

THE CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NUMBER 2016-100

By-law to amend By-law 2006-26

A By-law Prohibiting and Regulating the Erection of Signs, Other Advertising Devices and the Posting of Notices Within the Town of Amherstburg

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**WHEREAS** Section 11(1) of the *Municipal Act, 2001*, authorizes a municipality to pass by-laws respecting signs and section 99 of the *Municipal Act, 2001*, sets out certain rules respecting advertising devices, including signs;


**WHEREAS** the Council of the Corporation of the Town of Amherstburg hereby deems it expedient to amend By-law 2006-26, being a By-law Prohibiting and Regulating the Erection of Signs, Other Advertising Devices and the Posting of Notices Within the Town of Amherstburg;

NOW THEREFORE the Council of the Corporation of the Town of Amherstburg hereby enacts as follows:

1. By-law 2006-26 is hereby amended as attached.

Read a first, second and third time and finally passed this 24th day of October, 2016.

  
MAYOR – Aldo DiCarlo

  
CLERK – Paula Parker

## THE CORPORATION OF THE TOWN OF AMHERSTBURG

### BY-LAW NO. 2006-26

#### A By-Law Prohibiting and Regulating the Erection of Signs, Other Advertising Devices and the Posting Of Notices Within the Town of Amherstburg

**WHEREAS** Section 11(1) of the *Municipal Act, 2001*, authorizes a municipality to pass by-laws respecting signs and section 99 of the *Municipal Act, 2001*, sets out certain rules respecting advertising devices, including signs.

**NOW THEREFORE** the Council of the Corporation of the Town of Amherstburg hereby enacts as follows:

#### SECTION 1 TITLE AND SCOPE

##### 1.1 SHORT TITLE

This By-Law may be cited as the "Sign By-Law"

##### 1.2 INTENT

The provisions of this By-Law shall regulate the location, construction alteration repair and maintenance of all exterior signs and other advertising devices, temporary or permanent, within the limits of the Corporation of the Town of Amherstburg with respect to safety and design features.

##### 1.3 SCOPE

No person shall erect, enlarge or place or cause to be erected, enlarged or placed, a sign or its structure, temporary or permanent, for any purpose within the Town of Amherstburg except as permitted by this by-law and in conformity with the applicable provisions of the Ontario Building Code, as amended.

#### SECTION 2 DEFINITIONS

##### 2.1 In this By-Law,

2.1.1 ACCESSORY shall mean when used to describe a use, building or structure, that is naturally and normally incidental, subordinate to a principal use, building or structure and located on the same lot therewith.

2.1.2 ANIMATION shall mean any physical movement or motion of a sign face or any part thereof.

2.1.3 APPROVED shall mean approved by the Chief Building Official or an officer duly authorized by Council.

2.1.4 AREA OF SIGN shall mean the number of square metres on the surface of a sign including the border and frame, and where there is no border shall include all of the area of the surface lying within the extremities of the sign and shall, in the case of a projecting or double-faced sign, refer to the area of the surface on one side of the sign.

2.1.5 AVERAGE FINISHED GRADE shall mean the average elevation of the finished ground adjoining the building or structure at all exterior walls as determined by the Chief Building Official.

2.1.6 BUILDING FRONTAGE shall mean the distance measured at grade along a building wall that faces a street.

2.1.7 BY-LAW ENFORCEMENT OFFICER shall mean any person appointed by the Corporation for the purposes of enforcing this by-law.

2.1.8 CANOPY shall mean a space frame system, moveable, retractable or fixed, covered with rigid or non rigid material, attached and projecting from a building or structure but not forming an integral part thereof.

- 2.1.9 CANOPY on a road allowance shall mean a canopy wholly or partly on or over a road allowance owned by the Municipality.
- 2.1.10 CHIEF BUILDING OFFICIAL shall mean the Building Inspector (or his duly authorized representative), duly appointed by Council, under the provisions of the Building Code Act (Building Code Act, 1992, S.O. 1992, c. 23) charged with the administration of this by-law and the enforcement thereof concurrently with the officers of the Amherstburg Police Force.
- 2.1.11 CORPORATION shall mean the Corporation of the Town of Amherstburg
- 2.1.12 COUNCIL shall mean the Council of the Corporation of the Town of Amherstburg.
- 2.1.13 ERECT shall mean to attach, build, construct or reconstruct, enlarge, locate or relocate any sign or paint a wall sign or to maintain any sign but does not include copy changes on any sign.
- 2.1.14 HEIGHT OF SIGN shall mean the vertical distance from the ground to the highest extremity of the sign including the border or frame and supporting structure if any and in the case of a sign without a border, frame, or supporting structure the vertical distance from the ground to the top of the letter, symbol or other part of the sign that is the highest.
- 2.1.15 ILLUMINATION shall mean lighting of the sign, in whole or in part, by artificial means, and when used in reference to :
- (1) internal illumination, means lighting the sign face with a light source located within the sign;
  - (2) external illumination, means having a light source exterior to the sign and on, or directed at, the sign; and
  - (3) flashing illumination shall mean illumination that varies and is perceived to vary in intensity or design at periodic intervals.
- 2.1.16 LENGTH OF SIGN shall mean the distance between the border of the frame of the sign measured horizontally and in the case of a sign without a border or frame it means the horizontal distance between the first and last extremities of the lettering symbols or other body of the sign.
- 2.1.17 LOCATION shall mean a lot, premises, building, wall or any place whatsoever upon which a sign is erected.
- 2.1.18 LOT means a parcel of land described in a deed or other document legally capable of conveying land or shown as a lot or block on a registered plan of subdivision, other than a registered plan of subdivision which has been deemed not to be a registered plan of subdivision by a by-law passed pursuant to the provisions of the *Planning Act*, or any successors thereto.
- 2.1.19 LOT LINE shall mean any boundary of a lot.
- 2.1.20 PERMITTED USE shall mean any use allowable within a zone pursuant to the Municipal Zoning By-Law as amended from time to time.
- 2.1.21 RIGHT-OF-WAY shall mean any right, liberty or privilege in, over, along or under land, which the owner of one (1) lot may have with respect to any other lot or which the Municipality, any other governmental authority or agency, private company or individual may have with respect to any land in the Municipality.
- 2.1.22 SHOPPING CENTRE shall mean a group of non-residential uses predominantly retail commercial in nature and design, developed and managed as a unit by a single owner or tenant comprising unrelated individual business uses and having a total ground floor area in excess of 557 sq. metres (6,000 sq. ft.).

- 2.1.23 SIGN shall mean any device, including all of its component parts and supporting structure, erected to convey information and to attract the attention of the public by means of letters, numerals, numbers, symbols, figures, characters, marks, points, graphics, logos, lights, colours, designs, textures or objects. Without limiting the generality of the above, the definition of sign includes, but is not limited to, the following types of signs:
- (1) A-BOARD SIGN shall mean a temporary sign, free standing, with no more than two faces, with an area of each sign face less than 0.6 square metres (6.5 sq. ft) and a maximum height of 1.1 metres (3.5 feet), joined at their top along one straight line edge intended for temporary using during business hours and constructed in a manner and of materials such that it can be placed or repositioned by an individual without mechanical aid.
  - (2) AGRICULTURAL HOME OCCUPATION SIGN shall mean a sign accessory to the permitted agricultural home occupation use, such use being determined by the provisions of the Municipal Zoning By-Law as amended from time to time.
  - (3) BANNER SIGN shall mean any sign made of cloth, paper or fabric supported by ropes, wires or cords, excluding any such sign inside a building.
  - (4) BILLBOARD SIGN shall mean an advertising sign, structure or symbol erected and maintained by a person, firm, corporation, business, service, commercial or industrial enterprise engaged in the sale or rental of space thereon to a clientele and upon which space there is displayed advertising copy describing one or more products or services which are not necessarily made, produced, assembled, stored or sold from the lot or premises upon which the advertisement is displayed.
  - (5) BUILDING IDENTIFICATION SIGN shall mean a sign that displays nothing more than one or more of the name and address of the premises, any insignia related thereto.
  - (6) CANOPY SIGN shall mean a canopy used as a sign and is regulated in the same manner as a facial wall sign.
  - (7) COMBINATION SIGN shall mean a sign supported by any combination of a wall of a building or structure or ground.
  - (8) COMMERCIAL SIGN shall mean a sign accessory to the permitted main commercial use, such commercial use being determined by the provisions of the Municipal Zoning By-Law as amended from time to time.
  - (9) DIRECTIONAL SIGN shall mean a sign indicating a direction to be followed to attain a certain destination with only the destination and/or distance identified.
  - (10) DOUBLE FACED SIGN shall mean a sign having two sign faces, each face being of equal area and identical proportions to the other, and each located on the sign structure so as to be exactly opposite the other; and the maximum angle between two faces of a double faced sign may not exceed 90 degrees.
  - (11) ELECTION SIGN shall mean any sign advertising or promoting the election of candidates for municipal, provincial or federal office.
  - (12) ELECTRIC SIGN shall mean a sign containing electric wiring and capable of being illuminated, but does not include a sign solely illuminated by a light source external and separate from the sign.
  - (13) ELECTRONIC MESSAGE CENTRE SIGN shall mean that part of a sign which is electronically controlled and which displays information in a pre-arranged sequence and in which the intensity of illumination remains at a constant level.
  - (14) FLASHING SIGN shall mean an illuminated sign, fixed or rotating upon which the source of artificial light is not stationary or the intensity or colour is not constant or where the illumination is projected in an intermittent sequence.

- (15) FUTURE DEVELOPMENT SIGN shall mean a sign accessory to the permitted main future development use, such sign use to be determined by the provisions of the Municipal Zoning By-Law as amended from time to time.
- (16) GROUND SIGN shall mean any sign, the main body of which is directly supported by the ground without the aid of any other building or structure, other than the sign structure and may be fixed or swing type, single or double faced.
- (17) HOME BUSINESS, OCCUPATION OR PROFESSIONAL SIGN shall mean a sign identifying a permitted accessory use in a residential zone as identified in the Municipal Zoning By-Law as amended from time to time.
- (18) INDUSTRIAL SIGN shall mean a sign accessory to the permitted industrial use, such industrial use being determined by the provisions of the Municipal Zoning By-Law as amended from time to time.
- (19) INSTITUTIONAL SIGN shall mean a sign accessory to the permitted institutional use, such institutional use being determined by the provisions of the Municipal Zoning By-Law as amended from time to time.
- (20) INSTITUTIONAL ACCESSORY SIGN shall mean a sign indicating location or direction to be followed to an institutional use such as a church, school, library, municipal buildings or park.
- (21) OFF-PREMISE SIGN shall mean a permanent sign which is located upon a lot on which there is displayed advertising copy describing one or more services or products which are not produced, assembled, stored or sold from the lot or premises upon which the sign is located. **(amended B/L 2016-100, Oct 24/2016)**
- (22) PORTABLE SIGN shall mean any sign which is not permanently affixed to the ground, building or structure and which is designed with or without wheels, so as to facilitate its movement from place to place.
- (23) PROJECTING SIGN shall mean a sign attached and perpendicular to the main wall of the building and may be fixed or of the swing type.
- (24) PYLON SIGN shall mean a sign supported and placed upon one or more poles or standards and may be fixed or of the swing type.
- (25) REAL ESTATE SIGN shall mean a sign or notice advising that a property and/or building is to be sold, rented or leased and which may also indicate to whom a person should inquire with regard thereto.
- (26) ROOF SIGN shall mean a sign which is erected, constructed and maintained entirely on or above the roof of a building.
- (27) RESIDENTIAL SIGN shall mean a sign accessory to the permitted residential use, such residential use being determined by the provisions of the Municipal Zoning By-Law as amended from time to time.
- (28) RESIDENTIAL HOME OCCUPATION SIGN shall mean a sign accessory to the permitted home occupation use, such home occupation use being determined by the provisions of the Municipal Zoning By-Law as amended from time to time.
- (29) SWING SIGN shall mean a sign mounted on a building or on a structure in such a manner as to allow movement due to wind.
- (30) TEMPORARY SIGN shall mean a sign that is limited as to a specific and defined time that it can be displayed and shall also include signs erected at a construction site indicating the nature of the project and any personnel, trade or profession involved in the development of the site.
- (31) TRAFFIC SIGN shall mean a sign permitted under the *Highway Traffic Act* for the assistance of the motoring public.

- 2.1.24 STREET shall mean a common and public street, road, alley, lane or highway, as defined in the *Municipal Act, 2001* and includes a bridge forming part of a highway on, over, or across which a highway crosses, but does not include a private road.
- 2.1.25 STRUCTURE shall mean the supports, uprights, bracing and framework of the sign.
- 2.1.26 USE shall mean the purpose for which any land, building or structure is designed, arranged or intended to be occupied or used for or for which it is occupied or maintained.
- 2.1.27 ZONE shall mean a designated area of land use shown on Schedule "A" (Zone Map) of the Municipal Zoning By-Law, as amended from time to time.
- 2.1.28 ZONING BY-LAW shall mean the Zoning By-Law for the Town of Amherstburg as amended from time to time.

## 2.2 GENERAL INTERPRETATION

- 2.2.1 Where a form is prescribed, deviations therefrom, not affecting the substance or calculated to mislead, do not invalidate the form used.
- 2.2.2 Words in the singular include words in the plural and words in the plural include words in the singular; words in the masculine gender include words in the feminine gender and neuter genders.
- 2.2.3 Where a word is defined, other parts of speech and grammatical forms of the same word have corresponding meanings.
- 2.2.4 Residential, commercial, industrial and other uses that are not recognized in the comprehensive Zoning By-Law for the Town of Amherstburg, as amended, but that have the status of legal non-conforming uses, shall be permitted signs in accordance with the appropriate regulations of this By-Law.

## SECTION 3 PERMITS, RENEWALS AND FEES

### 3.1 APPLICATION FOR A PERMIT

- (1) Notwithstanding the provisions of Subsection 3.6, no person shall erect, cause to be erected or structurally alter any sign within the Town of Amherstburg without first obtaining a sign permit from the Chief Building Official. The Chief Building Official shall only issue such permits if in compliance with this By-Law or if in accordance with a Council resolution establishing otherwise.
- (2) Prior to the issuance of a permit, an application shall be submitted to the Chief Building Official on the prescribed form, accompanied by the following unless deemed unnecessary by the Chief Building Official:
- (a) Completed drawings and specifications detailing what is to be erected or altered, including materials to be used and where applicable, details of supporting framework, foundation materials, illumination details, height of sign, sign face area, length and width of sign face and proof of liability insurance covering the site and sign in the amount of at least \$500,000 if the application is for a fascia, marquee, projecting, pylon, billboard or roof sign.
  - (b) In the case of signs affixed to any wall, erection plans drawn to scale detailing the elevation of the building on which the proposed sign is to be erected relative to electrical service connections where applicable, any doors, windows, vehicle accesses and other openings, wall area, any other signs on the building and the proposed location of the sign.
  - (c) A detailed site plan drawn to scale indicating location on the site, street lines and other boundaries of the property and the location of the building thereon and other buildings on the site, as well as the locations of buildings and signs on adjacent lands.

### 3.2 FRONTAGE ON A COUNTY ROAD

Where a sign is proposed to front on to a County road, copies of the above-noted plans will be circulated to the appropriate office for input prior to the issuance of a permit.

### 3.3 REVOCATION OF PERMITS

The Chief Building Official may revoke a permit at any time after the issuance thereof, where:

- (1) the sign does not conform to this By-Law, the Building Code or any other application regulations;
- (2) the permit was issued as a result of false or misleading information;
- (3) the permit was issued in error;
- (4) the permit holder requests in writing that the permit be revoked,
- (5) the permit holder fails to make any payment when due under this By-Law; or
- (6) the permit holder does not commence construction or display the sign within 6 months from the date of issuance of the permit,

by delivering written notice of revocation to the assessed owner or occupant of the property on which the sign is proposed to be erected.

### 3.4 ALTERATION OF A SIGN

The changing of any moveable part of an approved sign for which a permit has been issued, that is designated for such changes, or the repainting or the reposting of the advertising message of the display surface of a billboard shall not be deemed an alteration.

### 3.5 RELOCATION OF A SIGN

When a sign is to be moved from one location to another, not on the same lot or from one location to another on the same lot, a permit shall be obtained.

### 3.6 PERMIT EXEMPTIONS

No permit shall be required for:

- (1) any poster, banner, or sign of a candidate in a Municipal, Provincial or Federal election;
- (2) sign of public authority;
- (3) signs prescribed by law;
- (4) signs for the safety and convenience of the public, such as delivery, entrance, caution, construction or detour signs;
- (5) temporary advertisements or handbills of non-profit charitable organizations as approved by Council;
- (6) municipal exhibition or events signs;
- (7) real estate signs 0.37 square metres (4 square feet) in area or less;
- (8) up to two building identification signs 0.37 square metres (4 square feet) in area or less;
- (9) signs erected by the municipality, Provincial or Federal Authority or recognized historical society to commemorate an historical event, personage or structure, as approved by Council.

- (10) A board type and free standing signs, with an area of each sign face less than 0.6 square metres (6.5 sq. ft) and a maximum height of 1.1 metres (3.5 feet), placed on private property during business hours only.

3.1 FEE REQUIRED

No permit shall be issued until the non-refundable fees hereinafter prescribed have been paid to the Chief Building Official.

- (1) Erection of each permanent sign ..... \$100.00
- (2) Alteration of a sign ..... \$100.00
- (3) Relocation to another lot or to another location on the same lot ..... \$100.00
- (4) Yearly fee to locate a portable sign on a lot..... \$100.00
- (5) Short term portable sign (max. 4 times per calendar year) ..... \$25.00
- (6) Portable Sign pursuant to Section 12.6 (non profit agency).....no fee req.

3.2 FINAL INSPECTION OF SIGN PERMIT

Upon receipt of a completed application, the Chief Building Official shall issue a sign permit provided the application is in compliance with the regulations contained in this By-Law.

SECTION 4 GENERAL PROVISIONS

4.1 SIGNS NOT PERMITTED

Notwithstanding any other provisions of this By-Law, no person shall erect or cause to be erected any of the following signs anywhere in the Town of Amherstburg, unless otherwise approved by Council:

- (a) billboard signs;
- (b) off-premise signs ~~(except where permitted for portable signs);~~ **(amended B/L 2016-100, Oct 24/2016)**
- (c) a sign attached to a tree;
- (d) a sign erected or painted on a vehicle where the vehicle is not in weekly operation for transportation and is parked in a manner so as to make the sign visible from a street for the purpose of functioning as an identification, information or advertising sign;
- (e) a corporation flag or emblem exceeding 5.0 square metres (53.8 sq. ft.) In area and every corporation flag or emblem exceeding 3 per premises;
- (f) a sign that falls into more than one sign type unless such sign complies with the provisions applicable to each sign type, and where a sign is prohibited anywhere in this By-Law, the prohibition shall apply notwithstanding that the sign may be permitted by other provisions of this By-Law;
- (g) a temporary sign in a window in a residential use premise, except for real estate signs;
- (h) signs erected on any accessory structure except facial or projecting signs that relate solely to an occupancy or use carried on in conjunction with the accessory structure;
- (i) a sign, other than an official sign, or non-profit agency sign indicated elsewhere in this bylaw that is located on a road allowance and attached to any utility pole or to any other official sign structure, unless such attachment is authorized by Council or any other authority having jurisdiction in the matter; and



- (j) a sign located in a window, except signs of any type or classification that cumulatively covers 50% or less of the total window area.

#### 4.2 TEMPORARY SIGNS

- 4.2.1 One temporary sign per street frontage of project lands may be erected at a construction site for the purpose of indicating the nature of the project, the developers, contractors, architects, engineers, and related personnel or trades involved in the development of the site for a time period of no longer than eight (8) months without requiring a permit to do so.

Upon expiration of said time limit, permission to extend the time period must be obtained from the Chief Building Official or an officer duly authorized by Council.

- 4.2.2 No person shall paint, paste, print or nail or otherwise fasten any advertisement or notice of any kind whatsoever, on any part of any sidewalk or street or on any tree, lamp post, telephone pole, or any structure within the right-of-way of any street or alley within the limits of the Town of Amherstburg, except where permitted by specific act of Council and without having obtained a permit to do so and certified approval by the Chief Building Official or appointed officer of Council responsible for the enforcement of this By-Law.

- 4.2.3 Non- Profit and Service Club organizations may be permitted to post temporary signage on Municipal property advertising special events. All postings are to be as approved by the Public Works Manager. Postings may be placed for a period of 14 days prior to the event but must be removed within 5 days after the posted event. Signs are to be no greater than .37 meters (4 sq. ft.) and no higher than 0.91meters (3ft.). Signs must be free standing and not attached to trees, utility poles or other municipal structures located in the right of way.

#### 4.3 REMOVAL OF UNLAWFUL SIGNS

Every owner or lessee of any sign shall ensure that any sign or appurtenance thereto which advertises a business or service no longer on the premises or which advertises products, commodities or merchandise no longer stocked or sold shall be removed within thirty (30) days of termination or removal of such business or service or the cessation of sale of such product, commodity or merchandise.

#### 4.4 SAFETY AND MAINTENANCE REQUIREMENTS

##### 4.4.1 ONTARIO BUILDING CODE

Every owner or lessee of any sign shall ensure that all signage erected within the Town of Amherstburg, including such signs classified as temporary or not requiring a permit, shall comply with the Ontario Building Code, as amended from time to time, and all applicable and reference standards for structural and life safety matters.

##### 4.4.2 ONTARIO ELECTRICAL CODE

Every owner or lessee of any sign shall ensure that any electrical sign shall comply with all governing requirements of the Ontario Electrical Code, as amended from time to time, and all applicable permits shall be obtained by the owner before commencement of electrical work and all appropriate inspections shall be conducted after its completion.

##### 4.4.3 OCCUPATIONAL HEALTH AND SAFETY ACT

Construction safety measures conforming to the Occupational Health and Safety Act, as amended from time to time, as provided therein apply to the erection, alteration, relocation, removal or demolition of signs.

##### 4.4.4 OBSTRUCTION OF VIEWS

No person shall erect or maintain or cause to be erected or maintained a sign if such sign could obstruct the view of any pedestrian or driver of a motor vehicle or could interfere with vehicular movement to such a degree as could endanger any person or risk damage to any vehicle.

4.4.5 CONFUSION WITH TRAFFIC DEVICE

No person shall erect or maintain or cause to be erected or maintained a sign at any location where it may interfere with, obstruct the view of, or be confused with, an authorized traffic sign, signal or warning device, nor shall any sign be illuminated in such a manner as to resemble a traffic regulating device.

4.4.6 RESEMBLANCE TO EMERGENCY LIGHT

No person shall use or cause to be used a rotating beam, beacon or flashing illumination resembling an emergency light or lights in conjunction with any sign so as to create a traffic hazard or in a manner to otherwise endanger any person.

4.4.7 BUILDING OPENINGS REQUIRED FOR LIGHT OR VENTILATION

No person shall erect or maintain or cause to be erected or maintained a sign located so as to obstruct any window or as to obstruct openings required for light and ventilation or any required means of egress or required access for fire fighting.

4.4.8 OVERHANG OF SIDEWALKS

No person shall erect or maintain or cause to be erected or maintained a sign that overhangs or is located within a horizontal distance of 0.6 metres (2 feet) of a sidewalk or other pedestrian walkway unless the minimum vertical distance between grade and the bottom of the overhanging sign face is at least 2.4 metres (8 feet).

4.4.9 CLEARANCE FROM VEHICLE TRAVEL AREAS

No person shall erect or maintain or cause to be erected or maintained a sign face within 0.6 metre (2 feet) of the vehicular traveled portion of a sidewalk or other pedestrian walkway unless the minimum vertical distance between grade and the bottom of the overhanging sign face or canopy is at least 4.25 metres (14 feet), except as set out in paragraph (a) below;

- (1) where the height of all vehicles using any private road or parking area is permanently restricted, the vertical distance requirements of this section may be reduced to the amount of the actual height restriction, for as long as the said height restriction is in existence on the premises.

4.4.10 ANIMATION

No person shall erect or maintain or cause to be erected or maintained a sign that is animated in such a manner as to create a traffic hazard or otherwise endanger any person.

4.4.11 UNDERGROUND ELECTRICAL WIRING

Every owner or lessee of any sign shall ensure all electrical wiring required to service any ground sign shall, if so available from the public utilities, be underground from such utility or alternatively be underground from the building or structure to the sign.

4.4.12 MAINTENANCE-ALL SIGNS

Every owner or lessee of any sign shall maintain the immediate premises occupied by the sign in a clean, sanitary and healthful condition, free from debris.

Every owner or lessee of any sign for which a permit is required shall maintain such sign:

- (1) in accordance with the approved plans authorizing its erection;
- (2) in a vertical plane unless otherwise erected and approved, in which case the sign shall be maintained as erected and approved;
- (3) without any visible deterioration of the sign or its structure when viewed from any premises other than the premises on which the sign is situated;

- (4) all bolts, cables and other parts of such sign, unless galvanized, shall be kept painted and free from corrosion by the owner at all times;
- (5) so as not to become unsafe and not to otherwise create a danger to any person; and
- (6) where a sign is repaired in any way so as to alter its dimension, manner of support, illumination or location on the building, a new permit shall be required.

#### 4.5 CLEARANCE FROM UTILITY

No person shall erect or locate or cause to be erected or located a sign that comes within a radius of 3.05 metres (10 feet) vertically or horizontally of any uninsulated electrical wires above ground, pole, street lamp or any other public utility pole or standard.

#### 4.6 LOCATION OF SIGNS

- (1) No person shall place or cause to be placed a sign in a location so as to obstruct ingress or egress from any structure or building;
- (2) No person shall locate or cause to be located a sign in a rear yard;
- (3) No person shall locate or cause to be located a sign within any public right-of-way.

#### 4.7 ILLUMINATED SIGNS

- (1) No person shall erect or maintain or cause to be erected or maintained a sign illuminated by a flashing or intermitted light source within 30.48 metres (100 feet) of a Residential Zone or 15.24 metres (50 feet) of a Residential Office (R.O.) Zone.
- (2) Every owner or lessee of an illuminated sign shall ensure that such signage is constructed in a fashion so as to direct illumination away from any adjacent Residential Zones in a manner approved by the enforcement officer.

### SECTION 5 INSPECTION OF SIGNS

Every sign for which a permit is required shall be subject to inspection by the Chief Building Official during and after construction.

### SECTION 6 RESIDENTIAL SIGNS

#### 6.1 GENERAL CONDITIONS

- (1) Signs in Residential Zones including Residential Office and Residential Heritage and existing residential buildings in other zones shall be restricted to facia or ground signs.
- (2) Any sign permitted in a Residential Zone shall be located on the same lot as the premises advertised or identified.
- (3) Not more than one (1) sign may be erected on any one lot for the purpose permitted in this section.
- (4) No illuminated signs located within and visible outside of any building shall be permitted except in the R.O. Zone.

#### 6.2 BUILDING IDENTIFICATION SIGNS

- (1) A name place or facia sign no larger than 0.19 square metres (2 sq. ft.) indicating no more than the municipal number and the name of the occupant.

6.3 MULTIPLE DWELLING AND TOURIST ESTABLISHMENT SIGNS

- (1) A sign not larger than 0.55 square metres (6 sq. ft.) identifying a rooming or boarding house or multiple dwelling.

6.4 HOME OCCUPATION SIGNS (Excluding Residential Office R.O. Zone)

- (1) No sign shall be permitted indicating to persons that an occupation or business is being conducted within a property located in the Residential Zones determined by the provisions of the Municipal Zoning By-Law as amended from time to time.

6.5 BUSINESS OR PROFESSIONAL SIGNS (Residential Office R.O. Zone)

- (1) A sign not larger than 0.55 square metres (6 sq. ft.) identifying the name, occupation and nature of the business or profession listed is permissible in the Residential Office (R.O.) Zones, determined by the provisions of the Municipal Zoning By-Law as amended from time to time.

6.6 HEIGHT AND AREA REQUIREMENT FOR GROUND SIGNS

Unless otherwise provided for in this By-Law, the following height and area requirements for all ground signs shall apply:

- (1) The maximum height of a ground sign shall be 1.22 metres (4 ft) above the average finished grade.
- (2) The maximum area of a ground sign shall be 1.1 square metres (12 sq. feet).
- (3) A ground sign shall be located no closer than 0.61 metres (2 ft) from any lot line, public right-of-way or walkway.
- (4) The maximum height of a ground sign within a "sight triangle", as defined in the Municipal Zoning By-Law and amendments thereto, notwithstanding Section 6.6.(1) herein, shall be 0.61 metre (2 ft).

6.7 HEIGHT AND AREA REQUIREMENTS FOR FACIA SIGNS

Unless otherwise provided for in this By-Law, the following height and area requirements for all facia signs shall apply:

- (1) The maximum height of a facia sign shall be 1.22 metres (4 feet) above the average finished grade.
- (2) The maximum area of a facia sign shall be 0.2 square metre (2 square feet)

6.8 RESIDENTIAL HERITAGE SIGNS

The following Subsections shall further apply to signs to be erected or installed in the Residential Heritage Zone (R.H.):

- Subsections: 11.1 (3)
- 11.1 (4)
- 11.2 (1)
- 11.2 (2)

SECTION 7 AGRICULTURAL SIGNS

7.1 GENERAL CONDITIONS

- (1) Any sign permitted in any Agricultural Zone shall be located on the same lot as the premises advertised or identified.

- (2) One (1) ground or facia sign for the purposes of advertising the sale of produce on the location of the premises shall be permitted provided such sign is not larger than 3 square metres in area and has a maximum height of 3 metres from the average finished grade or is attached to a building and provided such sign is not illuminated.
- (3) One (1) sign to identify a permitted home occupation, agricultural home occupation, commercial or industrial use shall be permitted provided such sign is not larger than 2 square metres (22 sq. ft.) in area and has a maximum height of 3 metres from the average finished grade. Only signs for a commercial or industrial use may be illuminated.
- (4) A ground sign shall be located no closer than 3 metres (10 feet) from any lot line, public right-of-way or walkway.
- (5) The maximum height of a ground sign within a "sight triangle", as defined in the Municipal Zoning By-Law and amendments thereto, notwithstanding Section 7.1 (3) herein, shall be 0.61 metre (2 feet)

## SECTION 8 INSTITUTIONAL, PUBLIC RECREATIONAL, OPEN SPACE and NATURAL ENVIRONMENT SIGNS

### 8.1 GENERAL CONDITIONS

- (1) Any sign permitted in an Institutional, Public Recreational, Open Space or Natural Environment Zone shall be located on the same lot as the building, structure, feature or attraction advertised or identified.
- (2) Not more than one (1) sign per street frontage may be erected on any one lot for any purpose permitted in this Section.
- (3) Permitted signs shall be restricted to facia and ground signs.
- (4) The maximum height of a ground sign shall be 1.5 metres (5 feet) from the average finished grade and a facia sign shall be a minimum of 2.2 metres (8 feet) from the average finished grade.
- (5) The maximum area of a sign shall be 2 square metres (21.5 sq. ft.)
- (6) A ground sign shall be located no closer than 0.61 metre two (2 feet) from any lot line, public right-of-way or walkway.
- (7) The maximum height of a ground sign within a "sight triangle", as defined in the Municipal Zoning By-Law and amendments thereto, notwithstanding Section 8.1(4) herein, shall be 0.61 metre (2 feet).

## SECTION 9 COMMERCIAL SIGNS

### 9.1 GENERAL CONDITIONS

Notwithstanding the provisions of Section 11, one (1) facia sign or one (1) projecting sign may be erected per place of business and one (1) ground sign or one (1) pylon sign per 25m of lot frontage may be erected in any Commercial Zone. The use of pylon signs shall be restricted to those commercial areas as outlined in Subsection 9.5 (1). Such signage shall conform to the conditions in the following categories.

### 9.2 FACIA SIGNS

- (1) The facia sign shall be attached to, and parallel with, the main wall of the building or marquee provided that the total area of such signs shall not exceed fifty percent (50%) of the available area of said wall or marquee, excluding doors and windows.

- (2) No fascia sign shall be less than 2.44 metres (8 feet) above average finished grade or less than 4.57 metres (15 feet) above an alley, and shall not extend more than 30.48 cm (12 inches) beyond the face of the building. However, this clearance requirement is not applicable to a fascia sign that does not extend more than 7.62 cm (3 inches) beyond the face of the building.
- (3) No sign shall extend above the top of the wall of a building, nor extend beyond the ends of a wall to which the sign is attached.

### 9.3 GROUND SIGN

- (1) One (1) ground sign per 25 metres of lot frontage may be erected between the building and the lot line to a maximum of 2 signs per lot provided the maximum height is not more than 1.5 metres (5 feet) and the maximum area is not more than 2.79 square metres (30 square feet)
- (2) No ground sign shall be located closer than 2 metres (6 feet, 6 inches) to any lot line or public right-of-way or walkway.
- (3) The maximum height of a ground sign within a "sight triangle" as defined in the Municipal Zoning By-Law and amendments thereto, shall be 0.61 metre (2 feet), notwithstanding Section 9.3(1).

### 9.4 PROJECTING SIGNS

- (1) One (1) projecting sign may be erected for each place of business having a frontage of 7.62 metres (25 feet) or more.
- (2) The maximum projection of any sign shall be no greater than 1.22 metres (4 feet) from the face of the wall.
- (3) No part of the sign shall be closer than 2.74 metres (9 feet) from the average finished grade nor have an area of more than 1.11 square metres (12 square feet).
- (4) No auxiliary sign shall be attached to or suspended from an existing projecting sign, unless permanently attached in an approved manner.
- (5) No wire or supporting apparatus for a projecting sign shall be suspended from or attached to any portion of the roof, unless the design thereof has been certified by an architect or professional engineer.

### 9.5 PYLON SIGNS

- (1) A pylon sign is permitted in any Commercial or Industrial Zone with the exception of those lands located along Richmond Street and Dalhousie Street.
- (2) One (1) pylon sign per 25 metres of lot frontage may be erected between the building and the lot line to a maximum of 2 signs per lot
- (3) The height of the sign shall not exceed 8 metres (26.25 feet) and the area of the sign shall not exceed 10 square metres (108 square feet).
- (4) The sign shall have a clearance of no less than 2.44 metres (8 feet) between the bottom structural trim and the average finished grade.
- (5) No pylon sign shall be located closer than 2 metres (6 feet, 6 inches) to any lot line or public right-of-way or walkway.
- (6) No pylon sign may be erected within 15.24 metres (50 feet) of any other pylon sign regardless of land ownership.
- (7) No individual pylon signs are permitted for places of business which do not have a street level location.

## SECTION 10 INDUSTRIAL SIGNS

Any sign in an Industrial Zone shall be permitted subject to the provisions of Section 3 and Section 9, except that a pylon sign may be erected in any Industrial Zone, subject to the requirements of Subsections 9.5(2) through 9.5(7), inclusive.

## SECTION 11 HERITAGE AREA

All signs within the area of Architectural and/or Heritage Area's shown on Schedule "A" attached hereto, shall be subject to the following supplementary regulations in addition to those contained elsewhere in this By-Law and shall take precedence on those points which conflict.

### 11.1 GENERAL CONDITIONS

- (1) Pylon signs, roof signs, or billboards shall not be permitted within the Heritage Area.
- (2) Signs painted directly on the surface of a canopy or awning identifying the name of the structure, nature of the business and hours of operation may be permitted.
- (3) No sign shall be erected which shall obscure, illuminate or distort any architectural feature, including a window or door light, transom, roof line or decorative element of any structure.
- (4) Wood, metal or synthetic material shall be used for the construction of signs provided that any metal part of such sign has a painted or finished surface.

### 11.2 ILLUMINATION OF SIGNS

- (1) Signs having a flashing or intermittent light, shall not be permitted.
- (2) Illumination of signs within the Heritage Area shall be provided by an external light source and shall be positioned so as to reflect or deflect light away from any adjacent residential uses. Internal illumination shall be discouraged where possible.

### 11.3 FACIA SIGN

- (1) Facia signs shall be attached to and parallel with the main wall of the building provided that the total area of such signs shall not exceed thirty percent (30%) of the available area of said wall, excluding doors and windows.
- (2) No facia sign shall be less than 2.44 metres (8 feet) above average finished grade or alley and shall be no more than 15.24 cm (6 inches) thick.
- (3) No sign shall extend above the top of the wall of the building, nor extend beyond the ends of a wall to which the sign is attached.

### 11.4 GROUND SIGN

- (1) One (1) ground sign per frontage may be erected between the building and the lot line provided the maximum height is not more than 1.5 metres (5 feet) in height and the maximum area is not more than 2 square metres (22 square feet).
- (2) No ground sign shall be located closer than 1.83 metres (6 feet) to any adjoining dwelling, apartment house, or church nor shall it be located so that the rear of any sign shall be exposed to any street.
- (3) Material supporting a ground sign may be brick, stone, wood or painted metal. Unfinished metal will not be permitted.
- (4) No ground sign shall be located closer than 0.91 metre (3 feet) from any public right-of-way or walkway notwithstanding the provisions of Section 11.4(2).

11.5 PROJECTING SIGN

- (1) One (1) projecting sign may be erected for each place of business having a frontage of 7.62 metres (25 feet) or more.
- (2) The maximum projection of any sign shall be not more than 1.22 metres (4 feet) from the face of the wall.
- (3) No part of the sign shall be closer than 2.74 metres (9 feet) from the average finished grade.
- (4) No auxiliary sign, being a sign associated with but separate to the main body of the sign, shall be attached to or suspended from any existing projecting sign unless permanently attached in an approved manner.
- (5) Supporting apparatus for projecting signs shall be finished with paint to present an unobtrusive appearance, with the exception of wood supports which may retain its natural appearance.

SECTION 12 PORTABLE SIGNS

No person shall erect or cause to be erected a portable sign unless in compliance with the following:

12.1 GENERAL LOCATION AND OFF SITE RESTRICTIONS

A portable sign is only permitted on the property for which it is advertising. **(added B/L 2016-100, Oct 24/2016)**

No portable sign shall be permitted anywhere in the Town of Amherstburg except on a lot within an Industrial, Commercial, or Institutional, Residential Office Zone as defined in the Municipal Zoning By-Law as amended from time to time.

~~Off Site portable signs are permitted to advertise enterprises which are principally located within the Town of Amherstburg. Signs advertising enterprises located outside of the Municipality are not permitted. (amended B/L 2016-100, Oct 24/2016)~~

12.2 LOCATION RESTRICTIONS

Every owner or lessee of any portable sign shall ensure that such sign be erected to be visible to pedestrians and traffic passing the street frontage to which it relates, but shall not be erected:

- (1) within 1.0 metre of any walkway;
- (2) within 1.5 metres of any lot line;
- (3) within 6.0 metres of the intersection of any street right-of-way;
- (4) within 6.0 metres of the intersection of any vehicle access area with a street right of way;
- (5) within 20 metres of any residential zone except of Residential Office (RO) Zone as defined in the Town's Zoning By-Law;
- (6) within 20 metres of any other portable sign.

12.3 YEARLY PERMIT AND INSPECTION

- (1) Not more than one permit for a portable sign may be issued in any calendar year for each property, unless more than one portable sign is permitted on a property in accordance with another section of this By-Law.
- (2) A yearly permit for a portable sign shall be obtained on or before the first day of January of each year.



#### 12.4 ANNUAL INSPECTION

Upon permit renewal, every sign will be subjected to an inspection by the municipality. Signs found to be in variance with the bylaw with respect to location will be subject to removal. Signs which have not been maintained properly or are found to be inadequately anchored are not eligible for permit renewal and will be subject to removal.

#### 12.5 NUMERICAL LIMITATIONS

- (1) The face area for a portable sign shall not exceed 3.716 square metres (40 sq. ft.).
- (2) The height of a portable sign shall not exceed 3.0 metres (10 ft).

#### 12.6 SPECIAL PROVISIONS

Notwithstanding any other aspect of this By-Law, a non-profit organization, service club, or similar association may obtain an annual permit for a portable sign to be erected from time to time on land owned by the said organization, and erected in compliance with all other regulations. Portable signs advertising activities related to a non-profit group, service club, or a similar association may be located on Municipal Property upon the approval of the Public Works Manager.

#### 12.7 PERMIT POSTING

Portable sign permits as obtained from the Chief Building Official shall be posted on each individual sign displaying the expiry date of the permit, the sign owner or sign company's name and address and contact telephone number. Signs found not displaying the Permit will be subject to removal as per Section 14.19

### SECTION 13 DIRECTIONAL INFORMATION SIGNAGE

Signs erected to identify the location or directional route to a structure or area associated with a Municipal, Provincial or Federal Authority; or religious institution shall be a permitted use in any zone classification.

#### 13.1 GENERAL CONDITIONS

- (1) No sign shall be located closer than 2.44 metres (8 feet) above the average finished grade.
- (2) The maximum area of any directional sign shall be 0.56 square metres (6 square feet).
- (3) International symbols and standard colour schemes shall be used (as illustrated in the Appendix) for all directional signage.
- (4) Notwithstanding Section 13.1(3), signs identifying a religious institution or provincial or federal institution may be permitted to utilize the specific design established for said institution.
- (5) No directional signage shall be located closer than 0.61 metres two (2 feet) to a public right-of-way or walkway, unless specifically permitted by resolution of Council.

### SECTION 14 ENFORCEMENT

#### 14.1 VARIANCE

An application for a variance from this by-law may be submitted to Council, which application shall be accompanied by:

- (1) Completed drawings and specifications detailing what is to be erected or altered, including materials to be used and where applicable, details of supporting framework, foundation materials, illumination details, height of sign, sign face area, length and width of sign face
- (2) In the case of signs affixed to any wall, erection plans drawn to scale detailing the elevation of the building on which the proposed sign is to be erected relative to electrical service connections where applicable, any doors, windows, vehicle accesses and other openings, wall area, any other signs on the building and the proposed location of the sign.
- (3) A detailed site plan drawn to scale indicating location on the site, street lines and other boundaries of the property and the location of the building thereon and other buildings on the site, as well as the locations of buildings and signs on adjacent lands.

#### 14.2 ABANDONMENT

- (1) Every permit shall expire by limitation and become null and void under the provisions of this By-Law, if the work authorized by such permit is not commenced within six (6) months of the date of the permit issuance, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of six (6) months or the sign has been removed.
- (2) If a permit has expired pursuant to Subsection 1 hereof, before such work can be commenced, the original permit shall be first renewed upon payment of the prescribed fee and upon the Chief Building Official being furnished with satisfactory proof that the plans and specifications conform with the requirements of this By-Law at the time of the application for renewal.

#### 14.3 ENFORCEMENT

Police Officers of the Town of Amherstburg Police Services and By-law Enforcement Officers of the Corporation shall have the duty of enforcing the provisions of this by-law.

#### 14.4 INDEMNIFICATION

The applicant for a sign permit and the owner and occupant of the land to which the sign is appurtenant, shall jointly and severally indemnify the Corporation and each of its officers, servants and agents from all loss, damage, costs, expenses, claims, demands, actions, suits or other proceedings of every nature and kind arising from and in consequence of the construction, alteration or continuance of or failure to maintain the sign, once the permit has been issued.

#### 14.5 ENCROACHMENT

Where any sign, permitted by the provisions of this By-Law, encroached over a right-of-way or has been erected with the consent of Council, an encroachment agreement shall be entered into between the municipality and the owner(s) thereof.

#### 14.6 VIOLATIONS - PROCEDURE FOR REMOVAL

Where a sign is erected or displayed in contravention of this By-Law, such sign may be pulled down or removed by the Municipality in the manner provided in this By-Law.

#### 14.7 NOTICE TO COMPLY

Where a sign which does not comply with this By-Law is erected or displayed, the Chief Building Official may forward a notice by personal service or regular mail, to the owner,

- (1) requiring that the illegal sign be permanently removed and thereafter not be replaced with any sign in contravention of this By-Law; or
- (2) requiring, in a proper case, that the illegal sign or canopy be made to comply with this By-Law no later than the date and time stipulated in the notice;

and notifying that, if the sign is not so removed or made to comply within the specified period, the Municipality may take proceedings to have the illegal sign pulled down and removed.

The violation of any provisions of this By-Law shall be and constitutes a separate offence under this By-Law for each and every day such violation shall continue.

14.8 NOTICE TO COMPLY- TO AGENT

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

14.9 REMOVAL FOR NON-COMPLIANCE WITH NOTICE

If the notice is not complied with, the Chief Building Official, or persons acting under the direction of the Chief Building Official, may pull down and remove the sign.

14.10 REMOVAL OF A-BOARD SIGNS

Notwithstanding anything contained in this Part, where an A-board sign is located on a road allowance and is erected or displayed in contravention of this By-Law so as to constitute an obstruction to a highway or sidewalk, the Chief Building Official, or persons acting under the direction of the Chief Building Official, may remove the sign at the expense of the owner without first giving notice in accordance with Section 14.10 and shall give notice to the owner of the removal of the sign as soon as practical after the sign has been removed. Sections 14.13 and 14.15 shall apply to signs removed under this section.

14.11 STORAGE OF SIGNS-FEES

Signs removed pursuant to this Section shall be stored by the Municipality for a period of not less than 30 days, during which time the owner or the owner's agent may be entitled to redeem, upon payment satisfactory to the Municipal Treasurer, of the following amounts:

- (1) the actual cost of the removal of the sign or \$200.00, whichever is the greater;
- (2) a storage charge of \$2.00 per day or part thereof or \$0.50 per square metre of sign face per day, whichever is the greater, and for the purpose of calculating such charge the sign face area shall be taken as equal to the total area of all sign faces on the sign; and
- (3) a signed acknowledgment and release form.

14.12 DESTRUCTION AFTER ELAPSE OF STORAGE PERIOD

Where a sign or canopy has been removed by the Municipality and stored for a period of at least 30 days and the sign has not been redeemed, the sign may be forthwith destroyed or otherwise disposed of by the Municipality.

14.13 COST RECOVERY

Where a sign has been removed and stored by the Municipality and the sign has not been redeemed, the Chief Building Official, or persons designated by the Chief Building Official, may charge a fee for the cost of the removal and storage of the sign in accordance with Sections 14.13(1) and 14.13(2) of this By-Law.

14.14 REPEATED BREACHES AND PROSECUTIONS

The conviction of any person under the provisions of this By-Law for failing to comply with any of the said requirements or obligations shall not operate as a bar to further prosecutions under this section for continued failure on the part of such person to so comply.

14.15 PENALTIES

- (1) Every person who contravenes any of the provisions of this By-Law is guilty of an offence and on conviction is liable to a penalty as provided for in the *Provincial Offences Act*.
- (2) Where any person is directed or required by this By-Law to do any matter or thing, such matter or thing may be done in default of its being done by the person directed or required to do it, at that person's expense, and such expense may be recovered by action or as municipal taxes in the manner prescribed by the *Municipal Act, 2001*.

14.16 REMOVAL OF SIGNS AND POSTINGS PLACED ON PUBLIC PROPERTY

Where a sign or posting has been attached to or placed on Municipal Property without the permission of Council and in contravention of Section 4.1(c) and(i) of this bylaw, the Chief Building Official, or persons acting under the direction of the Chief Building Official may remove the sign or posting without notice. Signs removed under this clause may be retrieved in the manner as indicated in Sections 14.15 of this Bylaw.

14.17 REMOVAL OF PORTABLE SIGNS DISPLAYING EXPIRED PERMITS

Portable signs displaying expired permits are subject to removal without notice on the first day of February in any calendar year.

SECTION 15 REPEAL

That the Town of Amherstburg By-law 2003-32, being a by-law to prohibit and regulate the erection of signs, other advertising devices and the posting of notices within the Town of Amherstburg, be and the same is hereby repealed.

SECTION 16 COMMENCEMENT

This By-law shall come into force and take effect on the date of the final passage thereof.

Passed this 27<sup>th</sup> day of March, 2006.

(signed) "Wayne Hurst"  
MAYOR

(signed) "Dave Mailloux"  
CLERK

1<sup>st</sup> Reading: March 27, 2006  
2<sup>nd</sup> Reading: March 27, 2006  
3<sup>rd</sup> Reading: March 27, 2006

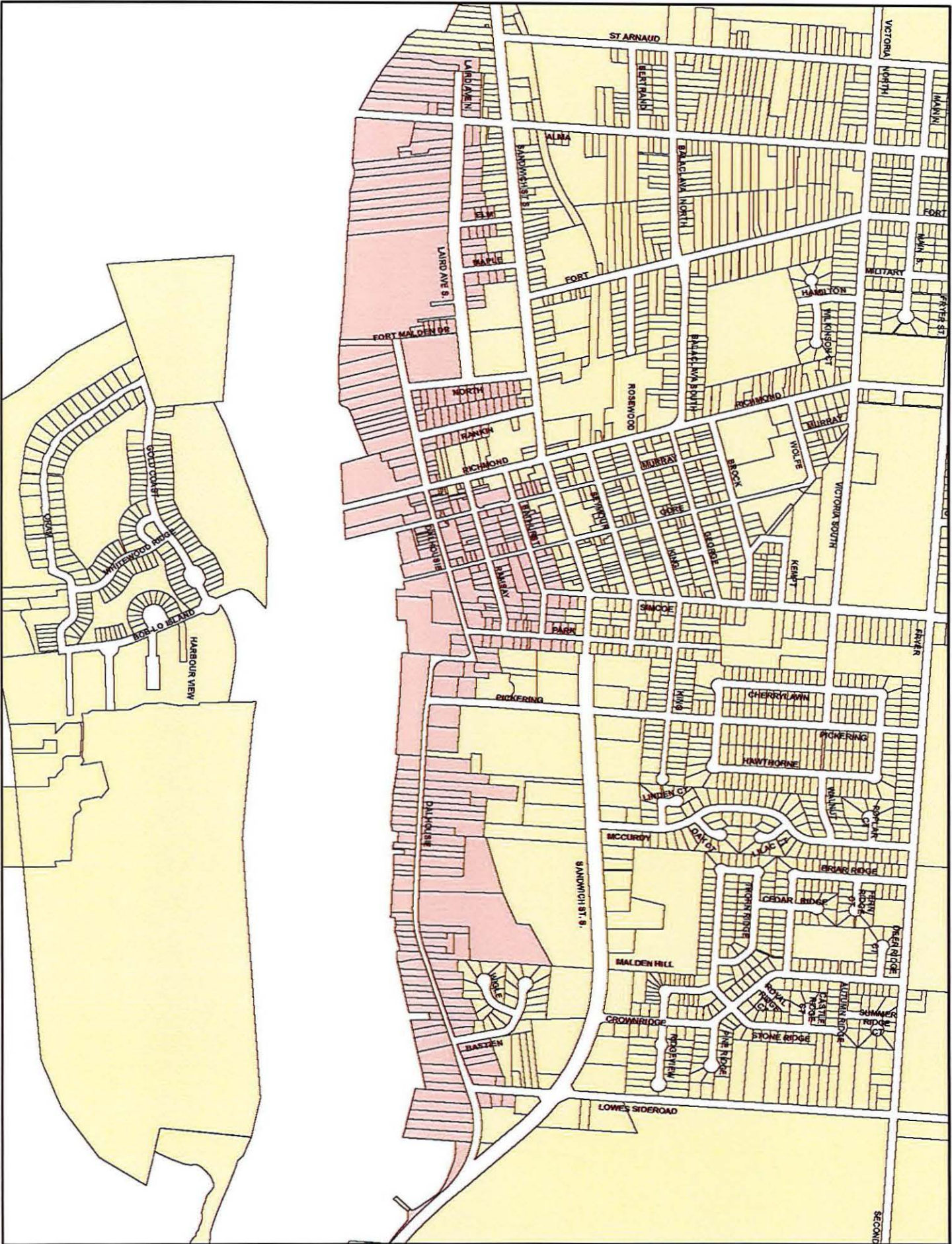
Certified to be a true copy of By-law  
No. 2006-26 passed by Council of the  
Town of Amherstburg on 27<sup>th</sup> day of March, 2006

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Clerk

**Last Update:** By-Law 2016-100 passed October 24, 2016

**SCHEDULE "A"**  
**TOWN OF AMHERSTBURG SIGN BYLAW**  
**Heritage Area**



 Heritage Area

