THE CORPORATION OF THE MUNICIPALITY OF PORT HOPE

BY-LAW NUMBER 17/2005

A By-Law to Regulate Signs and Other Advertising Devices in The Municipality of Port Hope.

WHEREAS the Council of The Corporation of the Municipality of Port Hope is desirous of establishing a by-law to regulate signs and other advertising devices throughout the whole of the Municipality of Port Hope;

AND WHEREAS this by-law is intended to establish consistent regulations with respect to signs and other advertising devices in the amalgamated Municipality of Port Hope, being the former Town of Port Hope and the Township of Hope;

AND WHEREAS this by-law is also intended to establish regulations with respect to signs and other advertising devices on properties designated under Part IV and Part V of the *Ontario Heritage Act, R.S.O. 1990, c. O. 18*, as amended, hereinafter referred to as the Ontario Heritage Act;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF PORT HOPE ENACTS AS FOLLOWS:

1. DEFINITIONS

For purposes of this By-law, the following definitions shall apply:

1.1 "Abandoned sign" means a sign which no longer correctly identifies or advertises a business, lessor, service, owner, project or activity presently conducted, sold or offered on the lot.

1.2 "Alter, Altered or Alteration" means any change to a sign:

1.2.1 located on a property designated under Part IV or Part V of the Ontario Heritage Act which is a change to the location, size, height, colours, materials or lighting of an existing sign.

1.2.2 on all other properties, any change to a sign other than:

1.2.2.1 a change in the message displayed by a sign;

1.2.2.2 the rearrangement of numerals, letters or copy applied directly to the face of a sign and specifically designed and intended to be periodically rearranged; or,

1.2.2.3 repair and maintenance, including replacement by identical components unless such works change the size, height or location of the sign or otherwise affect the structure of the sign.

1.3 "Billboard Sign" means a self-supporting sign structure with a face area of 6.5 square metres or greater to which advertising copy is fastened in such a manner so as to permit its periodic replacement and which displays goods, products, services or facilities that are not available at the location of the sign and/or which directs or invites a person to a location different from that on which the sign is located.

1.4 "Building Façade" means that portion of any exterior elevation of a building extending from grade to the top of the parapet, wall or eaves and encompassing the entire width of the building.

1.5 "Building Nameplate" means a non-illuminated, metal, cement or stone tablet, attached or inset per premise and having a sign area less than 0.25 square metres.

1.6 "Canopy Sign" means any sign on a building other than a projecting sign, soffit sign, or wall sign. For greater certainty "Canopy Sign" includes signs on awnings and similar projections.

1.7 "Chief Building Official" means the Chief Building Official of The Corporation of the Municipality of Port Hope.

1.8 "Clear Height" means the distance between the highest elevation of the ground beneath a sign or awning, and the lowest point of the sign or awning exclusive of the sign or awning structure.

1.9 "Contractor's Sign" means a temporary sign used to identify the name or names of the contractors doing work on a lot, where such sign is removed upon completion of the work.

1.10 "Designated Postering Area" means an area on a pole or other structure designated by the Municipality as an area within which or upon which posters or private advocacy signs may be placed in accordance with the provisions of this by-law.

1.11 "Developer's Sign" means a sign used to identify the name of a land development project that is either ongoing or going through the approval process, where such sign is removed upon completion of the development project. A Developer's Sign may indicate the availability of the real property for sale, lease or rent.

1.12 "Directional Sign" means a sign that provides direction or other information for the control of vehicular and pedestrian traffic on a lot, such as entry or exit signage, loading area signage, or on-site parking signage, and includes menu signage and similar on-site instructional signage.

1.13 "Directory Board Sign" means a sign that identifies various businesses in the same building by company name and suite number, or a sign that lists the services provided by one business.

1.14 "Election Sign" means a temporary sign erected in connection with a Federal, Provincial or Municipal election by or on behalf of a candidate.

1.15 "Exterior Lot" means a lot situated at the intersection of two or more streets where the angle of the intersection of the two streets is not more than 135 degrees.

1.16 "Flashing Sign" means a type of sign defined in this By-law that contains lights that vary in intensity at lapsed intervals.

1.17 "Ground Sign" means any sign that is supported from the ground and not attached to any part of a building, including a Pylon Sign.

1.18 "Heritage Port Hope" means the Heritage Port Hope Advisory Committee (HPH), successor to the former Port Hope Local Architectural Conservation Advisory Committee (LACAC).

1.19 "Heritage Sign Approval" means approval by Heritage Port Hope for the erection, alteration or relocation of a sign on a property designated under Part IV or Part V of the Ontario Heritage Act.

1.20 "Illuminated Sign" means a type of sign defined in this By-law that is lit by an exterior light source.

1.21 "Lot" means a parcel of land which is distinct from the ownership of adjoining lots or parcels of land, whether such parcel is described in a registered deed, or shown as a lot or block on a registered plan of subdivision.

1.22 "Luminous Sign" means a type of sign as defined in this By-law that is lit by internal lamps, luminous tubes, or reflectorized glowing or radiating lights.

1.23 "Municipal Property" means property owned by or under the control of The Corporation of the Municipality of Port Hope and shall include streets as defined herein within the Municipality of Port Hope.

1.24 "Municipality" means The Corporation of the Municipality of Port Hope.

1.25 "Off-Premise Sign" means any sign advertising a business, person, activity, good, product or service that is not principally related to, or available at the location or on the lot where the sign is located, and/or which generally directs people to locations different from the location where the sign is located. Off-Premise Signs may include Portable Signs, Sandwich Board Signs, Billboard Signs, Wall Signs, Signs Advertising Yard Sales, Garage Sales, Auctions and/or Open Houses, Special Event Signs; but does not include Ground Signs, Real Estate Signs, Election Signs, Developer's Signs, and Contractor's Signs.

1.26 "Owner" means the registered owner of the lot upon which a sign is, or is to be, erected. When used in context with a sign, Owner shall mean the owner of the sign.

1.27 "Parapet" means an extension of a wall of a building above the roof level of the building.

1.28 "Person" means any human being, association, firm, partnership, incorporated company, corporation, agent or trustee and any heirs, executors, successors, assigns or other legal representatives of a person to whom a contract can apply according to law.

1.29 "Portable Sign" means temporary sign, not including a Private Advocacy Sign, which is specifically designed or intended to be readily moved from one location to another and which does not rely on a building or fixed foundation for its structural support.

1.30 "Poster" means a sign made out of paper or other lightweight material having a thickness of .5 millimetres or less which is secured to another structure such as a fence, utility pole or light standard for support.

1.31 "Private Thoroughfare" means that portion of private property over which vehicular traffic has the right of passage, and without limiting the generality of the foregoing, shall include private roadways, laneways, driveways, and parking areas.

1.32 "Projecting Sign" means a permanent sign which projects perpendicularly from the wall, pole or spar of a building to which the sign is affixed for support.

1.33 "Public Information Sign" means any sign erected for or at the direction of any government authority, agency, board or committee for the purpose of providing information to the public concerning such authority, agency, board or committee, or any proceedings thereof, and shall include signs that advertise applications for official plan or zoning by-law amendments.

1.34 "Private Advocacy Sign" means a temporary sign erected for the purposes of expressing a thought, belief or opinion in accordance with Section 2b. of the Canadian Charter of Rights and Freedoms.

1.35 "Read-o-graph Sign" means a portable sign composed of manually or electronically interchangeable letters intended to convey a temporary

message.

1.36 "Real Estate Sign" means a temporary sign erected on a lot or affixed to a building to advertise the availability of the real property for sale, lease or rent.

1.37 "Roof Sign" means a permanent sign, the face of which is above the roof level or parapet of the building upon which the sign is affixed.

1.38 "Sandwich Board Sign" means a sign that is self-supporting on-grade, constructed of substantive weather-resistant materials, typically forming the shape of an 'A' when erected.

1.39 "Setback" means distance from the closest point on the sign from the property line.

1.40 "Sign" means any advertising device or display upon which there is printed, projected or attached any announcement, declaration, or insignia, used for direction, information, identification, advertisement, business promotion or promotion of products, or availability of services, whether intended to be permanent or temporary capable of being readily moved or relocated, and includes an inflatable model placed on a lot for the purpose of advertising, and also includes banners and vehicles used strictly as advertising devices, and shall include the sign structure and the sign face, but shall not include flags or other embellishments to a lot or building that are strictly for design or architectural purposes.

1.41 "Sign Area" means the surface area of a sign face, except on a double-faced sign where only the larger of the two sign faces shall be calculated as the sign area. Where letters, figures or symbols are affixed to a wall separately to constitute a sign, the sign area shall be deemed to be the area of the smallest rectangle, triangle, circle or oval or combination thereof which will enclose all of the sign message components. For purposes of this definition, a double-faced sign shall mean a sign with two sign faces back-to-back facing opposite directions.

1.42 "Sign Face" means that portion of a sign on which a message is intended to be displayed.

1.43 "Sign Height" means the distance measured from height of the ground directly beneath the sign to the highest point of the sign including the sign structure and the sign face.

1.44 "Sign Permit" means a permit issued by the Chief Building Official in accordance with the provisions of this by-law.

1.45 "Sign Structure" means the supporting structure and framework that supports the sign face.

1.46 "Soffit Sign" means a sign, mounted to the underside of a projecting canopy or soffit.

1.47 "Special Event Sign" means a sign, flag, banner, decoration or other advertising device advertising a civic celebration or festival or other special event.

1.48 "Street" means a highway as defined in the Municipal Act including highways under the jurisdiction of the Municipality, Northumberland County and the Province of Ontario, and shall include all travelled and un-travelled portions of a highway, and shall include lanes and walkways owned by the Municipality, but shall not include a private thoroughfare.

1.49 "Street Frontage" means the linear distance of the street line of a lot.

1.50 "Street Line" means the common lot line that divides a street from a lot.

1.51 "Temporary Sign" means a sign that is not permanently displayed and not permanently affixed to the ground but is installed in the ground using wooden or metal stakes or poles or similar structures or is attached to any other sign, building or structure.

1.52 "Unsafe" means; structurally inadequate or faulty; or,in a condition or location that could be hazardous to any person or property.

1.53 "Wall Sign" means a permanent sign, parallel to the building wall to which it is attached.

1.54 "Window Sign" means a sign located in or on a window which is intended to be seen from beyond the property, but does not include a "Luminous Sign" or a poster less that 0.5 square metres advertising a coming event in the Municipality which is to occur within 30 days.

1.55 "Zone" means any zone established in Restricted Area By-law 3350 as amended from time to time, the Restricted Area By-law 3035 as amended from time to time, and the Restricted Area By-law 2857/73 as amended from time to time, inclusive of any site specific amendment, and any successor By-laws.

2. GENERAL PROVISIONS

2.1 This By-law shall apply to all signs and other advertising devices within the limits of The Corporation of the Municipality of Port Hope except as otherwise provided in this By-law.

2.2 This By-law shall not apply to signs located in the interior of any building, except for such signs that are placed so as to be visible from the exterior of the building.

2.3 This By-law shall not apply to signs having an area less than 0.25 square metres that display municipal addresses, 911 property identifications, building nameplates or directory boards.

2.4 Measurements in this By-law are provided in metric units.

2.5 No person shall erect, display, alter, repair or maintain, or cause the same to any sign or other advertising device within the corporate limits of the Municipality on a lot in any zone specified in Schedule "C" except in compliance with:

2.5.1 the applicable number, size and location requirements specified in Schedule "C" to this By-law;

2.5.2 a sign permit except where exempted under this By-law; and

2.5.3 the applicable regulations set out for that type of sign or relating to that type of property detailed in this by-law.

2.6 This By-law shall not apply so as to require any sign, other than a temporary sign or a sign located on municipal property, that was lawfully erected or displayed on the date this By-law comes into full force and effect that does not comply with the provisions of this By-law, to be made to comply with this By-law so long as the sign is not altered.

2.7 This By-law shall not apply so as to require any temporary sign lawfully erected or displayed on the date this By-law comes into full force and effect that does not comply with the provisions of this By-law, to be removed until such time as the date for removal of the temporary sign set out in the sign permit issued therefore has expired, at which time such sign shall be removed, or otherwise until the sign is removed where no sign permit was required.

No extensions to sign permits for temporary signs existing on the effective date of this By-law shall be approved except in accordance with the provisions of this By-law.

2.8 If any sign legally existing on the date this By-law comes into full force and effect is removed or deemed by the Chief Building Official to be altered, any replacement or upgrading shall be in accordance with all requirements of this By-law.

2.9 Unless exempt from a sign permit pursuant to this by-law, no person shall erect or display a sign or other advertising device on a lot in any Zone other than a Zone specified in Schedule "C" to this By-law.

2.10 No person shall erect any sign upon or attached to any building or other approved support unless such building or structure will carry the additional dead and wind loads due to the erection of such sign or without exceeding the stresses on the respective materials as may be set out in the Ontario Building Code.

2.11 Where required by the Chief Building Official, signs including their supporting structure, shall be designed in accordance with the Ontario Building Code.

2.12 Every sign whether or not a permit is required shall be kept clean, neatly painted, well maintained and in a good state of repair as to safety and appearance.

2.13 No person shall permit a sign belonging to that person or that person's tenant to become unsafe.

2.14 **Provision for Signs on and over Streets and Walkways**

2.14.1 Except as may otherwise be provided for in this By-law, no person shall erect or otherwise permit any sign erected over a private thoroughfare or portion of a street used for vehicular traffic to be erected or maintained without a minimum clearance under the sign of 4.3 metres.

2.14.2 Except as may otherwise be provided for in this By-law, no person shall erect or otherwise permit any sign erected over a sidewalk, walkway or trail without a minimum clearance under the sign of 2.4 metres.

2.14.3 Signs permitted by this By-law to project over or to be located on a street are permitted at the pleasure of the Municipality, and the Council of The Corporation of the Municipality of Port Hope reserves the right to amend this By-law to prohibit such encroachments, whereupon such encroachments shall be removed.

2.14.4 The Municipality reserves the right to require that an owner of a sign that projects over or is located on a street to enter into an encroachment agreement with the Municipality and provide any liability insurance to the Municipality as it may require.

2.15 **Lighting Regulations**

2.15.1 Any Illuminated, Luminous, Flashing and Read-o-graph sign otherwise in compliance with this By-law shall not interfere with the enjoyment of neighbouring lands or interfere with visibility on nearby streets.

2.15.2 Illuminated signs are not permitted in Residential zones except for the following:

2.15.2.1 Home Occupations in accordance with the applicable restricted area Zoning By-law.

2.15.2.2 Licenced Bed & Breakfast Establishments.

2.15.3 Luminous, Flashing and Read-o-Graph Signs are prohibited in all Residential zones and on all properties designated under Part IV or Part V of the Ontario Heritage Act.

2.16 **Off-Premise Signs**

The maximum number of Off-Premise Signs on a lot shall be one (1) in accordance with Schedule "C" and all other provisions of this By-law.

2.17 **Liability**

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 for personal injury or property damage resulting from the placing or erecting of such sign or resulting from negligence or willful acts of such person, or of his/her agents or employees in the construction, erection, maintenance, repair or removal of any sign erected in accordance with a sign permit issued hereunder, nor shall it be construed as imposing upon the Municipality or its officers or employees any responsibility or liability by reason of the approval of any sign, materials or devices under provisions of this By-law.

3. PROHIBITED SIGNS

3.1 No person shall erect, place or display or cause the erection, placement or display of:

3.1.1 Any sign that contravenes any requirement of this By-law, the Ontario Building Code or any other applicable regulation, as amended from time to time.

3.1.2 Any sign that overhangs or encroaches on municipal property including streets unless expressly authorized by by-law.

3.1.3 Any sign that is declared by the Chief Building Official to be unsafe, or a danger to public safety by reason of its location or inadequate or improper construction or maintenance.

3.1.4 Any sign that is located so as to obstruct the view of any pedestrian or motor vehicle driver so as to cause an unsafe condition.

3.1.5 Any sign that is located so as to obstruct or impede any flue, air intake, fire escape, fire exit, door, window, skylight or exhaust or so as to impede free access by fire fighters to any part of a premise.

3.1.6 Any sign that is attached or secured to a tree, fence post, fence or utility pole on municipal property unless expressly authorized by this by-law.

3.1.7 Any vehicle parked and located for the purpose of advertising a place of business, a product or a service.

3.1.8 Any sign other than a roof sign that is erected upon or supported by a parapet.

3.1.9 Any sign located on an exterior lot that is placed in the triangular space formed by the street lines for a distance of 9 metres from their point of intersection, or any lot from which the Municipality has previously obtained a day-lighting triangle.

3.1.10 Any sign that may confuse passing motorists or interfere with the safe movement of traffic.

3.1.11 Any obsolete sign which no longer advertises a business conducted, or a product sold at the sign location.

3.1.12 Any sign that obstructs a required parking space and prevents a space from being utilized as such.

3.1.13 Any sign painted on the exterior walls of any building, unless approved by the Municipality of Port Hope.

4. PERMIT EXEMPTIONS

4.1 The following signs are permitted in any zone without a permit from the Municipality of Port Hope, provided the sign complies with all the provisions stipulated in the by-law for that sign classification:

4.1.1 Election Signs;

4.1.2 Real Estate Signs;

4.1.3 Contractor's Signs;

4.1.4 Developer's Signs;

4.1.5 Window Signs;

4.1.6 Directional Signs;

4.1.7 Warning Signs and No Trespassing Signs;

4.1.8 Traffic Control Signs;

4.1.9 Public Information Signs;

4.1.10 Special Event Signs;

4.1.11 Signs Advertising Yard Sales, Garage Sales, Auctions and/or Open Houses;

4.1.12 Signs Identifying Crops and Advertising Farm Produce;

4.1.13 Private Advocacy Signs;

4.1.14 Posters

5. REGULATIONS BY SIGN TYPE

5.1 Election Signs

5.1.1 Election signs are prohibited on public property, but are permitted on Municipal road allowances except:

5.1.1.1 on the travelled portions of road allowances;

5.1.1.2 within 1.5 metres of the travelled portions of road allowances; and

5.1.1.3 within 15.0 metres of any intersection.

5.1.2 Election signs are permitted in any Zone following declaration of a Provincial or Federal election or within 8 weeks prior to the date of a municipal election. All Election Signs shall be removed by the candidate or the agent of the candidate within 1 week following the date of the election.

5.1.3 Election signs shall not be erected on private property without the owner's consent.

5.1.4 Election signs on public property shall be affixed to the ground and shall not be nailed or fastened in any way to a utility pole, traffic control sign or device, or tree.

5.1.5 Election signs shall not exceed 3.0 square metres in surface area.

5.2 Real Estate Signs

5.2.1 Real Estate signs are permitted in any Zone on a lot which is for sale or available for lease or rent,

5.2.2 Real Estate signs shall be removed no later than the date on which the sale of the said lot closes.

5.2.3 Real Estate signs shall not have a sign area:

5.2.3.1 exceeding 1.0 square metre on any lot within a Residential Zone or on a lot containing a residential use; or,

5.2.3.2 exceeding 14.0 square metres in any other zone.

5.2.4 The number of Real Estate signs permitted on any lot shall be:

5.2.4.1 a maximum of 1 sign for each 61 metres or part thereof of street frontage; or,

5.2.4.2 a maximum of 1 sign for each separate street frontage on an exterior lot;

whichever is the greater.

5.3 Contractor's Signs

5.3.1 A Contractor's Sign is be permitted in any Zone on a lot where there is active and ongoing construction by the business or person so indicated on the sign,

5.3.2 A Contractor's Sign and shall be removed upon completion of construction.

5.3.3 A Contractor's Sign shall not have a sign area exceeding 1.0 square metre.

5.4 **Developer's Signs**

5.4.1 A Developer's Sign may be permitted in any Zone on a lot that is subject to a current or proposed development or redevelopment project.

5.4.2 A maximum of 2 Developer's Sign may be permitted on a lot for each separate street onto which the lot subject to the development project fronts.

5.4.3 A Developer's Sign shall be removed within 21 days from the date of completion of the development or redevelopment project.

5.4.4 A Developer's Sign shall have a minimum setback of 1.2 metres from the property line.

5.4.5 The maximum sign area for each Developer's Sign shall not exceed 14 square metres in area.

5.4.6 The maximum sign height for a Developer's Sign shall be 5 metres.

5.4.7 Developer's Signs are prohibited on public property or municipal road allowances unless the Developer provides proof to the satisfaction of the Chief Building Official of third party liability insurance coverage with respect to the Developer's Sign in an amount of at least 2 million dollars.

5.4.8 A Developer's Sign may be placed on a municipal road allowance between Friday at 6 a.m. and the following Sunday at 6 p.m. except for the following portions of road allowances:

5.4.8.1 the travelled portions of road allowances;

5.4.8.2 within 1.5 metres of the travelled portions of road allowances; and,

5.4.8.3 within 15.0 metres of any intersection.

5.5 **Window Signs**

5.5.1 Window Signs shall be permitted in any Commercial or Industrial Zone.

5.5.2 If a Window Sign is placed on premises designated under Part IV or Part V of the Ontario Heritage Act, it must meet the following specifications:

5.5.2.1 window Signs on designated properties require Heritage Sign Approval from HPH;

5.5.2.2 window Signs on designated properties shall not exceed 15 per cent of the total glassed-in area; and,

5.5.2.3 messages on windows of buildings designated under the Ontario Heritage Act must relate to the business within said premises.

5.5.3 On premises not designated under Part IV or Part V of the Ontario Heritage Act, a Window Sign shall not exceed more than 30 per cent of the window area in which the Window Sign is located.

5.6 **Directional Signs**

5.6.1 Directional signs shall be permitted in any Zone along or adjacent to any private thoroughfare.

5.6.2 Directional signs shall not have any sign face exceeding 2.0 square metres.

5.7 Warning Signs and No Trespassing Signs

Warning signs and No Trespassing signs each having a maximum sign area of 1.0 square metre shall be permitted in any Zone.

5.8 Traffic Control, Public Information and Other Signs

5.8.1 Nothing in this By-law shall apply to prevent the erection of any sign on any street or on other property under the jurisdiction or control of the Municipality in any Zone by a person duly authorized:

5.8.1.1 to regulate traffic;

5.8.1.2 to provide for the safety or protection of the public;

5.8.1.3 to provide the public with information which shall include tourist directional signage and service club identification; or,

5.8.1.4 such other signs as may be authorized by resolution of Council of The Corporation of the Municipality of Port Hope.

5.9 Special Event Signs

5.9.1 A Special Event sign shall not be erected more than 21 days prior the commencement of the event and shall be removed within 48 hours following the completion of the advertised event.

5.9.2 A Special Event sign located on or over a public street or other municipal property shall not be erected without the prior written approval of the Chief Administrative Officer of the Municipality of Port Hope.

5.9.3 The installation of a Special Event sign over a public street is permitted subject to the following requirements:

5.9.3.1 The sign shall not exceed 1.0 metre in height and 7.3 metres in length;

5.9.3.2 The sign shall have grommets along the top and bottom, spaced not more than 0.6 metres apart; and,

5.9.3.3 air holes shall be incorporated throughout the sign to minimize wind resistance.

5.10 Signs Advertising Yard Sales, Garage Sales, Auctions and/or Open Houses

A yard sale, garage sale, auction and/or open house sign is permitted, provided it is not greater than 1.0 square metre in area and it is erected not more than 1 day prior to the commencement of the event and shall be removed within 12 hours following the completion of the advertised event.

5.11 Signs Identifying Crops and Advertising Farm Produce

A sign which identifies crops or farm produce grown on the property, is permitted provided such sign is not greater than 1.0 square metre in area.

5.12 **Private Advocacy Sign**

5.12.1 A Private Advocacy Sign is permitted in any zone, provided the sign is not located on public property, except within the designated postering areas listed on Schedule "D" attached to this By-law.

5.12.2 The number of Private Advocacy Signs on a private property or lot shall not exceed two (2);

5.12.3 A private Advocacy Sign shall not exceed 2.0 metres in height; and

5.12.4 A private Advocacy Sign shall not have an area in excess of 0.5 square metres.

5.13 **Ground Signs**

5.13.1 No person shall erect a Ground Sign, except where permitted pursuant to the provisions of Schedule "C" of this By-law, and in accordance with the following provisions:

5.13.1.1 Where more than 1 ground sign is permitted in accordance with Schedule "C", a minimum separation distance of 76.2 metres between the signs shall be provided.

5.13.1.2 Notwithstanding Column 5 of Schedule "C", where lands are zoned Industrial or Commercial and abut Highway 401 the following provisions apply:

5.13.1.3 where a ground sign is located within 5 metres of a lot line abutting the Highway 401 right of way, the maximum sign height shall be 9.0 metres; and,

5.13.1.4 the maximum number of ground signs shall be two (2) per lot.

5.13.2 A Ground Sign advertising a Home Occupation is permitted in any residential zone in accordance with the provisions of Schedule "C" and all other provisions of this By-law.

5.14 **Wall Signs**

5.14.1 No person shall erect a Wall Sign, except where permitted pursuant to the provisions of Schedule "C" of this By-law, and in accordance other applicable sections of the By-law.

5.14.2 Wall Signs may be erected or displayed on the side of a building façade that is visible from a street, private thoroughfare, or sidewalk, walkway or trail. Where a business is located on a storey other than the first storey, a wall sign may be located on that storey.

5.14.3 No Wall sign shall extend above the building façade.

5.14.4 A Wall Sign advertising a Home Occupation is permitted in any residential zone in accordance with the provisions of Schedule "C" and all other provisions of this By-law.

5.15 **Projecting Signs**

5.15.1 No person shall erect a Projecting Sign, except where permitted pursuant to the provisions of Schedule "C" of this By-law, and in accordance with other applicable sections of the By-law.

5.15.2 Projecting Signs affixed to such buildings shall not may more than 0.45 metres over the street line.

5.16 **Canopy Signs**

5.16.1 No person shall erect a Canopy Sign, except where permitted pursuant to the provisions of Schedule "C" of this By-law, and in accordance with other applicable sections of the By-law.

5.16.2 The maximum sign face of any Canopy Sign affixed to any single building façade shall be 15% of the total area of the building façade to which the Canopy Sign is affixed.

5.16.3 For premises designated under Part IV or Part V of the Ontario Heritage Act retractable awnings to fit the storefront are permitted and may have the shop identification and address on its valance.

5.16.4 Awnings shall be covered with canvas or a material replicating canvas in appearance.

5.16.5 Fixed awnings and/or back-lit awnings shall not be permitted.

5.17 **Soffit Signs**

5.17.1 No person shall erect a Soffit Sign, except where permitted pursuant to the provisions of Schedule "C" of this By-law, and in accordance other applicable sections of the By-law.

5.17.2 No Soffit sign shall extend above the building façade.

5.17.3 No Soffit sign shall be closer than 0.2 metres from the outer edge of the soffit upon which it is mounted.

5.17.4 No Soffit Sign shall have a vertical dimension greater than 0.5 metres or have a horizontal dimension greater than 2.4 metres.

5.18 **Roof Signs**

5.18.1 No person shall erect a Roof Sign, except where permitted pursuant to the provisions of Schedule "C" of this By-law, and in accordance with other applicable sections of the By-law.

5.18.2 Where permitted on Schedule "C" to this By-law, no more than 1 Roof Sign that may have either 1 or 2 sign faces shall be permitted.

5.18.3 No Roof sign shall extend more than 1.52 metres above the maximum height of the roof upon which the Roof sign is erected.

5.18.4 No single sign face of a Roof sign shall exceed 5 square metres in area.

5.18.5 Roof signs shall be secured to the building structure to the satisfaction of the Chief Building Official.

5.18.6 The sign structure of a Roof sign shall be free of any extra bracing, angle iron, guy wires, cables, or similar; the supports for a Roof sign shall be an architectural and integral part of the sign.

5.18.7 Materials for the purposes of constructing Roof signs shall be non-

decomposing.

5.19 **Portable Signs**

5.19.1 No person shall erect a Portable Sign, except where permitted pursuant to the provisions of Schedule "C" of this By-law, and in accordance with other applicable sections of the By-law.

5.19.2 Where permitted on Schedule "C" to this By-law, no more than 1 Portable Sign that may have either 1 or 2 sign faces shall be permitted.

5.19.3 No sign permit shall be issued for a Portable sign more than 30 days in advance of when the Portable sign for which the permit has been requested is to be erected.

5.19.4 The maximum number of days that a Portable Sign may be erected on a lot within any one calendar year (January 1st to December 31st) shall be 60.

5.19.5 No person shall permit a portable sign to be erected or displayed beyond the effective period of the sign permit issued for the portable sign.

5.19.6 A Portable Sign shall be located entirely on a lot and shall not be located on or encroach onto a street.

5.19.7 A Portable Sign shall not be located within:

5.19.7.1 30 metres from any other Portable Sign;

5.19.7.2 4.5 metres from a driveway exiting onto a street;

5.19.7.3 1.2 metres from any lot line other than a street line;

5.19.7.4 3 metres from a public sidewalk; and,

5.19.7.5 4.5 metres from any curb line or edge of the travelled portion of a street.

5.19.8 Except as may otherwise be provided:

5.19.8.1 no Portable Sign shall have a sign height exceeding 2.5 metres; and,

5.19.8.2 the maximum sign area of a Portable Sign shall be 4.5 square metres.

5.19.9 Portable signs shall be anchored, pinned, weighted, tied, or shall possess sufficient integral weight, so as to prevent overturning in heavy winds.

5.20 **Sandwich Board Signs**

5.20.1 No person shall erect a Sandwich Board Sign on a street which is under the jurisdiction of the Municipality of Port Hope or on private property, except where permitted pursuant to the provisions of Schedule "C" of this By-law, and in accordance with other applicable sections of the By-law.

5.20.2 Where permitted on Schedule "C" to this By-law, no more than 1 Sandwich Board Sign that may have either 1 or 2 sign faces shall be permitted.

5.20.3 Sandwich Board signs shall have a maximum height of 1.25 metres and a maximum width of 0.61 metres.

5.20.4 Where located on a lot, Sandwich Board signs may be located adjacent to any lot line including a street line.

5.20.5 Sandwich Board signs shall not be located on any street except where the front yard setback of the building is less than 0.6 metres, provided that:

5.20.5.1 the sandwich board sign shall be placed either on the sidewalk or boulevard immediately in front of or adjacent to the business advertised on the sign, so as not to impede the safe movement of pedestrians; and,

5.20.5.2 the sandwich board sign shall only be placed on the street during the hours when the business advertised on the sign is open.

5.20.6 Sandwich Board signs shall be anchored in place through weight or other support so as to prevent incidental movement of the sign through the impacts of wind.

5.20.7 A permit for Sandwich Board sign expires December 31st of the year in which the permit was issued. For Sandwich Board signs to be located on Municipal property including streets or sidewalks, proof of third party liability insurance coverage with respect to the Sandwich Board sign in an amount of at least 2 million dollars is a requirement including all fees and drawings and other requirements prescribed by this By-law.

5.20.8 The renewal of any Sandwich Board Sign permit is subject to the provisions of this By-law and provided:

5.20.9 The applicable fee is paid in accordance with this By-law; and,

5.20.10 For Sandwich Board signs to be located on Municipal property including streets or sidewalks, proof of third party liability insurance coverage with respect to the Sandwich board sign in an amount of at least 2 million dollars.

5.20.11 A Sandwich Board Sign advertising a Home Occupation is permitted in any residential zone in accordance with the provisions of Schedule "C" and all other provisions of this By-law.

5.21 **Billboard Signs**

5.21.1 No person shall erect a Billboard Sign, except where permitted pursuant to the provisions of Schedule "C" of this By-law, and in accordance with other applicable sections of the By-law.

5.21.2 No Billboard sign shall be located within 400 metres of any street, or greater than 500 metres distance from any street from which the Billboard sign will be viewed .

5.21.3 Billboard signs shall have a minimum 10 metre setback from any abutting property line, unless an abutting property is zoned Residential where the minimum setback from such abutting Residential property line shall be 500 metres.

5.22 **Signs for Properties Designated Under the Ontario Heritage Act**

5.22.1 The Chief Building Official shall receive and review all Heritage Sign Approval applications for properties designated under Part IV or Part V of the Ontario Heritage Act with the Heritage Port Hope Advisory Committee (referred to as HPH) for the Municipality of Port Hope.

5.22.2 For those properties designated under Part IV or Part V of the Ontario Heritage Act, the following provisions apply:

5.22.2.1 Materials used in the construction of signs shall be wood, material that simulates wood or traditional matte finished metals. Sheet plastic, plexiglass, vinyl and other synthetic materials are prohibited unless the proponent can demonstrate, with historical reference, to the satisfaction of the Chief Building Official that the material application is appropriate to the age and style of the building.

5.22.2.2 Lettering shall be in accordance with the suggested fonts attached as Schedule "A" to this By-law unless the proponent can demonstrate with historical reference, to the satisfaction of the Chief Building Official that the lettering is appropriate to the age and style of the building.

5.22.2.3 Paint choices shall be in accordance with the suggested heritage colour palettes attached as Schedule "B" to this By-law unless the proponent can demonstrate to the satisfaction of the Chief Building Official that the colour is a true match to one of the heritage colours.

5.22.2.4 No sign shall be mechanically or electronically driven or have any moving parts.

5.22.2.5 Luminous, Flashing and Read-o-Graph Signs are prohibited on all properties designated under Part IV or Part V of the Ontario Heritage Act.

5.23 **Posters**

5.23.1 Any person who erects or displays a Poster within the limits of a Municipal road in contravention of this by-law is guilty of an offence.

5.23.2 No person shall erect or display or cause to be erected or displayed on a municipal highway or road allowance any Poster except on the following Designated Postering Areas:

5.23.2.1 upon poles or structures designated and marked for such purpose by the Municipality and the words "Designated Postering Area".

5.23.3 No person shall erect or display or cause to be erected or displayed a Poster on a Designated Postering Area unless:

5.23.3.1 only one copy of the Poster is attached within the Designated Postering Area;

5.23.3.2 only staples or low adhesive tape is used to attach the Poster, so that no loose edges exist;

5.23.3.3 the Poster is made of biodegradable material; and

5.23.3.4 the Poster does not exceed 60 centimetres in width and 60 centimetres in length.

5.23.4 No person shall erect or display or cause to be erected or displayed any Poster for a period in excess of 30 days.

5.23.5 Any Poster found not to be in compliance with this by-law may be removed by the Municipality.

5.23.6 The Municipality may remove Posters from a Designated Postering Area during maintenance operations regardless of the length of time the Posters have been in place.

5.23.7 Where a Poster has been removed pursuant to this by-law, the Poster may forthwith be destroyed or otherwise disposed of by the Commissioner without any notice or compensation to the owner thereof.

6. SIGN PERMITS

6.1 No person shall erect any sign without first applying for and obtaining a sign permit for such sign from the Chief Building Official unless the sign is exempt from Sign Permit requirements and is in compliance with all applicable requirements of this By-law.

6.2 For those properties not designated under Parts IV or V of the Ontario Heritage Act, no sign permit shall be required for any alterations or repairs to an existing sign if such alterations or repairs involve only a change of the message on the sign or the repainting cleaning or other normal maintenance and repair of the sign.

6.3 For properties designated under Part IV or Part V of the Ontario Heritage Act, a Heritage Sign Approval shall be required for the installation, alteration or relocation of any sign.

6.4 **Application for Sign Permit and/or Heritage Sign Approval**

6.4.1 Where required by this By-law, applications for a sign permit shall be made to the Chief Building Official upon a form to be provided by the Chief Building Official. Signs on properties designated under the Ontario Heritage Act shall not be installed, altered or relocated without obtaining a separate Heritage Sign Approval.

6.4.2 A completed application for a sign permit requires the following:

6.4.2.1 The name and address of the Contractor installing the sign;

6.4.2.2 The name and address of the owner of the premises upon which the sign is to be located or the name and address of the person in possession of the premises upon which the sign is to be located;

6.4.2.3 Drawings, plans and specifications showing:

6.4.2.3.1 The location or proposed location of the sign on the premises;

6.4.2.3.2 The location or proposed location of all other signs on the premises for which a permit is required, and

6.4.2.3.3 the dimensions, foundations, construction supports, sizes, electrical wiring and components, materials of the sign and method of attachment and character of structural members to which the attachment is made, together with such other engineering data certified by a duly licensed engineer as required by the Ontario Building Code, as amended.

6.4.2.3.4 Where the premises are designated under Part IV or Part V of the Ontario Heritage Act, requirements for Heritage Sign Approval applications include, in addition to those requirements outlined in subsections 1, 2 and 3, above, relevant information as to the proposed style of lighting (finish and wattage), the materials, message, heritage paint colour(s) and manufacturer, and lettering fonts to be used, and should be accompanied by accurate renderings of the finished project and/or material samples;

6.4.2.4 Proof of possession of all permits as may be required by any other applicable government authority including the Ontario Ministry of Transportation;

6.4.2.5 The required fee.

6.4.2.6 Other information as may be required by the Chief Building Official to ensure that such sign will comply with the requirements of this By-law, the Ontario Building Code, any other applicable law, and to ensure the sign is not unsafe.

6.4.2.7 The consent of the person in possession of the lot or premises upon which the sign is to be erected, to permit entry upon the said premises by the Chief Building Official for the purpose of inspecting the sign in accordance with this By-law, but nothing herein shall be construed to limit or restrict the right of the Chief Building Official to enter upon the premises in accordance with the provisions of the Building Code Act, the Provincial Offences Act or any other applicable statutory authority.

6.4.2.8 In the case of a Portable Sign, the dates the sign is to be in place.

6.5 Fees for Sign Permits

Each application for a sign permit shall be accompanied by a non-refundable fee payable to The Corporation of the Municipality of Port Hope in accordance with the Fees for Services By-law as applicable at the time of application for a sign permit.

6.6 Issuance of Sign Permit

6.6.1 The Chief Building Official shall issue a sign permit except where:

6.6.1.1 the proposed sign or other advertising device will not comply with this By-law or the Ontario Building Code or will contravene any other applicable law; or,

6.6.1.2 the application for the sign permit is incomplete or any

fees due are unpaid.

6.6.2 Any sign permit issued by the Chief Building Official shall attest to the compliance to the provisions of this By-law, but issuance of a sign permit by the Chief Building Official shall not relieve the applicant from obtaining any other permit as may required by any other authority having jurisdiction or any other agency having regulations which may apply, including the Ontario Ministry of Transportation in the vicinity of highways under the jurisdiction of the Province of Ontario.

6.7 **Notice and Inspection Pursuant to a Sign Permit**

To facilitate inspection of the works, the person to whom a sign permit has been issued shall notify the Chief Building Official of:

6.7.1 the readiness to construct the footings for the sign (where footings are required); and,

6.7.2 the completion of the erection, display, alteration, or repair of the sign for which the sign permit was issued.

6.8 **Revocation of Sign Permits**

The Chief Building Official may revoke a sign permit where:

6.8.1 the sign permit was issued on mistaken or false information;

6.8.2 after 6 months after its issuance, the erection, display, alteration or repair of the sign in respect of which the permit was issued has not, in the opinion of the Chief Building Official, been seriously commenced or has been substantially suspended or discontinued;

6.8.3 a person to whom an order has been given in accordance with Section 6.3 of this By-law has failed or refused to comply with such order; or,

6.8.4 a sign permit for a Portable sign has been issued and the Portable sign for which the sign permit has been issued has not been erected within 30 days of the date of issuance of the sign permit.

7. ADMINISTRATION AND ENFORCEMENT

7.1 The Chief Building Official shall be responsible for the administration and enforcement of this By-law.

7.2 The Chief Building Official may assign such inspectors as necessary to carry out the duties and responsibilities granted to and imposed upon the Chief Building Official by this By-law.

7.3 The Chief Building Official may issue an order to comply to require any person who:

7.3.1 having obtained a sign permit, has caused a sign to be erected, displayed, altered, or repaired contrary to the approved plans in respect of which the sign permit was issued; or,

7.3.2 has erected, displayed, altered or repaired a sign contrary to the provisions of this By-law, the Ontario Building Code or any other applicable law;

to make such sign comply or to remove the sign within the time prescribed in the notice.

7.4 The Chief Building Official may issue an order to comply to require any

person who has caused or allowed an existing sign to become unsafe or abandoned to correct the situation to the satisfaction of the Chief Building Official in the manner and within the time prescribed in the order.

7.5 If the person to whom an order to comply has been issued fails to comply with the said order, the Chief Building Official, at his/her option, may initiate procedures provided for in law to enforce this By-law including authorizing the laying of charges and prosecuting persons for contravention of this By-law, and the Chief Building Official may enter land and pull down or remove an existing sign, at the expense of the owner of the sign, if it is erected or displayed in contravention of this By-law.

7.6 Orders issued by the Chief Building Official pursuant to this By-law shall be served on:

7.6.1 such person at his/her address as set out on the application for the sign permit;

7.6.2 the owner of the lot on which the sign has been erected according to the last revised assessment roll; or,

7.6.3 where a sign permit was not applied for, the owner of the sign; and, such order shall be effective as of the date on which such order is served or posted on site.

7.7 Where a sign has been erected or placed on municipal property or on facilities owned by or under the jurisdiction of the Municipality, including on any street:

7.7.1 without authorization;

7.7.2 in contravention of any provision of this By-law; or,

7.7.3 that has become unsafe;

as an alternative to any other remedy provided for under this By-law, the Chief Building Official may remove and impound the sign without notice to the owner of the sign or the business advertised on the sign.

7.8 Where the Chief Building Official has removed and impounded a sign as set out above, such sign shall be retained by the Municipality for a minimum 30 days following its removal, unless reclaimed by the owner of the sign or the business advertised on the sign through payment to the Municipality a $300.00 removal and impound fee for each sign removed. If, after 30 days following removal and impounding of the sign, the owner of the sign or the business advertised on the sign has not reclaimed the sign, the Chief Building Official may dispose of such sign in any manner the Chief Building Official sees fit, and no compensation shall be payable by the Municipality to the owner of the sign or the business advertised on the sign.

8. OFFENCES

8.1 Any person who:

8.1.1 knowingly furnishes false information in any application for a sign permit or any documents or plans accompanying such application for a permit under this By-law; or

8.1.2 fails to comply with any order, notice, direction or other requirement given in accordance with or pursuant to this By-law; or,

8.1.3 contravenes any provision of this By-law;

is guilty of an offence and is liable upon conviction to such penalties prescribed by the Provincial Offences Act, R.S.O. 1990, Chapter P.33 as amended or the Building Code Act S.O. 1992, c.23.

8.2 Each day in which a contravention of this By-law is continued or permitted to continue shall constitute a separate offence and shall be punishable as such hereunder.

8.3 **Minor Variances**

8.3.1 Where a person cannot comply with the provisions of this By-law, application may be made to the Council of The Corporation of the Municipality of Port Hope for a minor variance to the provisions of this By-law.

8.3.2 Application to Council for a variance shall clearly set out why the provisions of the By-law can not be met and shall be accompanied by a fee in the amount of $250.00, which fee shall be non-refundable.

8.3.3 Council may, upon receipt of an application for a minor variance from the provisions of this By-law, authorize such minor variances as may be requested provided in the opinion of the Council the general intent and purposes of this By-law are maintained.

9 VALIDITY

If any section, clause or provision of this By-law is for any reason 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 any part thereof other than the section, clause or provision so declared to be invalid, and it is hereby declared to be the intention of this By-law that all the remaining sections, clauses or provisions of this By-law shall remain in full force and effect until rescinded, notwithstanding that one or more provisions thereof may be declared to be invalid.

10 RESCIND AND EFFECTIVE DATE

10.1 By-law 68/81, amended by By-law 03/91, adopted by the former Town of Port Hope, are hereby repealed. *Any previous by-laws pertaining to signs are hereby repealed.*

10.2 This By-law shall come into force and take effect immediately upon its final passing thereof.

READ a FIRST, SECOND and THIRD TIME and finally passed in Open Council this 20th day of December, 2005.

Rick Austin, Mayor

Frances M. Aird, Clerk