



## The Corporation of the Town of Pelham

By-law No. 48-2023

### **Being a By-law to regulate signs in the Town of Pelham and to repeal By-law No. 4199(2020)**

**WHEREAS** section 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25 (“*Municipal Act, 2001*” or “the statute”) provides that the powers of a municipality under the statute or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality’s ability to respond to municipal issues;

**AND WHEREAS** section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the statute or any other Act;

**AND WHEREAS** section 11 of the *Municipal Act, 2001* provides that a lower-tier municipality has the authority to pass by-laws respecting the economic, social and environmental well-being of the municipality, the health, safety and well-being of persons, the protection of persons and property and structures including fences and signs;

**AND WHEREAS** section 63 of the *Municipal Act, 2001* provides that a by-law may prohibit the placing or standing of an object on or near a highway and may provide for the removal of any such objects;

**AND WHEREAS** section 99 of the *Municipal Act, 2001* provides rules that apply to a by-law respecting advertising devices including signs;

**AND WHEREAS** section 391 of the *Municipal Act, 2001* authorizes a municipality to impose fees and charges on persons for services or activities provided or done by or on behalf of the municipality;

**AND WHEREAS** section 425 of the *Municipal Act, 2001* provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality is guilty of an offence;

**AND WHEREAS** section 429 of the *Municipal Act, 2001* authorizes a municipality to establish a system of fines for offences under its by-laws;

**AND WHEREAS** section 434.1 of the *Municipal Act, 2001* authorizes a municipality to establish a system of administrative monetary penalties to assist the municipality in promoting compliance with its by-laws;

**AND WHEREAS** section 436 of the *Municipal Act, 2001* authorizes a municipality to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a by-law, direction or order of the municipality;

**AND WHEREAS** section 444 of the *Municipal Act, 2001* provides that a municipality, if satisfied that a contravention of a by-law has occurred, may make an order requiring the person who contravened the by-law or caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred, to discontinue the contravening activity;

**AND WHEREAS** section 445 of the *Municipal Act, 2001* provides that a municipality, if satisfied that a contravention of a by-law has occurred, may make an order requiring the person who contravened the by-law or caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred, to do work to correct the contravention;

**AND WHEREAS** section 446 of the *Municipal Act, 2001* provides that where a municipality has authority to direct or require a person to do a matter or thing, the municipality may also provide that, in default of the matter or thing being done by the person directed or required to do it, it shall be done at the person's expense;

**AND WHEREAS** the Council of The Corporation of the Town of Pelham deems it necessary and desirable to regulate signs in the Town of Pelham to enact this By-law for that purpose;

**NOW THEREFORE** the Council of The Corporation of the Town of Pelham enacts as follows:

## **1. Purpose**

- 1.1. The purpose of this By-law is to regulate signs within the Town of Pelham so as to authorize and permit signs that:
- (a) are proportionate to the property, activity or use to which they pertain;
  - (b) are appropriate in size, number and location;
  - (c) provide reasonable and appropriate means for the public to locate and identify facilities, businesses and services;
  - (d) are compatible with their surroundings;
  - (e) preserve or enhance the aesthetic features and visual character of the property on which they are located;
  - (f) minimize adverse impacts on nearby properties;
  - (g) are consistent with the planning, urban design and heritage objectives of the Town; and
  - (h) do not create a distraction or safety hazard for the public.

## **2. Definitions**

2.1. In this By-law:

**"Abandoned Sign"** means a Sign located on a Property that becomes vacant or unoccupied for a period of more than ninety (90) days or any Sign that pertains to a business, purpose or event that is no longer applicable.

**"Accessory Structure"** means an Accessory Structure as defined in the Zoning By-law.



**“Administrative Monetary Penalty”** means an Administrative Monetary Penalty issued pursuant to Town of Pelham Administrative Penalty Process By-law No. 4352(2022), as amended from time to time.

**“Alter”** means to change a Sign, Sign Structure or Sign Face, other than to Maintain it or to modify Copy that is specifically designed and intended to be changed or rearranged from time to time, and **“Alteration”** and **“Altered”** have corresponding meanings.

**“Applicable Law”** means all applicable by-laws of the Town and Niagara Region and all applicable provincial and federal statutes and regulations.

**“Awning”** means a frame system, moveable or fixed, covered with non-rigid material attached to and projecting from a Building or structure but not forming an integral part thereof and does not include a Canopy.

**“Awning Sign”** means a Sign that is printed on or otherwise affixed to the surface of an Awning and that does not project from the Awning in any direction.

**“Banner Sign”** means a Temporary Sign made of lightweight non-rigid material affixed to a Building or Ground Sign and is not an Awning Sign, Canopy Sign, Flag, Inflatable Sign or Window Sign.

**“Billboard”** means an Offsite Sign with Modifiable Copy that is owned by a Person engaged in the business of renting or leasing Sign Face Area for advertising purposes.

**“Building”** means a building as defined in the *Building Code Act, 1992* and the *Building Code*.

**“Building Code Act”** means the *Building Code Act, 1992*, S.O. 1992, c. 23.

**“Building Code”** means the *Building Code*, O. Reg. 332/12.

**“Business Sign”** means a Sign that identifies, advertises or promotes a business or commercial enterprise.

**“Canopy”** means an overhead structure, unenclosed by walls, that may attach to and project from a Building or may be freestanding.

**“Canopy Sign”** means a Sign that is printed on or otherwise affixed to any surface of a Canopy and that may hang from the underside of the Canopy.

**“Clerk”** means the Clerk of the Town or designate.

**“Congratulatory Sign”** means a Temporary Sign that is Displayed in relation to a private special occasion and does not advertise or promote a business or commercial enterprise.

**“Construction Enclosure Sign”** means a Construction Sign affixed to a fence or enclosure around a construction site that provides information about the Building or Structure under construction and may include the builder or trades.

**"Construction Sign"** means a Temporary Sign that includes information that relates to, advertises or promotes a residential, commercial or other development in the Town.

**"Copy"** means the visual content of a Sign including letters, numbers, symbols, images, characters and Logos but does not include letters or numbers used to identify the municipal address of a Property.

**"Council"** means the Council of the Town.

**"Daylighting Triangle"** means a triangular-shaped area of land free of buildings or structures or other visual obstructions, the size of which is prescribed by the Town of Pelham Municipal Engineering Design Manual, as updated or amended from time to time, and which is determined by measuring from the point of intersection of street lines on a corner lot and along each such street line to a required distance and joining such points with a straight line. Where the two street lines do not intersect at a point, the point of intersection shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents to the street lines.

**"Directional Sign"** means a Sign that provides directions to be followed to reach a specific destination, which may include Copy that identifies the destination and/or directs vehicular or pedestrian traffic but shall contain no other advertising Copy.

**"Director"** means the Director of Fire and By-law Services of the Town or designate.

**"Display"** means to attach, affix, build, construct, erect or place a Sign on any Property and **"Displaying"** and **"Displayed"** shall have corresponding meanings.

**"Downtown Area"** means an area designated as "Downtown" under the Town of Pelham Official Plan, as updated or amended from time to time.

**"Enforcement Authority"** means a by-law enforcement officer of the Town, the Director and any Person appointed or otherwise delegated the authority of administration and enforcement of this By-law.

**"External Illumination"** means Illumination directed toward a Sign from a light source that is not affixed to or otherwise part of the Sign.

**"Feather Flag Sign"** means a Temporary Sign made of lightweight non-rigid material that is supported by a freestanding base not affixed to the ground and that can be easily carried or transported.

**"Fees and Charges By-law"** means Town of Pelham By-law No. 4411(2022), as enacted and amended from time to time.

**"Flag"** means a Sign made of lightweight non-rigid material that can be attached by one edge to a flagpole and that is not used for commercial purposes.

**"Front Lot Line"** means the Lot Line(s) along a Highway.

**"Frontage"** means the horizontal distance between the Side Lot Lines of a Lot as measured along the Front Lot Line.



“**Grade**” means the average surface elevation of the ground where it is in contact with any Building, Sign or Structure.

“**Ground Sign**” means a Sign with a maximum Height of 3.0m that is supported by a freestanding base affixed directly to the ground in a fixed location and does not include a Mobile Sign.

“**Height**” means the vertical measurement from the Grade at the base of a Sign to the highest point of the Sign Structure or Sign Face, as the case may be.

“**Highway**” means a highway as defined in the *Highway Traffic Act*, R.S.O. 1990, c. H.8.

“**Illuminate**” means the act of lighting a Sign by way of artificial light, which may be internal or external to the Sign, and “**Illuminated**” and “**Illumination**” shall have corresponding meanings.

“**Incidental Sign**” means an Onsite, non-Business Sign of minor size and consequence and includes a Sign bearing the municipal address of a Property and similar identifying Signs.

“**Industrial Park Sign**” means a Ground Sign that provides information about the industrial park and the businesses and commercial enterprises located within it and is limited to Logos, directions and/or distances.

“**Inflatable Sign**” means a Temporary Sign filled with air or gas.

“**Information Sign**” means a Sign that provides information relating to public order or public safety or that provides for public education relating to the surroundings of the Sign.

“**Interactive Copy**” means Copy that changes to communicate directly and specifically with an observer of the Sign.

“**Internal Illumination**” means Illumination from a light source within a Sign.

“**Logo**” means an image, graphic representation or symbol of the name, abbreviation and/or trademark of a business or commercial enterprise.

“**Lot**” means a parcel or contiguous parcels of land designed and registered at the Registry Office as one parcel of land in one ownership.

“**Lot Line**” means any boundary of a Lot.

“**Maintain**” means to preserve or prevent the deterioration of an existing Sign, Sign Structure or Sign Face but does not include Alterations and “**Maintained**” and “**Maintenance**” shall have corresponding meanings.

“**Menu Board Sign**” means a Sign that is Displayed at a drive-through facility and is used to depict and order products and services available at the drive-through business.

**"Mobile Sign"** means a Sign that is specifically designed and intended to be readily moved from one location to another and that does not rely on a Building, fixed foundation or Structure other than the Sign Structure for support.

**"Modifiable Copy"** means Copy that is specifically designed and intended to be modified, changed or rearranged from time to time by manual or electronic means and includes Illuminated Copy that is programmed to change in a set rotation or sequence.

**"Niagara Region"** means the Regional Municipality of Niagara.

**"Occupant"** means a Person that lawfully occupies a Property and includes Owners and lessees.

**"Official Sign"** means a Sign required by and Displayed in accordance with any Applicable Law.

**"Offsite Sign"** means a Sign that identifies or directs attention to a facility, business, service, event or activity that is not conducted, sold or offered at the Property on which the Sign is Displayed.

**"Onsite Sign"** means a Sign that identifies or directs attention to a facility, business, service, event or activity that is conducted, sold or offered at the Property on which the Sign is Displayed.

**"Owner"** means the registered owner of Property.

**"Parapet"** means any part of the wall of a Building that rises above the roof level of the Building.

**"Parking Space"** means an area of land set aside for the temporary parking of a single motor vehicle and normally designated by lines or other suitable markings painted or marked on the land surface.

**"Permit"** means a permit issued in accordance with this By-law.

**"Person"** means an individual, corporation, partnership or association.

**"Pole Sign"** means a Sign with a Height of greater than 3.0m that is supported by a freestanding base affixed directly to the ground in a fixed location and does not include a Mobile Sign.

**"Poster"** means a Sign printed directly on paper or similar material that is suitable and/or intended for Temporary Display.

**"Private Property"** means Property owned by a Person other than the Town, Niagara Region, the Province of Ontario or Canada.

**"Projecting Sign"** means a Sign that is affixed to the exterior wall of a Building and that projects horizontally in a predominantly perpendicular direction and does not include an Awning Sign or Canopy Sign.

**"Property"** means any land or premises within the Town.

**"Public Property"** means Property under the ownership or jurisdiction of the Town, Niagara Region, the Province of Ontario or Canada.



**"Public Road Allowance"** means a Highway in the Town under the jurisdiction of the Town, Niagara Region or the Province of Ontario.

**"Public Sidewalk"** means any portion of the Public Road Allowance that designated for pedestrian use and that is paved or otherwise improved for use by pedestrian traffic.

**"Public Utility Sign"** means an Official Sign that is Displayed by the supplier of a public utility as defined in the *Public Utilities Act*, R.S.O. 1990, c. P.52.

**"Real Estate Open House Sign"** means a Temporary Sign not anchored to the ground that identifies and/or provides direction to a Property that is offered for sale, rent or lease and is open for viewing by any Person.

**"Real Estate Sales Office Sign"** means a Temporary Sign that advertises a residential development in which one or more Properties are offered for sale and that is Displayed at a Property within the residential development that serves as a model home or sales office.

**"Real Estate Sign"** means a Temporary Sign that advertises and is Displayed at a Property that is offered for sale, rent or lease but does not include a Real Estate Open House Sign or a Real Estate Sales Office Sign.

**"Residential Zone"** means a Residential Zone under the Zoning By-law.

**"Roof Sign"** means a Sign that is attached or affixed to or supported by the roof of a Building and is Displayed on or above the roof or Parapet of the Building.

**"Sequential Sign"** means a Sign that is part of a series of two (2) or more Signs used to convey a single message with each Sign message being dependent upon at least one (1) other Sign message.

**"Side Lot Line"** means a Lot Line other than a Front Lot Line or the Lot Line opposite to the Front Lot Line.

**"Sidewalk Sign"** means a Temporary Sign not anchored to the ground that can be easily repositioned or relocated without mechanical aid.

**"Sign"** means any device, object or thing used to convey information and that is Displayed on any Property to direct attention to a specific subject matter for identification, information or advertising purposes, including but not limited to all types of Signs specifically described in this By-law.

**"Sign Face"** means the portion of a Sign, other than the Sign Structure and any border or frame around the perimeter of the Sign, that contains or is capable of containing Copy.

**"Sign Face Area"** means the height of the Sign Face multiplied by the length of the Sign Face, with both measurements being taken from the interior of any border or frame around the perimeter of the Sign or, where there is no border or frame, from the edges of the Sign.

**“Sign Owner”** means the Person who owns the Sign or holds a Permit for the Sign and includes any Person whose name, address, telephone number or email address appears on the Sign or who benefits from the information conveyed by the Sign and, for greater certainty, there may be more than one (1) Sign Owner.

**“Sign Structure”** means any support, framework, bracing or structure that supports or did support a Sign and that is affixed to or supported by the ground or by a Building or Structure.

**“Special Event Lawn Sign”** means a Temporary Sign that promotes or advertises a public festival, charitable function or other non-profit event that is anchored in shallow ground and is capable of being easily removed or relocated.

**“Structure”** means anything built, constructed or erected with a fixed point on or in the ground or attached to a Building or other Structure that has a fixed point on or in the ground.

**“Temporary”** means a Sign that is not intended or designed for Display on a long-term or permanent basis or that may be Displayed for a limited time in accordance with a Permit or this By-law.

**“Town”** means The Corporation of the Town of Pelham or the geographic area of the municipality, as the context requires.

**“Wall Sign”** means a Sign that is attached or affixed to or supported by the wall of a Building or Structure.

**“Window Sign”** means a Sign that is attached or affixed to the window of a Building or Structure but that does not obstruct any door, window or opening required for light, ventilation, egress or access to the Building or Structure.

**“Yard Sale Sign”** means a Temporary Sign that promotes or advertises a private event commonly described as a garage sale, lawn sale or yard sale, that is affixed to any Structure or anchored in shallow ground and is capable of being easily removed or relocated.

**“Zoning By-law”** means Town of Pelham Zoning By-law No. 4481(2022), as enacted and amended from time to time.

### **3. Application**

3.1. This By-law does not apply to the following Signs:

- (a) any Sign or Poster on Public Property that is Displayed by the Town;
- (b) Offsite Signs at recreational facilities owned by the Town and Displayed pursuant to a written contract between the Sign Owner and the Town;
- (c) Offsite Signs at recreational facilities on Private Property that are not visible past any boundary of the Private Property;
- (d) any Sign or Poster within a Building that is not visible past any boundary of the Property on which the Building is located;
- (e) Incidental Signs;



- (f) Official Signs;
- (g) Public Utility Signs;
- (h) Election Signs within the Town as defined in and regulated by Town of Pelham Election Sign By-law No. 3310(2012).

3.2. The exemptions prescribed by subsection 3.1 do not prohibit any other municipality or government authority from regulating Signs or from requiring a permit or approval for any Sign under other Applicable Law.

#### **4. General Prohibitions**

- 4.1. No Person shall Display any Sign or cause or permit any Sign to be Displayed on any Property except in accordance with this By-law and all Applicable Law.
- 4.2. Without limiting the scope or application of subsection 4.1, where a Permit is required under this By-law, no Person shall Display any Sign or cause or permit any Sign to be Displayed except in accordance with the conditions of the Permit.
- 4.3. Notwithstanding any other provision of this By-law, any Sign that is lawfully Displayed on or before the day on which this By-law comes into force but does not comply with this By-law is permitted to remain and may be Maintained but shall not be Altered or moved to a new Display location except in accordance with this By-law.

#### **5. Prohibitions by Sign Type and Location**

- 5.1. Where a Sign is not exempted from or expressly permitted by this By-law, it shall be deemed to be prohibited.
- 5.2. Without limiting the scope or application of subsection 5.1, the following Signs are strictly and expressly prohibited:
  - (a) any Sign that does not comply with Applicable Law, including but not limited to the *Human Rights Code*, R.S.O. 1990, c. H.19, the *Building Code Act*, the *Building Code*, the *Electricity Act*, 1998, S.O. 1998, c. 15, Sched. A, and the *Electrical Safety Code*, O. Reg. 777/21;
  - (b) Abandoned Signs;
  - (c) Billboards;
  - (d) Business Signs on Property in a Residential Zone unless specifically permitted under this By-law;
  - (e) Offsite Signs unless specifically permitted under this By-law;
  - (f) Sequential Signs;
  - (g) Roof Signs unless specifically permitted under this By-law;
  - (h) any Business Sign or Offsite Sign affixed or attached to or painted on a vehicle or trailer that is parked and not used for transportation for more than five (5) consecutive days, other than vehicles or trailers associated with new construction that are parked on the Property where construction is occurring;

- (i) any Sign that bears all or any part of the Logo, crest or seal of the Town without the express written permission of the Town;
- (j) any Sign that contains Interactive Copy;
- (k) any Sign that emits sound, odour, gas, liquid or solid;
- (l) any Sign that uses flashing or rotating Illumination such that it resembles an emergency light;
- (m) any Sign that moves or appears to move unless specifically permitted under this By-law;
- (n) any Sign that projects Copy onto a surface other than the Sign surface unless specifically permitted under this By-law;
- (o) any Sign affixed or attached to or painted on an Accessory Structure unless specifically permitted under this By-law;
- (p) any Sign that obstructs any door, window or opening required for light, ventilation, egress or access to a Building or Structure;
- (q) any Sign that interferes with utility lines, electrical wires, telecommunications cables or similar installations or with any structure appurtenant to such installations;
- (r) any Sign that requires or uses above-ground electrical wiring;
- (s) any Sign that obstructs or impedes maintenance operations of the Town;
- (t) any Sign that is located on or encroaches upon Public Property without the express written permission of the Town;
- (u) any Sign that overhangs or is within a horizontal distance of 0.6m or less of a Public Sidewalk;
- (v) any Sign attached or affixed to an Official Sign, a utility pole or an appurtenant structure unless specifically permitted under this By-law;
- (w) any Sign attached or affixed to a tree, fence, gate or railing unless specifically permitted by Town of Pelham Fence By-law No. 4157(2019);
- (x) any Sign located within a Daylighting Triangle;
- (y) any Sign that obstructs or is situated within a Parking Space;
- (z) any Sign attached or affixed to a traffic control device or appurtenant structure without the express written permission of the Town;
- (aa) any Sign that interferes with or obstructs the visibility of any Official Sign or traffic control device;
- (bb) any Sign that obstructs or interferes with pedestrian or motor vehicle traffic so as to create a safety hazard; and
- (cc) any Sign that creates or constitutes a danger or hazard to the public.

5.3. Nothing that is prohibited under this By-law shall be authorized by way of minor variance.



## 6. Permit Requirements

- 6.1. The following Signs may be Displayed or Altered without a Permit provided that they comply with all other applicable requirements of this By-law:
- (a) memorial, commemorative or heritage designation Signs;
  - (b) the Flag of any civic, educational or religious organization;
  - (c) the Flag of any commercial or corporate organization that is Displayed at a Height no greater than 7.5m and with a Sign Face Area no greater than 2.7m<sup>2</sup>, and provided that no more than three (3) Flags are Displayed on any one (1) Property;
  - (d) Temporary Banner Signs;
  - (e) Temporary Feather Flag Signs;
  - (f) Information Signs that pertain exclusively to public safety or that exclusively indicate maximum headroom with a Sign Face Area no greater than 0.35m<sup>2</sup>;
  - (g) Directional Signs;
  - (h) Mobile Signs with a Sign Face Area no greater than 0.6m<sup>2</sup>;
  - (i) Window Signs;
  - (j) non-Illuminated Wall Signs permanently attached or affixed to a Building or Structure with a Sign Face Area no greater than 0.6m<sup>2</sup>;
  - (k) the Business Sign of a construction, renovation, landscaping or other contractor that is temporarily Displayed at the Property where the contractor is actively working with a Sign Face Area no greater than 0.6m<sup>2</sup>;
  - (l) Real Estate Signs with a Sign Face Area no greater than 0.6m<sup>2</sup>;
  - (m) Real Estate Open House Signs;
  - (n) Real Estate Sales Office Signs;
  - (o) Special Event Lawn Signs;
  - (p) Sidewalk Signs;
  - (q) Construction Signs with a Sign Face Area no greater than 10.0m<sup>2</sup>;
  - (r) Construction Enclosure Signs that do not extend beyond the structure of the construction enclosure;
  - (s) non-Illuminated "*No Trespassing*" or similar warning signs with a Sign Face Area no greater than 0.2m<sup>2</sup>;
  - (t) Yard Sale Signs; and
  - (u) Congratulatory Signs Displayed on Private Property for no more than seventy-two (72) consecutive hours.
- 6.2. The permit exemptions prescribed by subsection 6.1 do not prohibit any other municipality or government authority from requiring a permit or approval for any Sign under other Applicable Law.
- 6.3. The following Signs may not be Displayed or Altered without a Permit:

- (a) Banner Signs;
- (b) Ground Signs;
- (c) Industrial Park Signs;
- (d) Inflatable Signs;
- (e) Menu Board Signs;
- (f) Mobile Signs with Modifiable Copy;
- (g) Pole Signs;
- (h) Projecting Signs;
- (i) Wall Signs other than those described in paragraph 6.1(j);
- (j) Roof Signs; and
- (k) where subsection 6.1 prescribes a maximum Sign Face Area and/or maximum Height for a Sign to be Displayed or Altered without a Permit, any Sign of that type that exceeds the applicable requirement(s).

6.4. Any Person may apply to the Town for a Permit to Display or Alter a Sign for which a Permit is required under subsection 6.3.

6.5. An application under subsection 6.4 shall be made in writing to the Director in the form determined by the Town and/or the Director from time to time and shall include:

- (a) the name, address, telephone number and email address of the Person making the application;
- (b) where the Person making the application does not own the Property where the Sign will be Displayed or Altered:
  - i. the name, address, telephone number and email address of the registered owner(s) of the Property; and
  - ii. written approval of the application by the registered owner(s) of the Property.
- (c) confirmation of any other municipal or government authority approval(s) required under Applicable Law;
- (d) a site sketch or location plan drawn to scale that clearly identifies the location, dimensions and configuration of the Property where the Sign will be Displayed or Altered including all existing Buildings, structures and/or Signs on the Property and that clearly illustrates the shortest distance(s) from the Property line(s) for any existing Signs and the proposed Sign;
- (e) drawings or plans drawn to scale that clearly demonstrate the dimensions, configuration and particulars of the proposed Sign including construction and Illumination details for the Sign and Sign Structure or an existing Structure on which the Sign will be mounted, and identifying the construction material, length, width, height, area and weight of the Sign, which shall be signed and sealed by a licensed Professional Engineer or Architect where the proposed Sign is:
  - i. a Pole Sign Displayed more than 3m above the ground;
  - ii. a Roof Sign; or
  - iii. a Projecting Sign fastened in any way to a Parapet; and



- (f) sufficient information for the Chief Building Official of the Town to determine that the Sign has been designed and will be Displayed or Altered in compliance with the Building Code.
- 6.6. An application under subsection 6.4 shall be accompanied by the applicable fee as established by the Fees and Charges By-law, which is non-refundable irrespective of the outcome of the Permit application.
- 6.7. Upon receipt of an application that contains all information required under subsection 6.5, the Director shall review and determine the application and may impose such terms and conditions on a Permit as the Director considers appropriate.
- 6.8. The Director may cancel an application for a Permit for a proposed Sign where the application remains incomplete or is inactive for ninety (90) days after it is made.
- 6.9. The Director may refuse to issue a Permit where the proposed Sign or any existing Sign on the Property where the proposed Sign will be Displayed or Altered does not comply with this By-law or other Applicable Law.
- 6.10. The Director may revoke a Permit where:
- (a) the Permit was issued in error;
  - (b) the Permit was issued based on information in the application that was false, incorrect, mistaken or misleading;
  - (c) the Display or Alteration of the Sign has not commenced within six (6) months of Permit issuance;
  - (d) the Person to whom the Permit was issued contravenes any provision of this By-law or other Applicable Law;
  - (e) the Person to whom the Permit was issued fails to comply with any term or condition of the Permit;
  - (f) the business, product, activity or service to which the Sign relates ceases to operate or is no longer available; and/or
  - (g) the Person to whom the Permit was issued requests in writing that it be revoked.
- 6.11. Where a Permit is revoked the Person to whom it was issued shall immediately remove the Sign to which the Permit relates.
- 6.12. Permits are not transferable.

## **7. Sign Requirements**

- 7.1. The Sign Owner and/or the Owner of Property where a Sign is Displayed shall ensure that the Sign and any Sign Structure(s) are maintained in a proper state of repair and do not become unsafe, structurally unsound, unsightly or dangerous.
- 7.2. Where a Sign becomes unsafe, structurally unsound, unsightly or dangerous or otherwise fails to comply with this By-law, the Sign Owner and/or the Owner of Property where the Sign is Displayed shall immediately remove the Sign.

- 7.3. In addition to the foregoing, the Sign Owner shall ensure that all requirements applicable to a particular Sign as set out in sections 7.4 to 7.21 of this By-law are satisfied.
- 7.4. Where this By-law permits Illuminated Modifiable Copy on a Sign, the following requirements apply:
- (a) the duration of each message shall be not less than ten (10) seconds and the Sign shall transition immediately to the next message;
  - (b) during message transition, the Sign shall not include any blinking, flashing or intermittent light;
  - (c) all Illuminated Modifiable Copy shall be equipped with dimming technology that automatically adjusts the brightness of the Sign in direct correlation with ambient light conditions; and
  - (d) the Sign shall be designed so as to cease operating in the case of a malfunction.
- 7.5. Where this By-law permits a Sign to be Illuminated, the following requirements apply:
- (a) External Illumination shall not be directed toward adjacent Lots or Public Road Allowances;
  - (b) External Illumination shall not be directed toward oncoming vehicular traffic;
  - (c) if the Sign is located in a Downtown Area, it shall not have Internal Illumination unless it is a Business Sign with Internal Illumination that was lawfully Displayed on or before the date on which this By-law came into force or that replaces such a Sign provided that the replacement Sign is Displayed by the same Sign Owner in the same location;
  - (d) if the Sign is located within a Residential Zone or within 30.0m of a Residential Zone, it shall not be Illuminated between the hours of 10:00 p.m. and 7:00 a.m. unless it is an Onsite Sign associated with a lawful business that operates during those hours and only while the business is in operation; and
  - (e) if the Sign is located in an area other than as described in paragraph 7.5(d), it shall not be Illuminated between the hours of 11:00 p.m. and 7:00 a.m. unless it is an Onsite Sign associated with a lawful business that operates during those hours and only while the business is in operation.
- 7.6. The following requirements apply to Banner Signs over 0.6m<sup>2</sup>:
- (a) the Sign must be situated entirely on the Property to which it pertains and not on or over a Public Road Allowance without the express written permission of the Town; and
  - (b) the number of Signs on a single Building is limited to one (1) for every 20.0m of Building Frontage.
- 7.7. The following requirements apply to Feather Flag Signs over 0.6m<sup>2</sup>:



- (a) the Sign must be situated entirely on the Property to which it pertains and not on or over a Public Road Allowance; and
- (b) the number of Signs on a single Building is limited to one (1) for every 20.0m of Building Frontage.

7.8. The following requirements apply to Construction Signs:

- (a) a Permit is required for any Sign with a Sign Face Area greater than 10.0m<sup>2</sup>;
- (b) the Sign must be situated entirely on the Property to which it pertains;
- (c) the Sign shall be located no closer to any Lot Line than the minimum setback distance for a Building on the Property under the Zoning By-law or 3.0m, whichever is less;
- (d) the area of any side or visible face of the Sign shall not exceed 20.0m<sup>2</sup>; and
- (e) the number of Signs on a Property is limited to one (1) for every 20.0m of Frontage.

7.9. The following requirements apply to Ground Signs:

- (a) the Sign must be situated entirely on the Property to which it pertains;
- (b) the Sign shall be located no closer to any Lot Line than the minimum setback distance for a Building on the Property under the Zoning By-law or 3.0m, whichever is less;
- (c) the Height of the Sign shall not exceed 3.0m;
- (d) the area of any side or visible face of the Sign shall not exceed 9.0m<sup>2</sup>;
- (e) in Residential Zones, the area of the Sign shall not exceed 0.3m<sup>2</sup>;
- (f) the Sign shall be located more than 6.0m from any driveway entrance or the intersection of two (2) streets where the setback is less than the height of the Sign; and
- (g) the number of Signs on a single Property is limited to one (1) for every 20.0m of Frontage.

7.10. The following requirements apply to Pole Signs:

- (a) the Sign must not be situated in any Residential Zone;
- (b) the Sign must be situated entirely on the Property to which it pertains;
- (c) the Sign shall be located no closer to any Lot Line than the minimum setback distance for a Building on the Property under the Zoning By-law or 3.0m, whichever is less;
- (d) the Height of the Sign shall not exceed 9.0m;
- (e) the area of any side or visible face of the Sign shall not exceed 20.0m<sup>2</sup>; and
- (f) the number of Signs on a single Property is limited to one (1) for every 60.0m of Frontage and where a Lot has less than 60.0m of Frontage, no such Sign is permitted.

7.11. The following requirements apply to Mobile Signs:

- (a) the Sign must not be situated in any Residential Zone;
- (b) the Sign must be situated entirely on the Property to which it applies;
- (c) the Sign shall be located no closer than 1.0m to any Lot Line and, where the Sign height exceeds 1.0m, no closer than 2.0m from any Lot Line adjacent to a Public Road Allowance;
- (d) the Height of the Sign shall not exceed 2.4m;
- (e) the area of any side or visible face of the Sign shall not exceed 4.6m<sup>2</sup>;
- (f) the Sign shall have no more than two (2) sides or visible faces;
- (g) the number of Signs on a single Property is limited to one (1) for every 30.0m of Frontage;
- (h) the Sign may be Illuminated provided that the requirements of subsection 7.5 are met;
- (i) all electrical components of every nature or kind attached or affixed to the Sign or in any way related to the Sign must comply with this By-law and all Applicable Law;
- (j) the Sign shall be located more than 6.0m from any driveway entrance or the intersection of two (2) streets where the setback is less than the Height of the Sign;
- (k) the Sign shall be Displayed only for the period of time set out in the Permit, which shall not exceed a total of one hundred and twenty (120) days in any calendar year, which may be allocated as follows:
  - i. four (4) periods of thirty (30) days, with an interval of not less than thirty (30) days between each period; or
  - ii. two (2) periods of sixty (60) days, with an interval of not less than thirty (30) days between each period.
- (l) notwithstanding paragraph 7.11(k), the Director may grant a Permit for a new business to Display a Business Sign for a continuous period of ninety (90) days from the opening day of the business to advertise and promote the new business; and
- (m) the Sign and any Sign Structure(s) must be removed from the Property, stored in a Building or structure or adequately screened from view by fencing or landscaping during the intervals when the Sign is not on Display and after the Display period indicated on the Permit has elapsed.

7.12. The following requirements apply to Projecting Signs:

- (a) the Sign shall be fastened to a structural component of the Building to which it is attached or affixed in accordance with good engineering practice and subject to the approval of the Chief Building Official;



- (b) no part of the Sign may project beyond any Property line of the Property on which it is situated or encroach on or over any other Property; and
- (c) the Sign shall have a minimum clearance of 2.4m between the bottom of the Sign and Grade.

7.13. The following requirements apply to Roof Signs:

- (a) the Sign shall be situated entirely on the Property to which it applies;
- (b) the Sign shall have a minimum setback of 1.0m from the Building face;
- (c) the Sign shall be constructed of non-combustible materials;
- (d) the Sign shall have a minimum clearance of 1.22m from the bottom or underside of the Sign to the roof of the Building; and
- (e) the Height of the Sign shall not exceed the maximum Building height from Grade as prescribed by the Zoning By-law.

7.14. The following requirements apply to Sidewalk Signs on Private Property:

- (a) the Sign must pertain to a lawful commercial business actively operating in the Town;
- (b) the Sign must be situated entirely on the Property of the business to which it applies and must not encroach on or over Public Property;
- (c) the Sign must not impede pedestrian or vehicular traffic or cause a traffic visibility hazard;
- (d) the width of the Sign shall not exceed 1.2m;
- (e) the height of the Sign shall not exceed 0.6m;
- (f) the depth of the Sign shall not exceed 0.9m;
- (g) the Sign shall be Displayed only while the business is open to the public and shall be removed when the business is closed; and
- (h) the Sign Owner accepts and assumes all liability for all personal injury or property damage caused or contributed to by the Display, presence or condition of the Sign.

7.15. The following requirements apply to Sidewalk Signs on Public Property:

- (a) the Sign must pertain to a lawful commercial business actively operating in the Town;
- (b) the Sign may be situated on Public Property only where it is not possible to situate the Sign on Private Property;
- (c) the Sign shall be situated on Public Property adjacent to the Frontage of the Property where the business operates;
- (d) the number of Signs on a single Property is limited to one (1) sign for each business operating at premises on the ground floor of a Building on the Property;

- (e) the Sign shall be located no closer than 0.3m to the travelled portion of any Highway;
- (f) the Sign must not impede pedestrian or vehicular traffic or cause a traffic visibility hazard;
- (g) if the Sign is located on a Public Sidewalk, it shall have a minimum clearance of 1.2m on each side to allow pedestrians to pass;
- (h) the width of the Sign shall not exceed 0.6m;
- (i) the height of the Sign shall not exceed 1.2m;
- (j) the depth of the Sign shall not exceed 0.9m;
- (k) the Sign shall be Displayed only while the business is open to the public and shall be removed when the business is closed;
- (l) the Sign Owner shall obtain and maintain one or more policies of commercial general liability insurance with limits of not less than two million dollars (\$2,000,000) and naming the Town as an additional insured; and
- (m) the Sign Owner accepts and assumes all liability for all personal injury or property damage caused or contributed to by the Display, presence or condition of the Sign.

7.16. The following requirements apply to Special Event Lawn Signs:

- (a) the Sign shall be Displayed for not more than thirty (30) days prior to the event to which it pertains and not more than five (5) days after the event to which it pertains;
- (b) the height of the Sign shall not exceed 0.75m from Grade;
- (c) the area of any side or visible face of the Sign shall not exceed 0.37m<sup>2</sup>;
- (d) the Sign shall have no more than two (2) sides or visible faces;
- (e) the Sign may be situated on the boulevard between a Public Sidewalk and a Highway;
- (f) the Sign must be set back at least 0.5m from the edge of the travelled portion of any roadway;
- (g) the Sign Owner shall immediately remove the Sign upon request by the Owner or Occupant of a Property abutting the boulevard where the Sign is Displayed.

7.17. The following requirements apply to Wall Signs:

- (a) the Sign must be situated on the Property to which it applies;
- (b) subject to paragraph 7.17(c), the Sign shall be attached to an exterior front-facing wall of a Building on the Property;
- (c) despite paragraph 7.17(b), the Sign may be attached to a rear-facing wall of a Building where the rear side of the Building abuts a Public Road Allowance and the Sign complies with all other requirements of this subsection;
- (d) the Sign shall not project more than 0.3m from the exterior wall of the Building to which it is attached;



- (e) the Sign shall not project above the eaves or Parapet of the Building to which it is attached;
- (f) if the Sign is attached to Building that contains a single unit:
  - i. the width of the Sign shall not exceed eighty percent (80%) of the linear measurement of the width of the wall to which it is attached; and
  - ii. the Height of the Sign shall not exceed twenty-five percent (25%) of the height of the wall to which it is attached;
- (g) if the Sign is attached to a Building that contains multiple units, the requirements of paragraph 7.17(e) apply to each individual unit;
- (h) where two (2) or more Signs are permitted and attached to the same Building wall, the Signs shall be consistent in their appearance and shall be Displayed at the same horizontal alignment and vertical height;
- (i) in Residential Zones, the Sign Area shall not exceed 0.3m<sup>2</sup>;
- (j) if the Sign projects more than 100mm, it shall have a minimum clearance of 2.4m between the underside of the Sign and Grade;
- (k) if the Sign is an Awning Sign:
  - i. it shall project no more than 1.2m from the Building wall to which it is attached; and
  - ii. it shall not contain Changing Copy;
- (l) if the Sign is a Canopy Sign:
  - i. it shall project no more than 1.2m from the Building wall to which it is attached; and
  - ii. it shall not contain Changing Copy.

7.18. The following requirements apply to Real Estate Open House Signs situated over or on Public Road Allowances:

- (a) subject to paragraph 7.18(b), the Sign shall be Displayed no earlier than 4:00 p.m. on a Friday and shall be removed no later than 9:00 a.m. of the following Monday;
- (b) where a Friday or Monday is a statutory holiday, the time period during which the Sign may be Displayed may be extended to the extent necessary to include the holiday;
- (c) the Sign shall not be placed on the Public Road Allowance in any location that interferes with pedestrian or vehicular traffic or otherwise creates a hazard;
- (d) the Sign shall be located no closer than:
  - i. 0.3m to the travelled portion of any roadway;
  - ii. 10.0m to any transit stop;
  - iii. 3.0m to any driveway entrance; or
  - iv. 1.0m to a Public Sidewalk.

7.19. The following requirements apply to Real Estate Sales Office Signs:

- (a) the Sign must pertain to a residential development that is actively under construction or in which one (1) or more Properties are offered for sale;
- (b) the Sign must be situated entirely on the Property of the business to which it applies and must not encroach on or over Public Property;
- (c) the Sign must not impede pedestrian or vehicular traffic or cause a traffic visibility hazard;
- (d) the width of the Sign shall not exceed 1.2m;
- (e) the Height of the Sign shall not exceed 0.6m;
- (f) the depth of the Sign shall not exceed 0.9m;
- (g) the Sign shall be Displayed only while the model home or sales office is open to the public and shall be removed when the model home or sales office is closed; and
- (h) the Sign Owner accepts and assumes all liability for all personal injury or property damage caused or contributed to by the Display, presence or condition of the Sign.

7.20. The following requirements apply to Yard Sale Signs:

- (a) the Sign shall be Displayed for not more than one (1) day prior to the event to which it pertains and not more than one (1) day after the event to which it pertains;
- (b) the Height of the Sign shall not exceed 0.75m from Grade;
- (c) the area of any side or visible face of the Sign shall not exceed 0.37m<sup>2</sup>;
- (d) the Sign shall have no more than two (2) sides or visible faces;
- (e) the Sign may be situated on the boulevard between a Public Sidewalk and a Highway;
- (f) the Sign must be set back at least 0.5m from the edge of the travelled portion of any roadway;
- (g) the Sign Owner shall immediately remove the Sign upon request by the Owner or Occupant of a Property abutting the boulevard where the Sign is Displayed.

## **8. Sign By-law Variance**

- 8.1. Any Person may apply to the Town for a minor variance to any provision of this By-law.
- 8.2. An application under subsection 8.1 shall be made in writing to the Director, in the form determined by the Director from time to time, and shall be accompanied by the applicable fee as established by the Fees and Charges By-law, which shall be non-refundable irrespective of the outcome of the application.
- 8.3. The Director may authorize a minor variance if in the opinion of the Director the proposed variance is minor in nature and the general intent and purpose of this By-law are maintained.



- 8.4. Notwithstanding subsection 8.3, the Director shall not authorize a variance if it would result in the Display or Alteration of a Sign that is prohibited under this By-law.
- 8.5. In considering a variance application the Director shall have regard to:
- (a) any special circumstances or conditions relating to the land, Building or use identified in the application;
  - (b) whether strict application of this By-law, in the context of the special circumstances applying to the land, Building or use, would result in practical difficulties or unnecessary and unusual hardship for the applicant, inconsistent with the general intent and purpose of this By-law;
  - (c) whether such special circumstances or conditions are pre-existing and not created by the Sign Owner or applicant;
  - (d) whether the Sign that is the subject of the variance will alter the essential character of the area in which the Sign will be located; and
  - (e) design guidelines for Signs or neighborhood character set out in secondary plans and area-specific policies of the Town of Pelham Official Plan.
- 8.6. The Director may impose terms, provisions or restrictions as conditions of granting a minor variance to provisions of this By-law which shall be deemed to be conditions of the associated sign Permit.
- 8.7. Where an application for a variance is not in the prescribed form, is incomplete, provides insufficient information or is not accompanied by the requisite fee, the Director may refuse to accept the application or may return the application.
- 8.8. The applicant for a minor variance may appeal the decision of the Director to Council by submitting a written appeal request to the Clerk within twenty-one (21) days of the Director's decision.
- 8.9. The Clerk shall fix a hearing date and shall give the applicant not less than seven (7) days' notice. If the applicant fails to attend at the appointed time and place the hearing may proceed and the applicant shall not be entitled to further notice of the proceedings.
- 8.10. The decision of Council is final.
- 8.11. A variance granted by the Director shall expire ninety (90) days from the issuance of the associated Permit if the Sign is not Displayed within that period.
- 8.12. A variance granted by the Director shall expire if the Sign for which the variance was granted is Altered, removed or relocated.

## **9. Enforcement**

- 9.1. This By-law shall be administered and enforced by the Town, the Director and Enforcement Authorities.

- 9.2. An Enforcement Authority may, for the purpose of enforcing this By-law, exercise any power, authority or remedy granted to the Town pursuant to the *Municipal Act, 2001*.
- 9.3. No Person shall obstruct or hinder, or attempt to obstruct or hinder, an Enforcement Authority in the exercise of a power or the performance of a duty under this By-law.
- 9.4. Where a Sign is Displayed on or over Property owned by or under the jurisdiction of the Town, the Town may immediately remove the Sign without notice or compensation to the Sign Owner.
- 9.5. Where a Sign is Displayed or Altered in contravention of this By-law, the Town may immediately remove any Sign that the Director or an Enforcement Authority determines constitutes a safety hazard without notice or compensation to the Sign Owner.
- 9.6. An Enforcement Authority may, at all reasonable times, enter upon and inspect any land to determine if this By-law is being complied with.
- 9.7. For the purposes of an inspection under subsection 9.6, an Enforcement Authority may require the production for inspection of documents or things relevant to the inspection, inspect and remove relevant documents or things for the purpose of making copies or extracts, and/or require information from a Person concerning a matter related to the inspection.
- 9.8. Where an Enforcement Authority is satisfied that a Sign has been Displayed or Altered in contravention of this By-law, he or she may make an Order requiring the Person who contravened the By-law or caused or permitted the contravention and/or the Owner of the Property where the Sign is Displayed to bring the Sign into compliance with this By-law.
- 9.9. An Order made under subsection 9.8 shall set out the address of Property where the Sign is Displayed, reasonable particulars of the non-compliance and the date by which there must be compliance with the Order.
- 9.10. An Order made under subsection 9.9 may be served by regular mail, registered mail or hand delivered to the last known address of the Person to whom it is issued, by email to the last known email address of the Person to whom it is issued, or by posting the Order at Property where the contravention occurred.
- 9.11. Where a Person fails to comply with an Order made under section 9.8 by the prescribed date, the Town may, at the expense of the Person in default of the Order, do any matter or thing necessary to bring the Sign into compliance with this By-law and/or may remove the Sign without notice or compensation to the Sign Owner.
- 9.12. The Town may recover the cost of any matter or thing done under subsection 9.11 by adding the cost to the tax roll for the Property where the Sign was Displayed and collecting it in the same manner and with the same priority as municipal taxes.



- 9.13. Signs removed by the Town in accordance with this By-law shall be stored by the Town for a period of not less than thirty (30) days, during which time the Sign Owner may reclaim the Sign and any appurtenant Sign Structure upon payment of a storage fee in the amount of \$50.00 per day from the date of removal to the date of reclamation.
- 9.14. Where a Sign has not been reclaimed within thirty (30) days of its removal, the Town may dispose of it forthwith.
- 9.15. Where a Sign has been removed and stored by the Town and has not been claimed, all costs and charges for the removal, care and storage of the Sign under this By-law are a lien against it that may be enforced by the Town as provided for under the *Repair and Storage Liens Act*, R.S.O. 1990, c. R.24.
- 9.16. The Town shall not be liable to compensate any Person by reason of anything done by or on behalf of the Town in the reasonable exercise of its powers under this By-law.

## **10. Penalty**

- 10.1. Every Person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to such penalties as are provided for in the *Municipal Act, 2001* and the *Provincial Offences Act*, R.S.O. 1990, c. P.13.
- 10.2. Administrative Penalty Process By-law No. 4352(2022) applies to each Administrative Monetary Penalty issued pursuant to this By-law.
- 10.3. Every Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law No. 4352(2022), be liable to pay to the Town an Administrative Monetary Penalty in the amount of two hundred and fifty dollars (\$250.00) for each day on which the contravention occurs or continues, unless otherwise provided for in Schedule "A", which is attached hereto and forms part of this By-law.

## **11. General**

- 11.1. The short title of this By-law is the "Sign Regulation By-law".
- 11.2. All measurements used in this By-law shall be subject to rounding such that decimals with a value of less than 0.5 or 0.05, as the case may be, shall be rounded down to the next whole unit and decimals with a value of 0.5 or greater or 0.05 or greater, as the case may be, shall be rounded up to the next whole unit.
- 11.3. Ratios and percentage figures shall not be subject to rounding.
- 11.4. This By-law shall be read with all changes in number or gender as are required by context.
- 11.5. If any provision of this By-law is found by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, the balance of the By-law shall not be affected and shall remain in full force and effect.

11.6. If there is a conflict between a provision of this By-law and a provision of any other By-law of the Town, the provision that establishes the higher standard shall prevail.

11.7. Any reference to legislation in this By-law includes the legislation and any amendment, replacement, subsequent enactment or consolidation of such legislation.

11.8. The Town Clerk is hereby authorized to effect any minor modifications or corrections solely of an administrative, clerical, numerical, grammatical, semantical or descriptive nature or kind to this By-law as are determined to be necessary.

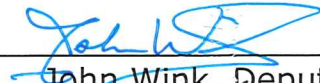
**12. Repeal and Enactment**

12.1. By-law No. 4190(2020), being a by-law prohibiting and regulating signs and regulating the placing of signs upon highways and buildings, is hereby repealed and replaced.

**13. Effective Date**

13.1. This By-law shall come into force on the date that it is enacted.

Read, enacted, signed and sealed this 06th day of September, 2023.



John Wink, Deputy Mayor



William Tigert, Town Clerk



**Schedule "A"**

**Administrative Penalties**

Section	Description	Penalty
6.1(u)	Display Congratulatory Sign more than seventy-two (72) hours	\$50.00
7.16(a)	Display Special Event Lawn Sign more than thirty (30) days prior to event	\$75.00
7.16(a)	Display Special Event Lawn Sign more than five (5) days after event	\$50.00
7.18(a)	Display Real Estate Open House Sign on Public Road Allowance before 4:00 p.m. on non-holiday Friday	\$75.00
7.18(a)	Display Real Estate Open House Sign on Public Road Allowance after 9:00 a.m. on a non-holiday Monday	\$75.00
7.20(a)	Display Yard Sale Sign for more than one (1) day prior to event	\$50.00
7.20(a)	Display Yard Sale Sign for more than one (1) day after event	\$50.00