed to, supported by or placed directly upon the ground.

“Inflatable Sign” means a non-rigid sign supported by air or other gas pressure.

“Memorial Sign” means a sign noting historical information about a building to which it is attached or the site upon which the sign is erected.

“Municipality” means the Township of St. Clair.

“Mural” means any painting, drawing, sketching or other markings that contain no text or logo, that appear to be advertising a business or product and that are applied directly to a wall or other integral part of a building or structure.

“Owner” means the owner of the sign and includes the owner of the property on which the sign is erected and the owner of the business being advertised.

“Pedestal Sign” means a non-illuminated sign resting on the ground.

“Pole Sign” means a sign supported and placed upon one or more poles or standards.

“Planning Official” means any person appointed as such by the Township.

“Portable Sign” means a temporary advertising device and includes any and all signs constructed so as to be readily moved or transported whether or not the sign is fixed to the ground, mounted on a vehicle or affixed to a freestanding structure but does not include a Sandwich Board Sign.

“Projecting Sign” means a sign which projects from a building face so that the sign face is not parallel with the building wall from which it is attached.

“Property” means a separately assessed property shown on the Township’s assessment roll.

“Real Estate Sign” means a temporary sign indicating the property on which the sign is located, or any part thereof is for sale, rent or is open for viewing for the purpose of such sale or rent of the property.

“Roof Line” means a line formed by the intersection of the exterior walls of a building with the roof of a building and in the case of a pitched roof shall be at the eaves level.

“Roof Sign” means any sign that is erected, on or above the roof line of a building and includes an inflatable sign.



“Sandwich Board Sign” means a non-illuminated sign consisting of (2) two flat surfaces joined at (1) end and resting on the ground.

“Sign” means a sign surface containing an advertisement by means of painting or printing on, attaching bills, letters, numerals or symbols to any building, structure or device which identifies or advertises any business, group, activity or product on any premises in such a way as to be visible to the public, excluding a mural.

“Sign Face” means the area of the single surface of any sign within the outer edge of the frame or border of a sign. In the case of a multi-faced sign, (excluding Sandwich Board Signs) each side shall be counted in computing the sign face.

“Street” means a common and public highway, street, avenue, parkway, square, place, bridge, any part of which is intended for use by the general public for the passage of vehicles and includes the area between the lateral property lines thereof.

“Street Line” means the curb line, edge of asphalt or any travelled portion of a street.

“Temporary Sign” means a sign displayed for a limited period of time.

“Township” means the Township of St. Clair.

“Township Official” means any person identified as an official by the Township administration.

“Vehicle” means a motor vehicle, tractor, trailer, truck, camper, boat, motorcycle, motorized snow vehicle, mechanical equipment or any vehicle drawn, propelled, or driven by any kind of power.

“Visibility Triangle” means a triangular area formed within a lot by:

- (a) Intersecting streets and a straight line connecting them 9.0m (29.52 ft) from their point of intersection;
- (b) The intersection of a street and any portion of a driveway within 9.0m (29.52 feet) of a property line and a straight line connecting them 9.0m (29.52 ft) from their point of intersection; or
- (c) The intersection of an alley and a street, or two alleys and a straight line connecting them 9.0m (29.52 ft) from their point of intersection.

“Window Sign” means a sign placed, painted or affixed upon a window facing the outside and intended to be seen from the exterior of the window.

“Zone” means an area delineated on a Map Schedule of the Zoning Bylaw and designated by such bylaw for specific use or specific uses.

“Zoning Bylaw” means any bylaw in effect within the Township that was passed pursuant to section 34 of the Planning Act, R.S.O. 1990, c.P.13 as amended.

## **2. General Requirements**

2.1 Except as otherwise provided in this bylaw, no person shall erect a sign without a permit being issued by the Planning Official, Building Inspector, or Chief Building Official.

2.2 A permit issued pursuant to Subsection 2.1 may be revoked by the Chief Building Official if the work, as allowed by the permit, is not commenced within six (6) months from the date the permit was issued.

2.3 Notwithstanding any provision contained within this bylaw, no person shall erect or maintain any sign, in such a location or of such construction so as to block or interfere with visibility or operation of any traffic sign, traffic signal, or other traffic related appurtenance or that obstructs the view of a vehicle driver or pedestrian so as to create an unsafe situation.

2.4 This bylaw may be referred to as the Township of St. Clair Sign Bylaw.



- 2.5 Nothing in this bylaw shall serve to relieve any person from the obligation to comply with all other applicable laws.
- 2.6 Every sign, awning, or canopy shall be designed, constructed and erected in conformity with the provisions of this bylaw and in compliance with the Ontario Building Code, as amended from time to time.
- 2.7 Every person shall maintain every sign, sign message and structure in a proper state of repair and ensure signage does not create an unsafe condition.
- 2.8 This bylaw shall not apply to an existing sign when such sign shall be reconstructed, substantially altered or moved and still made to comply with the provisions of the bylaw in all respects; unless the sign represents a change of use.
- 2.9 Council may, upon reception of an application from any person, authorize minor variances from this bylaw, if in the opinion of Council the general intent and purpose of the bylaw are maintained.

### **3. General Sign Provisions**

- 3.1 The provisions of this section shall apply to all signs.
- 3.2 No persons shall erect a sign unless it is in conformity with this bylaw.
- 3.3 To apply for a permit the applicant shall submit an application to the Township, which shall be accompanied by the following unless deemed unnecessary by the Chief Building Official or Planning Official.
  - (a) Drawings and specifications showing:
    - (i) Two copies of plans of the proposed sign drawn to scale including construction details, supporting framework, footings, foundation, illumination details, height and weight, clearance height and elevation in relation to adjacent buildings and the sign type;
    - (ii) Materials and specifications;
    - (iii) A site plan showing the proposed location of the sign in relation to the building and the boundaries of the lot upon which it is to be situated; and
    - (iv) The size and location of any existing signs on the property.
  - (b) In case of signs affixed to any wall, plans showing the elevation of the building on which the proposed sign is to be erected and showing location of the proposed sign in relation to all doors, windows and other openings and the wall area.
  - (c) Where a proposed sign will front a County Road, a copy of the approval from the County of Lambton is required.
  - (d) A permit fee is paid according to Schedule "B" attached to this Bylaw.
- 3.4 The Planning Official or Chief Building Official shall issue a permit for any sign if a complete application has been received together with all required supporting documentation and the appropriate fee, and the sign for which an application has been made will comply with this bylaw and other applicable law.
- 3.5 No person shall erect any sign on or over property owned by the Township without consent of Township Council.
- 3.6 No person shall erect the following:
  - (a) A roof sign without a report submitted by a qualified structural engineer;
  - (b) A sign within a visibility triangle;



- (c) A sign attached to a tree, tree grating, protector, utility pole or light standard;
- (d) A sign on or over property owned by the Township, a public utility or a local board;
- (e) A sign that encroaches upon any vertical or horizontal spatial clearance required by Hydro One or the Municipality, for electrical wires, poles, or light standards.

3.7 The following signs are permitted in all zones:

- (a) Authorized directional signs;
- (b) Signs required to be posted by government order, rule or regulation;
- (c) Memorial plaques, cornerstones, historical markers, and like monuments.

3.8 One (1) Temporary Sign not to exceed 6.0m<sup>2</sup> (64.56 ft<sup>2</sup>) in an area may be erected on a construction site indicating the nature of the project and the developers and related personnel, professionals or trades involved in the development of the site. The sign may be on display for not longer than thirty (30) days after the completion of construction. Notwithstanding Subsection 3.3, no permit shall be required for a sign pursuant to this section.

3.9 One (1) Temporary Sign used to identify a subdivision or other development may not exceed 6.0m<sup>2</sup> (64.56 ft<sup>2</sup>) may be erected at the entrance of the subdivision or other development until the subdivision or other development is substantially complete as determined by the Township. Notwithstanding Subsection 3.3, no permit shall be required for a sign pursuant to this section.

3.10 The Owner of land on which a sign is erected shall remove the sign or cause the sign to be removed within fourteen (14) days of the sign becoming an Abandoned Sign. In the event that the sign(s) is (are) not removed within this time period, the Township or its agents may enter upon the property and carry out the removal of the sign(s) at the expense of the owner.

3.11 No person shall erect an illuminated sign unless so constructed as to direct light away from an adjacent Residential Zone.

3.12 No person shall erect signage in a location that would, by reason of size, location placement, or illumination, obstruct view to create an unsafe condition, or obstruct or distract from the visibility or effectiveness of any traffic sign or control device put on public streets and roads or which are located in a sight triangle.

#### **4. Residential**

4.1 In addition to the requirements contained in Section 3, the requirements of this section shall apply to all signs in any residential zone as defined by the Zoning Bylaw.

4.2 One (1) Ground Sign or Fascia Sign identifying a home occupation permitted under the Zoning Bylaw and indicating not more than the name, occupation and operating hours of the occupant shall be permitted however no person shall erect a ground or fascia sign identifying a home occupation that:

- (a) Exceeds 0.279m<sup>2</sup> (3ft<sup>2</sup>) in Area;
- (b) Is illuminated;
- (c) Is flashing or animated;
- (d) If a ground sign exceeds 1.2m (3.94 feet) in height from grade; and
- (e) Is closer than 3m (9.84 feet) to any property line.



## **5. Commercial, Industrial and Institutional**

- 5.1 In addition to the requirements contained in section 3, the requirements of this section shall apply to all signs in any commercial, industrial or institutional zones as defined by the Zoning Bylaw.
- 5.2 A Fascia Sign shall be permitted with a maximum area of 1m<sup>2</sup> (10.76 ft<sup>2</sup>) per linear meter (3.28 feet) of building frontage on a street line; and
- (a) For buildings fronting on more than one street line, the building frontage on each street shall be deemed to be separate building frontages for the purpose of calculating the permitted areas of signs shall not be combined; and
  - (b) Where a building is setback from an interior yard the provision of Subsection 5.2(a) shall apply;
  - (c) Where letters or symbols are used as a sign, then the sign shall be deemed to be the area contained within a box drawn around all the letters or symbols.
- 5.3 In an Industrial Zone, as defined by the zoning bylaw, the provisions of Subsection 5.2 shall apply except that the maximum permitted sign area will be 1.5m<sup>2</sup> (16.14 ft<sup>2</sup>) for each linear meter of building frontage.
- 5.4 A projecting sign may be erected, however no person shall erect a projecting sign:
- (a) With a maximum projection of the sign greater than 1m (3.28 feet) beyond the face of the wall to which it is attached; and
  - (b) With the lowest point less than 2.5m (8.2 feet) above the level of any pedestrian walkway and 4.5m (14.76 ft) above a travelled portion of a Township road allowance.
- 5.5 A Pole Sign may be erected, however no person shall erect a pole sign that is:
- (a) Greater than 8m (26.24 ft) in height from grade;
  - (b) Have a clearance of less than 4.5m (14.76 ft) above grade id erected in a visibility triangle; and
  - (c) Closer than 3m (9.84 ft) to any property line, provided that a Pole Sign having a minimum clear height of 2.5m (8.2 ft) and which is supported by supports having a maximum width/depth of 38cm (15inches) and which does not have a base or ornamental features which will create a visible obstruction for motorists.
- 5.6 A Window Sign may be installed, subject to the following:
- (a) The sign is to cover no more than 25% of the window's surface;
  - (b) The sign must be painted or affixed to the window's surface;
  - (c) The above requirements apply to each window on a building.

## **6. Portable Signs**

- 6.1 In addition to the requirements contained in Section 3, the requirements of this section shall apply to all portable signs.
- 6.2 No person shall have more than one (1) Portable Sign displayed at a property at any one time except where properties with a frontage exceeding 50m (164 ft) or part thereof are permitted
- 6.3 No person shall allow an electrical extension cord to pass over a sidewalk, pedestrian walkway, roadway, driveway, aisle or parking space.
- 6.4 Portable signs shall:
- (a) Require a permit that is not subjected to any fee;



- (b) Not be permitted in any Residential Zone as defined in the Zoning Bylaw;
- (c) Not have an area greater than 6m<sup>2</sup> (64.56 ft<sup>2</sup>);
- (d) Have permanently affixed to it in a visually prominent location the name and phone number of the sign owner;

And, no person shall:

- (e) Place a portable sign closer than 1m (3.28 ft) to any lot line;
- (f) Allow a portable sign to occupy any space required for off-street parking required by the Zoning Bylaw;
- (g) Allow a portable sign to be placed on property owned by the Township; and
- (h) Locate a portable sign within any visibility triangle.

## **7. Sandwich Board and Pedestal Signs**

7.1 In addition to the requirements contained within Section 3, the requirements of this section shall apply to all Sandwich Board Signs and Pedestal Signs and includes any wind activated attention devices.

7.2 No person shall place more than one (1) Sandwich Board Sign or Pedestal Sign for each business.

7.3 Sandwich Board and Pedestal Signs shall:

- (a) Require a permit that is not subjected to any fee;
- (b) Not have an Area exceeding 1m<sup>2</sup> (10.76 ft<sup>2</sup>) per sign surface and height not exceeding 1.2m (3.94 ft)

And, no person shall:

- (c) Place a sandwich board on any municipal property;
- (d) Place in a location that will interfere with parking spaces, parking meters, crosswalks, landscape planters, street furniture, trees, utility poles, and fire hydrants;
- (e) Create an obstruction to vehicular or pedestrian traffic or a hazard to public safety;
- (f) Display the sign other than during the business hours of the premises; and
- (g) Erect an illuminated sandwich board or pedestal sign.

7.4 Every sign owner shall maintain public liability insurance while the sign is placed within the public right of way and the Township shall be named save harmless.

## **8. Inflatable Signs – Permitted for Special Events Only**

8.1 In addition to the requirements contained in Section 3, the requirements of this section shall apply to all inflatable signs.

8.2 No person shall erect more than one (1) inflatable sign per property unless the property has a frontage exceeding 90 meters (295.2 feet) in which case an additional Inflatable Sign is permitted provided that no Inflatable Sign may be located closer than 30 meters (98.4 feet) to any other Inflatable Sign or Portable Sign.

8.3 Notwithstanding Section 8.2, if there is a Portable Sign on the property, no person shall erect more than one (1) Inflatable Sign.

8.4 Every person shall locate an Inflatable Sign only on property to which the sign pertains.

8.5 Inflatable Signs shall:

(a) Require a permit free of charge;

And no person shall:

(b) Place closer than 3 meters (9.84 feet) to a public sidewalk, and where no public sidewalk exist, the street line, and under no circumstance shall an Inflatable Sign be placed on a public right-of-way;

(c) Allow the sign to occupy any space required for off-street parking as required by the Zoning Bylaw;

(d) Allow an Inflatable Sign to be placed on property owned by the Municipality, or be located within a visibility triangle;

(e) Allow an Inflatable Sign to obstruct vehicle or pedestrian traffic or be a hazard to public safety; and

(f) Allow an Inflatable Sign to be displayed beyond the duration of a Special Event.

## **9. Real Estate Signs**

9.1 In addition to the requirements contained in section 4, this section shall apply to Real Estate Signs.

9.2 Real Estate Signs shall:

(a) Not require a permit; and

No person shall:

(b) Place a Real Estate Sign closer than 0.3 meters (.98 feet) to any lot line;

(c) Create an obstruction to vehicular and pedestrian traffic or create a hazard to public safety;

(d) Place a Real Estate Sign on property owned by the Municipality or within any visibility triangle unless such sign is temporary in nature to signify an open house or otherwise and does not exceed 0.85 meters (2.8 feet) in height;

(e) Place a Real Estate Sign larger in area than 0.56m<sup>2</sup> (6 ft<sup>2</sup>) per side

## **10. Billboard Signs**

10.1 In addition to the requirements contained in Section 3, the requirements of this section shall apply to all Billboard Signs.

10.2 Billboard Signs shall only be permitted on properties zoned Industrial and Highway Commercial as defined by the Zoning Bylaw.

10.3 Only one (1) Billboard Sign shall be permitted on a property.

10.4 The maximum area of a Billboard Sign shall not exceed 18.5m<sup>2</sup> (199 ft<sup>2</sup>).

10.5 A Billboard Sign shall not be located within 300 meters (984 feet) distance from any other Billboard Sign.

10.6 A Billboard Sign shall not be located within 152.5 meters (500 feet) from a residential use.



10.7 A Billboard Sign shall not be closer to the street line than the front of the nearest building on the same property or the setback requirement for the zone, whichever is greater.

10.8 All Billboard Signs shall be maintained in a neat and clean manner free from any loose material at all times.

#### **11. Awning and Canopy Signs**

11.1 Awnings and Canopies may be erected and every person shall ensure that:

(a) The lowest point is at least 2.5 meters (8.2 feet) above the level of any pedestrian walkway and 4.5 meters (14.76 feet) above the travelled portion of the street;

(b) The maximum projection of the awning or canopy shall be no greater than 2 meters (6.56 feet) beyond the face of the wall to which it is attached and extend no closer than 1 meter (3.28 feet) to the vertical plane projected up from any street line.

11.2 Every person shall ensure that Awnings and Canopies are constructed so as to be collapsible or rigid. If collapsible type, then awning or canopy must be rolled or folded back to enable storing to a position flat against the building when not in use.

11.3 Every person shall ensure that all Awnings or Canopies shall be securely attached to the building wall or structure with proper fastening devices and shall not be dependent for support on any cornice, window sill, frame or other projection.

#### **12. Administration and Enforcement**

12.1 This Bylaw shall be administered and enforced by the Chief Building Official, the Building Inspector and the Bylaw Enforcement Officer.

12.2 A Bylaw Enforcement Officer may enter upon any lands at any reasonable time to inspect all signs for the purpose of determining or effecting compliance with this Bylaw.

12.3 Upon the erection of any sign, the owner/agent shall notify the Chief Building Official for inspection.

12.4 If after an inspection, a Bylaw Enforcement Officer is satisfied that a sign has been erected in contravention of any of the provisions of this Bylaw, or of the conditions of a permit issued pursuant to this Bylaw, the Bylaw Enforcement Officer may issue an order requiring the Owner to remedy such contraventions as may be outlined in the order.

An Order issued under Subsection 12.4 shall contain:

(a) The municipal address and/or the legal description of the property on which the non-complying sign was erected;

(b) A description of the sign bylaw and/or permit provisions that have not been complied with;

(c) A statement that the sign must be brought into compliance with the provisions of this Bylaw and/or the conditions of the permit issued for the sign or to have the sign removed within a specified time;

(d) A statement that if the order is not complied with, the sign may be removed and disposed of by the Municipality at the expense of the Owner.

12.5 An Order issued under Subsection 12.4 shall be served personally on the Owner or by prepaid registered mail to the last known address of the Owner as shown on the municipal tax roll.



- 12.6 Any costs incurred by the Municipality under Subsection 12.4 and Subsection 3.10, including the costs of the involvement of the Bylaw Enforcement Officer, may be recovered in like manner and with the same priority as municipal taxes.
- 12.7 A sign or signs erected on property owned by the Municipality without consent of the Municipality may be removed and disposed of by the Municipality, with or without prior notice, at the expense of the Owner of the sign.
- 12.8 No person shall obstruct a Bylaw Enforcement Officer or any agent of the Municipality while they are carrying out their duties under this Bylaw.
- 12.9 Every person who contravenes any provisions of the bylaw is guilty of an offence and on conviction may be subject to a fine as provided for in the Provincial Offences Act and identified by Schedule "A" to this Bylaw.
- 12.10 It is hereby declared that each and every part of the foregoing provisions of this bylaw is severable. If any provisions of this bylaw should for any reason be declared invalid by any court, it is the intention and desire of this Council that each and every one of the remaining provisions herein shall remain in full force and effect.

**13. Effective Date**


- 13.1 This Bylaw shall come into full force and effect on the final passing thereof.

Bylaw Read a First, Second and Third time and Finally Passed on

This the 6th of \_\_\_\_\_ March \_\_\_\_\_ 2017.



Mayor Steve Arnold



Clerk Jeff Baranek





**SCHEDULE "A" TO BYLAW 13 OF 2017**

**Being the "Sign Bylaw"**

**Part 1 – Provincial Offences Act Set Fine Schedule**

<b>ITEM</b>	<b>COLUMN 1 Short Form Wording</b>	<b>COLUMN 2 Provision Defining Offence</b>	<b>COLUMN 3 Set Fine</b>
<b>1</b>	Failure to obtain a sign permit in accordance with provisions in this bylaw.	Section 2.1	\$250
<b>2</b>	Placement of a sign that is not maintained in a proper state of repair and or creates an unsafe condition.	Section 2.7	\$250
<b>3</b>	Erecting a sign that is non-conforming to the provisions in this bylaw.	Section 3.2	\$250
<b>4</b>	Erecting a sign on or over property owned by the Municipality without consent of Township Council.	Section 3.5	\$250
<b>5</b>	Obstruct view as to create an unsafe condition	Section 3.12	\$250

Note: The penalty section for offences cited above is Section 12 of Bylaw 13 of 2017, a certified copy of which has been filed.



**SCHEDULE "B" TO BYLAW 13 OF 2017**

**Being the "Sign Bylaw"**

**Sign Permit Fee for:**

Institutional Property	\$50
Commercial Property	\$60
Industrial Property	\$100