

**CORPORATION OF THE NATION MUNICIPALITY**

**BY-LAW NO. 22-2018**

**BEING** a By-law for governing permanent signs, temporary signs and billboards installed on the territory of the Corporation of The Nation Municipality;

**WHEREAS** the Municipal Act 2001, S.O., Chapter 25, Section 99, provides that municipalities may pass by-laws respecting advertising devices, including signs;

**AND WHEREAS** the Council of the Corporation of The Nation Municipality deems it desirable to regulate the erection, display and maintenance of signs and other advertising devices within the limits of the Corporation of The Nation Municipality;

**NOW THEREFORE** the Council of the Corporation of The Nation Municipality enacts as follows:

**SECTION 1 – SHORT TITLE**

**1.1** This by-law may be referred to as the "Signs By-law".

**SECTION 2 – INTERPRETATION**

**2.1** Unless otherwise defined, the words and phrases used in this by-law have their normal and ordinary meaning.

**2.2** Where a situation arises that is not covered by a specific regulation, or where two or more regulations are equally applicable, all provisions shall be complied with or, where it is not possible to comply with all the provisions applicable, the most restrictive provisions shall prevail.

**2.3** This by-law is gender-neutral and, accordingly, any reference to one gender includes the other.

**2.4** Words in the singular include the plural and words in the plural include the singular.

**2.5** The following abbreviations and symbols stand for the words respectively set forth opposite thereto as follows:

cm - centimeter  
m - meter  
m<sup>2</sup> - square meter  
% - per cent

**2.6** It is declared that any section, subsection or part thereof be declared by any Court of Law to be bad, illegal or ultra vires, such section, subsection, part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.

**2.7** Headings are inserted for convenience of reference purposes only, form no part of this by-law and shall not affect in any way the meaning or interpretation of the provisions of this by-law.

**SECTION 3 – DEFINITIONS**

In this by-law:

**3.1** **“A-frame sign”** means a mobile self-supporting structure shaped like an "A" with one (1) or two (2) sign faces, placed on, in front of, or adjacent to the premises of the business or organization it promotes;

**3.2** **“access”** means a way of ingress or egress to or from a street, and includes a private

road, a driveway and any other private way;

- 3.3 “alteration”** means any change to the sign structure and the sign face but does not include a change in the message or maintenance;
- 3.4 “animated”** in reference to a sign, means movement, motion or the appearance of motion by way of motion picture, streaming video, television, LED screens or any technology that would facilitate motion or the appearance of motion;
- 3.5 “applicant”** means the company or individual whose name is listed in the applicant information section of a sign permit application form or other person who submits an application for a sign permit, sign variance or encroachment permit on his own behalf;
- 3.6 “banner sign”** means a temporary sign other than a poster sign that is of a decorative nature and made of cloth, canvas or other lightweight, non-rigid material that is used or that functions as a sign;
- 3.7 “billboard sign”** means a large, outdoor, off-premises advertising sign that is mounted on the ground;
- 3.8 “building code”** means the Building Code Act, 1992, S.O. 1992, Chap. 23, the Regulations made under the Act, and a by-law enacted by Council under the Act, all as amended or re-enacted from time to time;
- 3.9 “canopy sign”** means a canopy or awning that is or functions as a sign;
- 3.10 “Municipal”** means the municipal corporation of The Nation Municipality or the geographic area of the Corporation of The Nation Municipality, as the context requires;
- 3.11 “Municipal property”** means any land or building owned by The Nation Municipality other than a street;
- 3.12 “contractor sign”** means a sign that has the purpose of advertising a construction company (interlock, roofing, windows, etc. ) or a property maintenance company (lawn maintenance, snow clearing, etc.) that is located on the property where renovations, construction and maintenance is being undertaken by the company advertised;
- 3.13 “Council”** means the Council of the Corporation of The Nation Municipality;
- 3.14 “development sign”** means a sign that includes information relating to a new subdivision, development or the construction of a building or structure where lots or units will be or are available for sale or lease;
- 3.15 “election sign”** means a temporary sign advertising a candidate or political party in a municipal, school board, public utility company, provincial or federal election;
- 3.16 “encroachment permit”** means a permit issued under this by-law as an endorsement on the sign permit, authorizing a sign to project from private property on or over a street or Municipal property;
- 3.17 “farm sign”** means a sign that is erected on a premises that is zoned agricultural or rural and advertises or identifies the name of a farm or the farm related products or services offered on the premises or types of crops grown on the premises;
- 3.18 “for sale/garage sale sign”** means a sign that advertises or provides directions to the temporary sale of used or unwanted household goods or personal items in a residential garage or on a residential front yard;
- 3.19 “free-standing”** means placed on the ground and self-supporting without supports constructed and driven into the ground;
- 3.20 “gasoline pump island sign”** means a sign that is located on or over a single gasoline pump island;
- 3.21 “ground sign”** means a sign that is affixed to the ground by a self-supporting structure that includes a permanent foundation below grade or above grade;
- 3.22 “home based business”** means an occupation, trade, business, profession or craft carried on as an accessory use to the use of a dwelling and includes a home occupation and home industry as defined by the zoning by-law;

- 3.23** “**incidental sign**” means a sign whose primary function is directional or informative for the control of traffic or designation of areas such as entrance, exit, parking, loading or similar information pertinent to the function of the premises at which it is located, and includes "No Trespassing" signs and similar signs;
- 3.24** “**inflatable sign**” means a non-rigid, gas or air filled bag or balloon designed or used as an advertising device;
- 3.25** “**Manager**” means the Manager of Municipal Law Enforcement or his authorized agent to review and approve sign permit applications.
- 3.26** “**message centre sign**” means an advertising or information sign that is designed to have a digital or analogue message in which the display changes from time to time and where that change can be made either manually or automatically;
- 3.27** “**mobile sign**” means a sign that is designed for the manual rearrangement of copy on the sign face and part of, or attached to, a readily relocatable wheeled trailer or frame without wheels, for use in another location;
- 3.28** “**Officer**” means a person appointed by the Council of the Corporation of The Nation Municipality to enforce the provisions of this by-law and shall include a By-law Enforcement Officer or the Manager of the Municipal Law Enforcement Department;
- 3.29** “**official sign**” means a sign erected by a public body under the auspices or authority of a statute, by-law or regulation;
- 3.30** “**owner**” means the permit holder of a sign for which a permit has been issued or the person or company whose business is advertised or on whose property the sign is posted in the case of a sign for which no permit is issued;
- 3.31** “**permanent sign**” means a sign which is intended to remain in place for an extended period of time, exceeding 2 months, and which is securely attached either to a building face or window or attached to the ground, and may include a ground sign, wall sign, window sign, canopy or awning, projecting sign, development sign, billboard sign, or farm sign;
- 3.32** “**permit holder**” means the person or company whose name is listed on a sign permit or whose name is listed as the applicant on the application form for which the permit was issued;
- 3.33** “**person**” means an individual, association, firm, partnership, incorporated company, corporation, agent or trustee, and the heirs, executor or other legal representatives of a person and for the purposes of this by-law includes an owner, or any person in temporary possession of the property;
- 3.34** “**projecting sign**” means a sign that projects on the perpendicular from the surface to which it is attached;
- 3.35** “**real estate sign**” means a sign advertising the sale, rent or lease of the premises on which it is located;
- 3.36** “**registered non-profit organization**” means a non-profit organization registered as such with the federal or provincial government and may include churches, public schools, public charities, public clinics and hospitals, political organizations, legal aid societies, volunteer services organizations, labour unions, professional associations, research institutes, museums, and some governmental agencies;
- 3.37** “**sign**” means any visual medium used to convey information by way of words, pictures, graphics, emblems or symbols or any device used for the purpose of providing direction, information, identification, advertisement, business promotion or the promotion of a product, activity, service or idea;
- 3.38** “**sign face**” means that portion of the sign upon, against or through which the message of the sign is displayed, but does not include the sign structure;
- 3.39** “**sign face area**” means the total area of all sign faces on one sign structure;
- 3.40** “**sign height**” means the vertical distance measured from the highest point of the sign to grade and includes any support structure;
- 3.41** “**substantially altered**” means the alteration of a sign structure or a change to the size of the sign, but does not include regular maintenance or the replacement of a sign face panel in an existing structure;

- 3.42 **“tear drop sign”** means a free-standing temporary sign composed of a metal or plastic stand and a vertical banner in the shape of a tear drop that is attached to the stand along one side and along the top;
- 3.43 **“temporary sign”** means a sign which is intended to be in place for a period not exceeding 60 days and which is not permanently attached to a building or to the ground and may include a banner sign, an inflatable sign, a tear drop sign, a mobile sign, or other free standing sign;
- 3.44 **“wall sign”** means a permanent sign that is attached to the wall of a building and includes a canopy or awning which is or functions as a sign;
- 3.45 **“window sign”** means a permanent sign where a message is painted directly on or affixed as a sticker to the interior or exterior window of a building;
- 3.46 **“zone”** means any zone established in the Zoning by-law of the Corporation of The Nation Municipality and includes all special exceptions to the zones and “zoned” has a corresponding meaning;
- 3.47 **“Zoning By-law”** means the Zoning By-law of the Corporation of The Nation Municipality, as amended and includes any by-law enacted in substitution therefore.

## **SECTION 4 – ADMINISTRATION**

### **Department Responsible**

- 4.1 The Municipal Law Enforcement Department is responsible for the enforcement of this by-law.

### **Zoning**

- 4.2 A property which benefits from a status as a legal non-conforming commercial use within any other zone shall be deemed to be within a commercial zone for the purposes of the application of the regulations of this by-law.
- 4.3 A residential building in a residential zone includes the dwelling located on any property in a rural or agricultural zone where the primary use of the lot is residential.

### **Lawfully Existing Signs**

- 4.4 This by-law does not apply to a sign that was lawfully erected or displayed before the day the by-law came into force if the sign is not substantially altered and the maintenance and repair of the sign shall be deemed not in itself to constitute a substantial alteration.

### **Exemptions**

- 4.5 The provisions of this by-law do not apply to signs erected by federal, provincial or municipal government.
- 4.6 The provisions of this by-law do not apply to the Corporation of The Nation Municipality notification signs that are supplied and installed by or for any department of the Municipality and that are commonly referred to as on site signs.

## **SECTION 5 – PERMITS**

### **Sign Permits**

- 5.1 No person shall erect a sign on private or public property within The Nation Municipality without first having obtained a permit for the sign.
- 5.2 Every applicant shall complete a sign permit application as set out in Annex A, submit all necessary plans and drawings and pay all applicable fees as set out in The Nation Municipality fee by-law.
- 5.3 Despite Section 5.2, before issuing a permit under this section, the Manager may require the applicant to submit such plans, specifications, documents or other

information as the Manager determines is necessary to ascertain whether or not a permit may be issued and those plans, specifications, documents or other information may be different for different signs or types of signs or signs in different zones or signs used for different purposes.

- 5.4** The Manager may issue the permit:
- (a)** with a term imposed by this by-law, or
  - (b)** with a term or with restrictions imposed by Council or the Manager, as a condition of granting a variance to this by-law.
- 5.5** The Manager may approve variations of up to 10% of the height and sign face area regulations required in this by-law, without requiring an application for a variance, where a variance is warranted due to:
- (a)** physical impediments or obstructions;
  - (b)** topography;
  - (c)** sign visibility; or
  - (d)** public safety.
- 5.6** The plans, specifications, documents and other information submitted with an application under this by-law are the property of The Nation Municipality and, upon issuance of the permit, become public information.

#### **Permit Revoked**

- 5.7** The Manager shall revoke a permit issued under this by-law if:
- (a)** the permit was issued in error;
  - (b)** the permit was issued on false, misleading, mistaken or incorrect information; or
  - (c)** the permit holder requests in writing that the permit be revoked.
- 5.8** The Manager shall notify the permit holder of the revocation of the permit under Subsections 5.7(a) or 5.7(b) and said notice may be given in the manner prescribed by Section 12.3

#### **Encroachment Permits**

- 5.9** No person shall erect a sign or any part of a sign on The Nation Municipality property or that projects over The Nation Municipality property or right-of-way of a Nation Municipality street without first having obtained an encroachment permit.
- 5.10** The Manager may include the encroachment permit as an endorsement on the sign permit and no additional permit is required for the sign encroachment.
- 5.11** The Manager may issue an encroachment permit subject to such terms, conditions and restrictions as he may determine to be necessary, or are set out by Council.
- 5.12** Any part of an unpaid encroachment permit fee is a debt due to The Nation Municipality and may be recovered:
- (a)** in any court of competent jurisdiction; or
  - (b)** by adding the cost to the tax roll and collecting the fee in the same manner as taxes.

#### **Encroachment Permit Renewals**

- 5.13** The holder of an encroachment permit shall pay an annual encroachment permit fee in the form of an encroachment permit renewal fee in order to be granted the right by The Nation Municipality to erect or maintain a sign on a Nation Municipality property or that projects over The Nation Municipality property or right-of-way of a Nation Municipality street.

## **SECTION 6 – VARIANCES**

- 6.1** The Nation Municipality may authorize a variance from this By-law by approval of the Manager or by resolution of Council, upon submission of a variance application as set out in Annex B, if, in the opinion of The Nation Municipality, the general intent and purpose of the By-law are maintained.
- 6.2** An application under Section 6.1 shall be deemed to be complete when it is:
- (a)** submitted to the Manager; and
  - (b)** accompanied by:
    - (i)** a complete sign permit application,
    - (ii)** such plans, specifications, documents or other information as the Manager may require,
    - (iii)** the full application fee as set out in The Nation Municipality fee by-law, and
    - (iv)** any supporting documentation that the applicant considers appropriate.
- 6.3** An application under Section 6.1 may be refused if it is not deemed complete.
- 6.4** A permit is required for any sign that received approval through a variance.
- 6.5** Council is the approval authority for any variance to this by-law pertaining to:
- (a)** billboard signs;
  - (b)** sign types that are not defined in this by-law;
  - (c)** signs that vary from the setback or sign face area provisions of this by-law by more than 400%; or
  - (d)** any other sign application that is deemed by the Manager to require public consultation and input from Council prior to approval.
- 6.6** Where Council or the Manager approves an application for a variance to permit a sign, the Manager shall issue a permit for that sign subject to any conditions imposed by him or by Council within 10 days of the date of the decision.

## **SECTION 7 – FEES, CHARGES AND REFUNDS**

- 7.1** The Manager shall not process an application for a sign permit, encroachment permit, encroachment permit renewal, or variance until the applicable fees as set out in The Nation Municipality fees by-law have been received.
- 7.2** Section 7.1 does not apply to a permit for a temporary sign where the applicant is a registered non-profit organization and where the purpose of the sign is to advertise an event or a program registration period.

### **Refunds**

- 7.3** Where an applicant withdraws an application prior to the issuance of the permit, he or she may be entitled to a refund of a portion up to 50% of the permit fee as determined by the Manager.
- 7.4** Where a permit has been cancelled or revoked, as described under Section 5.7, no refund is payable.

## **SECTION 8 – GENERAL PROVISIONS**

### **Prohibited Signs**

- 8.1** No person shall erect any of the following signs:
- (a)** a roof sign;
  - (b)** a sign that is affixed to a shed, tree, pole, hydro or telephone pole, municipal post, traffic light, lamp post, fence, another sign or any other structure or painted on a rock surface if that sign is visible from either a street or a private road;

- (c) a sign that imitates, resembles or could reasonably be mistaken for a traffic control signal or an official sign;
- (d) a sign that obstructs the flow of a ditch, drain, or water course;
- (e) a sign that could obstruct the view or the visibility of:
  - (i) vehicular or pedestrian traffic using or entering a street or railway crossing,
  - (ii) a traffic control signal, or
  - (iii) an official sign;
- (f) a sign that interferes with vehicular or pedestrian movement to such a degree that it becomes or creates a nuisance or a hazard for any vehicle or person;
- (g) a sign located within a visibility triangle, including:
  - (i) a sign measuring more than 0.3 m<sup>2</sup> at a street corner within a visibility triangle formed by measuring 6 m along the lot lines from the intersection of any two streets or at the intersection of two parts of the same street meeting at an angle of not more than 135 degrees,
  - (ii) a sign that is greater than 75 cm in height at any point within a visibility triangle formed by measuring 2 m along the lot line and a driveway, at the intersection of the driveway and the lot line abutting the street, and
  - (iii) a sign within 6 m of a traffic control signal;
- (h) a sign that is illuminated or animated or creates noise in such a way that it constitutes a hazardous distraction for vehicular or pedestrian traffic;
- (i) a sign structure that could, in any manner, endanger a person or property;
- (j) a sign that interferes with electrical light, power or telephone wires;
- (k) a sign that obstructs:
  - (i) an entrance or exit to a building,
  - (ii) an emergency exit,
  - (iii) an emergency standpipe,
  - (iv) a fire hydrant, or
  - (v) any means of access by an emergency service to any part of a building.

**8.2** No person shall use or park a vehicle or any part of a vehicle on any premises for the sole purpose of an advertising device.

### **Maintenance of Signs**

**8.3** Every owner of a permanent or temporary sign shall ensure that the sign is maintained in a proper state of repair so that such sign does not become unsafe, structurally unsound, unsightly or dangerous.

**8.4** Every owner of the premises on which a permanent or temporary sign that has been defaced, damaged or destroyed is located shall immediately repair the sign to its original condition or remove it.

**8.5** Where a sign structure has a missing face, the owner of a permanent sign shall ensure that, in lieu thereof, it has a solid, opaque or translucent panel completely covering the sign face opening.

**8.6** Every owner of a permanent or temporary sign shall ensure that the materials and structures comply with all governing requirements of the Building Code, the electrical safety authority or any other code or legislation having jurisdiction over such matters.

- 8.7** Despite any provision of this by-law, the owner of a permanent or temporary sign shall locate the sign so as to be serviceable entirely from the premises upon which the sign is located.

#### **Content**

- 8.8** The message and content of any new permanent or temporary sign shall be written in both official languages of Canada. The lettering of a permanent or temporary sign (dimension and style) must be identical in French and in English; however the name of the business can be unilingual.
- 8.8.1** Unilingual schools and churches shall be exempt from conforming with section 8.8 of this by-law.
- 8.9** For the purpose of Section 8.8, a double-faced sign may have the message or content written in English on one side and French on the other side.
- 8.10** For the purpose of Section 8.8, two otherwise identical wall signs placed adjacent to one another may have the message or content written in English on one sign and French on the other sign.
- 8.11** For the purpose of Section 8.8, a billboard sign with a changing message may have the message content written in English or in French at any given time, however all messages must be available in both languages within the same day.
- 8.12** The message, logos, graphics displayed on any sign shall not promote violence, hatred and discrimination on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status, disability or contempt against any identifiable group.
- 8.13** The message, logos, graphics displayed on any sign shall not be disrespectful or contain profanity or obscenity.
- 8.14** The message, logos, graphics displayed on any sign shall not promote unlawful activity.
- 8.15** Signs depicting gruesome pictures such as skulls, skeletons and signs depicting pornographic scenes are prohibited.

#### **Message Centre**

- 8.16** A message centre sign may be incorporated as a portion of a ground sign or as a portion of a wall sign, provided that:
- (a)** the area of the message centre portion of the sign face is no greater than twenty-five per cent (25%) of the permitted area of the sign.

#### **Illumination**

- 8.17** In a commercial, industrial, or community facilities zone, a sign for which a valid permit has been issued may be illuminated either internally or externally, unless it is within 30 m of a residential building in a residential zone and it is visible from a residential building in a residential zone.
- 8.18** Externally illuminated signs shall be designed such that the lighting is directed to shine down and away from abutting residential uses as well as streets or pathways.
- 8.19** A temporary sign may be illuminated through indirect lighting reflected off the sign message only.

#### **SECTION 9 – PERMANENT SIGNS**

- 9.1** No person shall erect a permanent sign without first obtaining a permit and such signs shall be in compliance with the provisions of this section.

#### **Home Based Business and Bed and Breakfast Signs**

- 9.2** A sign for a bed and breakfast or home based business may be a wall sign, a window sign, a projecting sign, or a ground sign, provided it is:
- (a)** no larger than 0.5 m<sup>2</sup>;

- (b) in the case of a ground sign, no more than 1.5 m in height;
- (c) in the case of a wall sign, a window sign, or a projecting sign, located on the ground floor of the dwelling or accessory building in which the business is located;
- (d) the only sign on the property.

9.3 A sign for a bed and breakfast or home based business shall not be a ground sign if located within the urban area or a community policy area.

**Wall/Window/Projecting Signs**

9.4 Wall signs, window signs, and projecting signs are permitted in the following zones: Residential, Commercial, Industrial, Core Area, Institutional, Rural, Agricultural.

9.5 No person shall erect a wall sign or a window sign unless it complies with the regulations set out in Table 9.1 as follows:

Table 9.1 – Wall Signs and Window Signs	
Zone	Area (maximum)
Commercial	15% of the wall area
Industrial	15% of the wall area
Core Area	15% of the wall area
Institutional	10% of the wall area
Rural	10% of the wall area
Agricultural	10% of the wall area

9.6 Any number of wall signs shall be permitted on a single building, provided the total sign face area of all signs does not exceed the permitted percentage of the wall area indicated in Table 9.1.

9.7 No person shall erect a projecting sign larger than 2 m<sup>2</sup>.

9.8 A wall, window, or projecting sign must be located on the side of the building which faces the street or the parking area for the business or organization to which it relates and must be visible from the street.

9.9 No person shall erect a wall, window, or projecting sign in a location other than on the first or second storey.

**Ground Signs**

9.10 Ground signs are permitted in the following zones: Residential, Commercial, Industrial, Institutional, Rural, Agricultural.

9.11 No person shall erect a ground sign unless it complies with the regulations set out in Table 9.2 as follows:

Table 9.2 – Ground Signs		
Zone	Height (maximum)	Area (maximum)
Residential	1.5 m	1.5 m <sup>2</sup>
Commercial	8.5 m	16 m <sup>2</sup>
Industrial	8.5 m	16 m <sup>2</sup>
Institutional	2 m	3 m <sup>2</sup>
Rural	3 m	4 m <sup>2</sup>
Agricultural	3 m	4 m <sup>2</sup>

- 9.12 In a residential zone, the only ground signs permitted shall be those for home based businesses in conformity with the provisions of Section 9.2 and those for the identification of apartment buildings.
- 9.13 No more than one ground sign shall be permitted relating to the same business or organization on the same property.
- 9.14 A ground sign shall be located on the premises of the business or organization to which it relates.
- 9.15 No ground sign shall be erected within 25 m of another ground sign.
- 9.16 Every ground sign shall be:
  - (a) at least 1.5 m from any property line; and
  - (b) at least 0.5 m from a parking lot or other area usually travelled or used by motor vehicles.

**Development Signs**

- 9.17 Development Signs are permitted in the following zones: Residential, Commercial, Industrial, Rural.
- 9.18 No person shall erect a development sign unless it complies with the regulations set out in Table 9.3 as follows:

Table 9.3 – Development Sign		
Size of development	Height (maximum)	Area (maximum)
Fewer than 10 units/lots	3 m	2 m <sup>2</sup>
Between 10 and 25 units/lots	5 m	6 m <sup>2</sup>
Between 25 and 50 units/lots	6 m	12 m <sup>2</sup>
Over 50 units/lots	7 m	20 m <sup>2</sup>

- 9.19 A development sign shall be a minimum of 3 m from any property line, driveway, parking lot or other area usually travelled or used by motor vehicles.
- 9.20 A development sign shall be removed within 30 days of all units being built.
- 9.21 A maximum of 4 directional development signs may be permitted for a single development with each sign having a maximum area of 1 m<sup>2</sup>, and a maximum height of 1.5 m.
- 9.22 A directional development sign shall be a minimum of 1.5 m from any property line, driveway, parking lot or other area usually travelled or used by motor vehicles.
- 9.23 A development sign must be located on the same property as the development and a directional development sign must be located within 3 km of the development to which it relates.

**Billboard Signs**

- 9.24 Billboards are only permitted to be erected along County Roads in the following zones: Commercial, Industrial, Rural.
- 9.25 Billboards shall have a maximum sign face area of 18.5 m<sup>2</sup> and a maximum height of 9 m.
- 9.26 No person shall erect a billboard sign within:
  - (a) 25 m of a County Road right-of-way,
  - (b) 15 m of a traffic control signal,
  - (c) 60 m of a residential building in a residential zone or a vacant lot in a

residential zone,

(d) 300 m of another billboard sign, or

(e) 15 m of another permanent sign of any type.

**9.27** No permit is required to change the content of a billboard sign.

#### **SECTION 10 – TEMPORARY SIGNS**

**10.1** No person shall erect a temporary sign without first obtaining a permit and such signs shall be in compliance with the provisions of this section.

**10.2** Every temporary sign shall be located on the premises of the business or organization to which it relates.

#### **Banner Signs and Mobile Signs**

**10.3** Mobile signs and banner signs are not permitted in a residential or agricultural zone.

**10.4** A mobile sign shall have a height not exceeding 2.7 m as measured from grade.

**10.5** The sign face area of a mobile sign or a banner sign shall not exceed 4.5 m<sup>2</sup>.

**10.6** A banner sign shall be affixed to the exterior wall of a building on the subject premises or business.

**10.7** No mobile sign shall be erected within 25 m of another mobile sign.

**10.8** A mobile sign shall be:

(a) at least 1.5 m from any property line; and

(b) at least 0.5 m from a parking lot or other area usually travelled or used by motor vehicles.

**10.9** A mobile sign or a banner sign may be permitted for a period of time not exceeding 120 days commencing on the date indicated on the permit.

**10.10** A maximum of 4 temporary sign permits may be issued for a mobile sign or a banner sign for the same business on the same premises within a one year period, provided that the cumulative total of the time periods for which the signs are permitted does not exceed 120 days within a one year period commencing on the date indicated on the permit.

**10.11** No more than one mobile sign and no more than one banner sign shall be permitted relating to the same business or organization on the same property at the same time.

**10.12** A maximum of two mobile signs per event or program organized by a not for profit organization shall be permitted to be displayed at the same time, provided they are located on different properties.

**10.13** Notwithstanding section 10.2, a mobile sign for an event or program organized by a not for profit organization may be permitted on any private or public property with permission from the property owner.

#### **Inflatable Signs**

**10.14** An inflatable sign shall have a maximum height of 3 m measured from grade and a maximum width of 3 m.

**10.15** An inflatable sign shall be located:

(a) on a premises having a frontage of at least 15 m,

(b) at least 3 m from any property line,

(c) at least 3 m from any driveway entrance and exit,

(d) at least 10 m from any other temporary sign on the same premises or abutting premises, and

(e) at least 60 m from a residential building in a residential zone.

**10.16** An inflatable sign shall be affixed to the ground and properly secured to the satisfaction of the Manager and shall not be placed in such a way that it extends

above a roof line of a building or structure.

**10.17** A temporary sign permit that is issued for an inflatable sign shall permit the placement of the inflatable sign for a period of no more than seven consecutive days within a six month period from the first day the temporary inflatable sign is erected.

**Other Temporary Signs**

**10.18** Any temporary sign that is a free-standing ground sign but not a mobile sign must be a free standing sign which is placed on the ground but is not affixed to the ground or embedded in the ground.

**10.19** Such a temporary sign shall have a maximum height not exceeding 2.7 m and shall have a maximum sign face area not exceeding 4.5 m<sup>2</sup>.

**10.20** Such a temporary sign may be permitted for the opening of a new business or for the advertisement of a public event in the following zones: commercial, core area, industrial, rural.

**10.21** A temporary sign shall be:

(a) at least 1.5 m from any property line; and

(b) at least 0.5 m from a parking lot or other area usually travelled or used by motor vehicles.

**10.22** A permit for such a temporary sign may be given for a time period not exceeding 60 days.

**SECTION 11 – SIGNS THAT DO NOT REQUIRE A PERMIT**

**11.1** Notwithstanding the requirements of section 5.1, section 9.1, and section 10.1, the following signs listed in Column A of Table 11.1 do not require a sign permit if erected for the period of time specified in Column B, in the zone specified in Column C, not exceeding the dimensions specified in Column D, and not exceeding the number of signs specified in Column E.

Table 11.1 – Signs that do not require a permit				
Column A	Column B	Column C	Column D	Column E
Sign Type	Time limit (maximum)	Zone(s)	Dimensions (maximum)	Number of Signs (maximum)
Gasoline pump island sign	none	Commercial, industrial	3.5 m height above grade	1 per gasoline pump
Farm sign	none	Rural, agricultural	4 m <sup>2</sup>	1 per farm
Wall sign on a temporary sales centre building	none	all zones	15% of the wall area	No limit
Election sign	60 days before election day and 7 days after election day	All zones	None	No limit
Incidental sign	none	All zones	0.3 m <sup>2</sup>	No limit

Real estate sign	15 days after the property is sold	All zones	commercial, industrial, rural, and agricultural: 6 m <sup>2</sup> ; any other zone: 1 m <sup>2</sup> .	1 per street frontage
Contractor sign	60 days	All zones	0.3 m <sup>2</sup>	1 per street frontage
Farm produce sales sign	Seasonal (May 1 <sup>st</sup> to November 1 <sup>st</sup> )	All zones	2 m <sup>2</sup>	Any number, provided the total sign face area of all signs on the property does not exceed 5 m <sup>2</sup>
For sale /garage sale sign	15 days	All zones	0.07m <sup>2</sup>	3 per person/per garage sale
A-frame sign	Seasonal (May 1 <sup>st</sup> to November 1 <sup>st</sup> )	Commercial, core area	Width 60cm, length 75 cm, height 1 m	2 per business/organization
Tear drop sign	Seasonal (May 1 <sup>st</sup> to November 1 <sup>st</sup> )	Commercial, industrial, core area, rural	Height 2 m	2 per business/organization
Sign advertising a local public event organized by a non-profit or governmental organization	30 days	All zones except residential zones	0.3 m <sup>2</sup>	20 in all of The Nation Municipality per event

**11.2** Every gasoline pump island sign, farm sign, real estate sign, or farm produce sales sign shall be located on the premises where the advertised item is being sold.

**11.3** The following signs are permitted on public property without an encroachment permit and are exempt from the requirements of Section 5.9 of this By-law, provided they conform to the time limit, zone, and dimension requirements of Table 11.1:

- (a) election signs;
- (b) for sale/garage sale signs;
- (c) A-frame signs;
- (d) signs advertising a local public event organized by a non-profit or governmental organization.

**11.4** Despite the provisions of Table 11.1, a maximum of two contractor signs which have the dual purpose of advertising snow removal and acting as a marker to identify the edge of a driveway may be permitted on a single property provided that:

- (a) they are placed at the edges of a legal driveway,
- (b) they are not erected prior to November 1<sup>st</sup> and do not remain on the premises after April 30<sup>th</sup> of any year,
- (c) the total sign face area of the two signs does not exceed 0.3 m<sup>2</sup>, and
- (d) the width of each sign be no more than 15 cm.

**11.5** A real estate sign shall be located on the property that is advertised for sale.

- 11.6** Despite Section 11.5, for a condominium property, the real estate sign advertising the sale of a condominium unit may be located within the municipal right of way of the public street on which the property has frontage or access, provided it is a minimum of 1.0 m from the edge of the pavement or sidewalk.
- 11.7** In addition to Section 11.6, the location of a real estate sign on The Nation Municipality property for the sale of a condominium unit is also subject to any Condominium Corporation's by-laws or regulations.
- 11.8** In addition to other permitted real estate signs, a maximum of two temporary real estate signs for the purpose of advertising an open house at a property which is listed as being for sale may be permitted on public property within the road right of way of an adjacent street, provided:
- (a)** the sign must be located a maximum of 1km from the property it advertises; and
  - (b)** the sign must be either
    - (i)** an A-frame sign with a maximum width of 60 cm, a maximum length of 75 cm, and a maximum height of 1 m, or
    - (ii)** a sign temporarily affixed to the ground with a maximum area of 0.3 m<sup>2</sup>.

**11.9.** Temporary election signs pertaining to municipal, county, provincial or federal elections.

- i) No person shall place or permit to be placed an election sign earlier than 60 days prior to Election Day.
- ii) No person shall fail to remove their election signs within 7 days following Election Day.
- iii) No person shall place or permit to be placed an election sign that:
  - a) is illuminated;
  - b) interferes with the safe operation of vehicular traffic or the safety of pedestrians; or
  - c) impedes or obstructs The Nation Municipality's maintenance operations
- iv) No person shall place or permit to be placed an election on or in a voting place as designated by the Clerk.
- v) No person shall place or permit to be placed an election sign on any tree, bridge, traffic control sign, guardrail or other form of traffic safety structure or facility, utility pole or equipment, or any other similar type of sign, structure, facility or equipment located within the limits of a road allowance.
- vi) No person shall place or permit to be placed an election sign on municipal properties, including but not limited to parkland, and other lands, buildings and facilities owned by The Nation Municipality.
- vii) No election sign shall display a logo, trademark or official mark, in whole or in part, owned or licensed by The Nation Municipality.
- viii) An election sign purchased by or under the direction of a candidate, shall display the name of the candidate and include a telephone number, mailing address or email address at which the candidate may be contacted regarding the sign.
- ix) An election sign purchased by or under the direction of a registered third party, as defined in the *Municipal Elections Act*, shall predominantly display the name of the candidate, but shall display the name of the registered third party and include a telephone number, mailing address or email address at which the registered third party may be contacted regarding the sign.

- x) The Municipality is not responsible for investigating or prosecuting any acts of vandalism or theft with respect to Election Campaign Advertisement.
- xi) Election Campaign Advertisement on federal, provincial or county properties require the approval of the appropriate authority.
- xii) If Election Campaign Advertisements are found to be in contravention of this section and/or the Act, the Candidate will be notified by the Municipality and will be requested to remove the Election Campaign Advertisement. If it is not removed within a reasonable time, then The Municipality will proceed to remove and dispose of them. See section 12.7

## **SECTION 12 – ENFORCEMENT**

### **Entry**

**12.1** The Manager or an Officer may, at any reasonable time, enter upon any land and into any building for the purpose of:

- (a) inspecting a sign;
- (b) determining whether the sign has been erected or maintained in compliance with:
  - (i) this by-law,
  - (ii) a condition of a permit issued under this by-law, or
  - (iii) an order made under this by-law.

### **Notice of Violation**

**12.2** Where a sign is not erected or maintained in compliance with a provision of this by-law, or in accordance with the conditions of a permit issued under this by-law, or is in an unsafe condition, the Manager or an Officer may make a Notice of Violation, requiring the contravener to remove the sign or correct the violation and bring the sign into conformity in the manner and within the time specified in the Notice.

**12.3** The Notice of Violation referred to in Section 12.2 or a notice of revocation referred to in Section 5.8 shall be served by registered mail or in person to the permit holder, property owner or owner, or other persons whom the Manager or an Officer believes is contravening this by-law.

### **Contents of Notice of Violation**

**12.4** The Notice of Violation referred to in Sections 12.2 and 12.3 shall:

- (a) include the name of the permit holder or owner, if applicable;
- (b) set out the contravention or unsafe condition;
- (c) identify the required corrective action;
- (d) provide a deadline for compliance; and
- (e) include a statement that if the requirements of the Notice of Violation have not been complied with within the time specified, the Director, their contractor or other agent may enter the property and pull down or remove the sign and in so far as possible restore the site to its original condition at the expense of the owner without any further notice.

### **Non-Compliance with Notice of Violation**

**12.5** In addition to any other enforcement action, where a Notice of Violation under Section 12.4 is not complied with within the time specified in the Notice, the Manager may have the sign removed and the site restored as reasonably as possible to its original condition and, for this purpose, the Manager, their contractor or other agent may at any time enter upon the land containing the sign

in respect of which the Notice was made.

- 12.6** After making a Notice of Violation under Sections 12.2 and 12.3, and where the sign is in an unsafe condition, the Manager may, either before or after the Notice is served, have the sign removed and in so doing may take any intermediate measures as are considered necessary to terminate any immediate danger and, for this purpose, the Manager, their contractor or other agent may at any time enter upon the land containing the sign in respect of which the Notice was made.

### **Removal of Sign**

- 12.7** The following provisions shall apply to the removal of signs:
- a) No Person shall remove or cause to be removed any lawfully placed sign, other than Persons authorized by this By-Law or the owner of the sign;
  - b) The Municipality may remove or cause to be removed immediately, without notice at the expense and risk of its owner, a sign that is placed or operated in contravention of this By-Law;
  - c) A sign removed pursuant to this section shall be stored by The Municipality for at least thirty (30) days during which the owner of the sign may retrieve the sign upon payment of Fifty Dollars (\$50.00) to The Municipality for each sign;
  - d) Where the sign is so large or so placed that the cost of taking it down and removing it exceeds the amount provided in sub-paragraph ( c ) above, sub-paragraph ( c ) above it not applicable and the owner of the sign shall pay the Municipality an amount equal to the aggregate of ( i ) the cost incurred by The Municipality for removing and storing the sign and ( ii ) fifteen percent (15%) of the cost incurred by The Municipality for removing and storing the sign;
  - e) Where a sign has been stored for a period of at least thirty (30) days, the sign may be destroyed at the sole discretion of the Municipality without further notice and without compensation to its owner;
  - f) Without limitation to the generality of the foregoing, a public utility performing maintenance on a utility pole may take down or remove or cause to be removed immediately without notice, and at the risk of its owner, a sign that interferes with the public utility's maintenance function.

### **Liability**

- 12.8** The owner of a permanent or temporary sign and any person erecting, causing to be erected, or maintaining any permanent or temporary sign or sign structure shall be liable and responsible for such sign or sign structure.

### **Immunity and Indemnity**

- 12.9** The Nation Municipality shall not be liable for any damage to or loss of a permanent or temporary sign that was erected in contravention of the provisions of this by-law and removed by the Municipality.
- 12.10** The Nation Municipality shall not be liable for any loss of revenue resulting from the removal of a sign pursuant to the provisions of this by-law.
- 12.11** The Nation Municipality is hereby indemnified and saved harmless from and against any and all claims, demands, causes of action, loss, costs, damages, expenses or otherwise arising from the erection, maintenance, removal or falling of such sign, sign structure or part thereof.

### **General**

- 12.12** Every person who contravenes any of the provisions of this by-law is guilty of an offence.

- 12.13** No person shall knowingly provide false or incorrect information for the purposes of obtaining a permit.
- 12.14** No person shall contravene a term, provision or restriction in a permit that was imposed by the Manager, or by Council as a condition of issuing the permit.
- 12.15** No person shall obstruct, hinder or otherwise interfere with an Officer in the performance of his or her duties under this by-law.
- 12.16** No permit holder shall fail to produce his or her permit for inspection upon the request of the Manager, or an Officer.
- 12.17** No person shall fail to comply with a Notice of Violation made pursuant to Section 12.2 and served pursuant to Section 12.3.
- 12.18** Every person who is convicted of an offence under this by-law is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, Chap. P.33, as amended.
- 12.19** When a person has been convicted of an offence under this by-law:
- (a)** the Ontario Court of Justice; or
  - (b)** any court of competent jurisdiction thereafter,
- may, in addition to any other penalty imposed on the person convicted, make an order prohibiting the continuation or repetition of the offence by the person convicted.

**Repeal**

- 12.20** The following by-law is repealed:
- (a)** By-law No. 48-2005 of the Corporation of The Nation Municipality entitled "Signs By-law", as amended.

**AS READ IN THE FIRST, SECOND AND THIRD TIME AND PASSED IN OPEN COUNCIL, THIS 23rd DAY OF APRIL, 2018.**

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**Francois St. Amour, Mayor**

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**Josée Brizard, Clerk**