

THE CORPORATION OF THE
TOWN OF PELHAM
BY-LAW NO. 3310 (2012)

Being a by-law to repeal and replace By-law #3297 (2012), being a by-law for prohibiting or regulating signs and other advertising devices and this by-law shall be known as the "Sign By-law".

WHEREAS, Section 11 of the Municipal Act, S.O. 2001, c.25 provides that a lower-tier municipality may pass by-laws respecting structures, including fences and signs;

AND WHEREAS, The Town of Pelham is a lower-tier municipality within the upper-tier Regional Municipality of Niagara;

AND WHEREAS, Section 99 of the Municipal Act, S.O. 2001, c.25 provides rules that apply to a by-law of a municipality respecting advertising devices, including signs;

And WHEREAS Section 436. of the *Municipal Act*, S.O. 2001, c. 25, as amended, provides that a municipality has the power to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection;

AND WHEREAS Sections 435, 437 and 438 of the *Municipal Act*, S.O. 2001, c.25, as amended, set out additional powers and restrictions in regard to the power of entry;

AND WHEREAS, Section 446 of the Municipal Act S.O. 2001, c.25 provides that where a municipality has authority to direct that any matter or thing be done, the municipality may also direct that, in default of its being done by any person directed or required to do it, such matter or thing shall be done at their expense, and the municipality may recover the expense incurred in doing so by adding the costs to the tax roll and collecting them in the same manner as municipal taxes;

AND WHEREAS, the Council of the Corporation of the Town of Pelham deems it desirable to enact such a by-law which is in keeping with its mission, vision and values;

The intent of this By-law is to coordinate the type, placement and scale of signs for the purpose of accommodating commercial communication requirements of

the community. The By-law encourages the design of signs that are sensitive to the built environment and scenic characteristics of the community. The By-law shall be implemented in a manner than guarantees equal treatment under the law through accurate administration and consistent enforcement. No sign shall be permitted except in accordance with the provisions of the By-law.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM ENACTS AS FOLLOWS:

1. **SHORT TITLE**

This by-law shall be known as the "Sign By-law".

2. **DEFINITIONS**

In this by-law:

- 2.1 **"Area of Sign"** means the number of square metres of any face of the sign including the border and frame and, in the case of a multiple faced sign, shall mean 50% of the sum of the area of all the faces;
- 2.2 **"Authority Having Jurisdiction"** means the Corporation of the Town of Pelham, The Corporation of the Regional Municipality of Niagara and the Niagara Escarpment Commission;
- 2.3 **"Awning/Canopy"** means a structure, retractable or otherwise, covered with fabric or like material, that is attached to and projects from the exterior of the wall of a building;
- 2.4 **"Awning or Canopy Sign"** means a sign that is painted on or affixed to the surface of an awning;
- 2.5 **"Billboard Sign"** means an advertising sign other than a ground sign, portable ground sign or pole sign erected by a person, firm, corporation, business, commercial service or industrial enterprise, upon which space is displayed or made available for displaying advertising copy, describing one or more products or services which are not necessarily made, produced, assembled, stored or sold from the lot or premises upon which the billboard is erected and shall include bulletin boards, poster displays, poster boards, poster panels and field advertising signs;

- 2.6 **"Building Face"** means the exterior wall of a building that faces in one direction and is located between ground level and the eaves or upper limit of the parapet roof and includes all windows and doors;
- 2.7 **"Business Sign"** means a sign erected or maintained by a person, firm, corporation, business, commercial service, or industrial enterprise upon which space is displayed the name of the business and/or description of the product made, produced, assembled, sold or stored or service provided on the lot upon which the sign is located other than a sign advertising a home occupation as defined in the Town's Zoning By-law;
- 2.8 **"Business Wall Area"** means the number of square metres of the building face measured along the frontage of the individual business;
- 2.9 **"Chief Building Official"** means the Chief Building Official appointed by the Town pursuant to the Building Code Act, 1992, as amended, or any successors thereto;
- 2.10 **"Combustible Material"** means a material that fails to meet the acceptance criteria of CAN4-S114 "Standard Method of Test for Determination of Non-combustibility in Building Materials" or any similar standard incorporated into the Ontario Building Code subsequent to the enactment of this By-law;
- 2.11 **"Commercial Business"**, means a building, structure, use or activity pertaining to the buying or selling of commodities or the supplying of services for remuneration, but does not include a home occupation or activities associated with the manufacturing, warehousing or assembling of goods.
- 2.12 **"Corporation"**, **"Municipality"** and **"Town"** means the Corporation of the Town of Pelham;
- 2.13 **"Council"** means the Council of the Town of Pelham;
- 2.14 **"Daylighting Triangle"** including **"Sight Triangles"** and **"Vision Triangles"** means an area free of buildings or structures or other visual obstructions, and which are to be determined by measuring, from the point of intersection of street lines on a corner lot, a minimum of 9 m (29.53 ft.) along each such street line and joining such points with a straight line, and the triangular shaped land between the intersecting street lines and the

straight line joining the points the required distance along the street lines is the daylighting triangle;

- 2.15 "**Election Sign**" means a sign not permanently affixed to the ground and specifically designed and intended to be readily moved from place to place, indicating support of a candidate or a political party in a municipal, regional, provincial or federal election;
- 2.16 "**Erect**" means anything done in the installation, placement, display, maintenance, repair, or alteration of any sign;
- 2.17 "**Erector**" means anyone who does anything or permits anything to be done, or causes anything to be done, in the erection of any sign;
- 2.18 "**Frontage**" means the width of a lot measured along the street line of a lot. Where a lot has more than one street line, each street line shall be considered separately for the purposes of determining frontage;
- 2.19 "**Ground Sign**" means a sign 3m (9.84 ft.) or less in height directly supported from the ground without the aid of any building or structure other than the sign structure;
- 2.20 "**Height of Sign**" means the vertical distance from the ground to the highest point of the sign or sign structure;
- 2.21 "**Incidental Sign**" means a sign include a flag, mailbox, newspaper box, corner stone, holiday decoration, or any sign which is part of equipment;
- 2.22 "**Inflatable Sign**" means a sign or advertising device designed to be airborne and tethered to the ground, a vehicle or building or structure and shall include balloons and other inflatable advertising devices;
- 2.23 "**Land**" means any private property, premises, grounds, yard or vacant lot and includes any building or structure thereon not actually used as a dwelling;
- 2.24 "**Lot**" means any parcel of land whether such parcel is described in a registered deed, or shown as a lot or block in a registered plan of subdivision;
- 2.25 "**Motor Vehicle**" includes an automobile, motorcycle, motor assisted bicycle and any other vehicle propelled or driven otherwise than by

muscular power; but does not include the cars of electrical or steam railways, or other motor vehicles running only upon rails, or traction engine, farm tractor, self propelled implement of husbandry or road-building machine within the meaning of the Highway Traffic Act;

- 2.26 **"Municipal Law Enforcement Officer"** and **"Officer"** means the Municipal Law Enforcement Officer of the Corporation and includes the Chief Building Official or any other officer authorized to enforce this or any other by-law of the Corporation;
- 2.27 **"Occupier"** means any person, firm or corporation having control over any portion of the building or land or lot under consideration and includes the persons in the building or on the land or lot;
- 2.28 **"Owner"** includes:
- 2.28.1 owner of the sign;
 - 2.28.2 owner of the land or lot on which the sign is located;
 - 2.28.3 the person, for the time being, managing or receiving the rent of (i) the sign or (ii) the land or lot on which the sign is located;
- 2.29 **"Pole Sign"** means a sign greater than 3.0m (9.84 ft.) in height directly supported from the ground without the aid of any building or structure other than the sign structure;
- 2.30 **"Portable Ground Sign"** means any sign not permanently affixed to the ground and specifically designed and intended to be readily moved from place to place and, without restricting the generality of the foregoing, be deemed to include signs on motor vehicles or trailers of any kind.
- 2.31 **"Projecting Sign"** means a type of wall sign that is so constructed and so erected as to be attached at one end to a building and projecting outwardly therefrom;
- 2.32 **"Property Line"** means any line that defines the boundary of the lot;
- 2.33 **"Public Property"** means lands owned by The Corporation of the Town of Pelham, The Corporation of the Regional Municipality of Niagara, the Province of Ontario, or a local board as defined in the Municipal Affairs Act, as amended, and includes any road allowances;

- 2.34 **"Real Estate Sign"** means a sign that advertises property or premises for sale, lease or rent;
- 2.35 **"Reasonable Time"** means anytime between the hours of 6 am and 9 pm.;
- 2.36 **"Residential Lands"** means any lands zoned "Residential" in accordance with the provisions of any zoning by-laws of the Town of Pelham;
- 2.37 **"Roof Sign"** means a sign which is erected on or supported by the roof of a building and includes a sign painted on a roof;
- 2.38 **"Sandwich Board"** means a free-standing sign, or a sign designed to be temporarily supported in the ground, and not affixed or anchored to the ground or to a building and, without limiting the foregoing, includes signs commonly referred to as A-frame, T-frame, and menu boards and does not include real estate or election signs;
- 2.39 **"Sign"** means any device displaying any letter, figure, character, mark, point, plane, design, poster, pictorial, stroke, stripe, line trademark reading matter, or illuminating device constructed, attached, erected, fastened or manufactured in any manner whatsoever, so that the same is used or is intended to be used for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever, and displayed in any manner whatsoever, and includes the structure of the said device;
- 2.40 **"Sport Facility Fencing"** means any fence which is contained within the property boundary of a public park, public sports field, or public recreational facility;
- 2.41 **"Street Line"** means the boundary line that divides a lot from a road allowance;
- 2.42 **"Temporary Special Event Sign"** means a portable ground sign, and may include a third party sign, in conjunction with non-profit celebrations, public events, charitable organization events or similar functions or events;
- 2.43 **"Third Party Sign"** means a sign erected or maintained by a person, firm, corporation, business, commercial service or industrial enterprise, describing in any manner whatsoever one or more products or services

which are made, produced, assembled, sold or stored on a lot other than the lot upon which the sign is erected;

2.44 **"Wall Sign"** means a sign which is supported by, or displayed on, a building wall, fascia or similar structure (ornamental features), signs painted or otherwise affixed to canopies and awnings and signs painted on the wall of a building or structure.

2.45 **"Window Sign"** means a sign posted, painted or affixed in or on a window or the glazed portion of a door and shall include an interior sign that faces a window or door exposed to public view and located within 1 metre (3.3 feet) of a window or door.

3. **INTERPRETATION**

In this by-law:

3.1 Statutory references are to statutes of Ontario and the regulations made thereunder and shall be deemed to refer to such statutes and regulations as amended, consolidated, re-enacted and in force from time to time;

3.2 All words shall be read with all changes of gender and number required by the context or circumstances;

3.3 Should any section, clause or provision of this By-law be held by a court of competent jurisdiction to be invalid, the validity of the remainder of this By-law shall not be vitiated.

4. **PERMITS AND FEES**

4.1 Notwithstanding subsection 4.9, no person shall erect or relocate, cause or permit to be erected or relocated any sign without first having obtained a permit issued by the Chief Building Official in accordance with the provisions of this by-law.

4.2 Every application for a permit shall be submitted on the form prescribed by the Corporation for that purpose and shall be accompanied by:

4.2.1 two (2) plot plans showing the property lines and street lines of the lot on which it is proposed to erect such sign, and the location of the sign upon the lot in relation to the said property

lines and street lines and to any other buildings or structures upon the subject lot;

4.2.2 two (2) complete plans of the proposed sign and its structure for which a permit is sought, prepared by a competent person;

4.2.3 such other documents as may be specified by the Chief Building Official where, in his opinion, they may be deemed necessary to ensure that the proposed sign complies with this by-law and any other applicable law;

4.2.4 confirmation or certification from a professional engineer, Ontario Land Surveyor or other competent person where, in the opinion of the Chief Building Official, the circumstances deem it necessary to ensure compliance with this by-law;

4.2.5 valid proof of issuance of any other permit or approval required to be issued by any other authority having jurisdiction;

4.2.6 written authorization from the owner of the land or lot if different from the applicant.

4.3 The applicant for a permit to erect a sign shall, at the time of application for the permit, pay the fee prescribed in accordance with Schedule "A" attached hereto and forming part of this by-law.

4.4 The Chief Building Official shall issue a permit except where:

4.4.1 the proposed sign will not comply with this by-law or will contravene any other applicable law;

4.4.2 the application is incomplete or any fees due are unpaid.

4.5 No person shall erect a sign except in accordance with the permit issued for such sign and no person shall make a material change or cause a material change to be made to a plan, specification or document or other information on the basis of which a permit was issued without notifying the Chief Building Official and filing details of such change with him for the purpose of obtaining his authorization.

4.6 A permit application for a sign shall be deemed to have been cancelled six (6) months after it has been approved and the applicant has not accepted the permit or paid the appropriate fee.

4.7 A permit for a sign may be revoked by the Chief Building Official:

4.7.1 where it was issued on mistaken or false information;

4.7.2 where, after six (6) months after its issuance, the erection in respect of which it was issued has not, in the opinion of the Chief Building Official, been seriously commenced;

4.7.3 where the erection of the sign is, in the opinion of the Chief Building Official, substantially suspended or discontinued for a period of more than one year.

4.8 Permit fees may be refunded where, in the opinion of the Chief Building Official, it is deemed appropriate and shall be made as follows:

4.8.1 50 per cent if the permit has been issued and no inspections have been made;

4.8.2 no refund if the permit has been issued and any inspections have been made;

4.8.3 notwithstanding the above, no refund shall be made of an amount less than \$20.00.

4.9 Signs Not Requiring Permits

Notwithstanding the provisions of subsection 4.1 of this by-law, the following signs are permitted in addition to any other sign allowed under this by-law and are exempted from the requirements of a permit provided such signs comply with all other provisions of this by-law:

4.9.1 A sign not exceeding 0.2m² (2.2 sq. ft.) in area per face indicating no trespassing, safety, caution, or any other regulatory sign, including entrance, exit, parking or traffic signs on private property;

4.9.2 an incidental sign not exceeding 0.6m² (6.5 sq. ft.) in area;

- 4.9.3 an election sign;
- 4.9.4 a sign erected or required to be erected by a government or government agency or any local board established by such government or government agency;
- 4.9.5 a real estate sign not exceeding 0.6m² (6.5 sq. ft.) in area;
- 4.9.6 a sign not exceeding 0.2m² (2.2 sq. ft.) in area identifying the occupant and/or municipal address;
- 4.9.7 a sign inside a building;
- 4.9.8 signs affixed to sports facility fencing subject to Town approval;
- 4.9.9 a window sign provided it does not exceed 50% of the area of each window opening;
- 4.9.10 a sign painted upon a fuel storage tank or dispensing facility identifying the product;
- 4.9.11 a sign attached to or located on a motor vehicle or trailer which is currently licensed, operable and used regularly as part of a business, which is located at the personal residence of the owner or employee of the business;
- 4.9.12 notwithstanding Section 5.9.12, a contractor working on a customer's property may display a commercial business sign on the property for the purpose of advertising his business or service, provided the sign does not exceed 0.6m² (6.5 sq. ft.) in area. The sign is only permitted while the contractor is actively working on the property;
- 4.9.13 the changing of any moveable part of a sign for which a permit has been issued, that is designed for such change, or the repainting or reposting of the advertising message on the display surface of such sign;
- 4.9.14 a sandwich board on private property in compliance with section 12.7 and on public property in compliance with section 12.8;

- 4.9.15 a produce sign on private property advertising the sale of seasonal, locally grown produce. Such sign shall have a maximum size of 1.5 m² (16.15 sq. ft.). A produce sign shall only be erected on the property where the produce is grown

5. GENERAL PROVISIONS

- 5.1 This by-law shall not apply to a sign that was lawfully erected on the day the by-law came into force and the sign is not substantially altered, and the maintenance and repair of the sign or other advertising device or a change in the message displayed is deemed not in itself to constitute an alteration.
- 5.2 Signs erected by the Corporation on public property are exempt from this by-law.
- 5.3 No person shall erect a sign or other advertising device except in accordance with the provisions of this by-law, the Ontario Building Code, Ontario Fire Code and any other applicable law.
- 5.4 Notwithstanding Division B, 3.15.1.2 (e) of the Ontario Building Code, all signs must comply with requirements of the Ontario Building Code.
- 5.5 All signs, must comply with the “Plastic Sign Facing Materials” and “Location Restrictions” regulations outlined in the Ontario Building Code.
- 5.6 The Chief Building Official or designate may, if deemed necessary, require that the sign and supporting structure be designed by an Architect or Professional Engineer registered in Ontario. The erection of such sign must be reviewed during its construction or erection by the Architect or Professional Engineer and be certified as being erected in compliance with their design drawings and specifications. The following signs must be designed by an Architect or Professional Engineer:
 - 5.6.1 a pole sign;
 - 5.6.2 a projecting sign weighing more than 115kg (254 lbs);
 - 5.6.3 a projecting sign attached to a parapet;
 - 5.6.4 a roof sign.

5.7 The owner is responsible for the maintenance of signs and every owner shall ensure that every sign is kept in good repair and in compliance with the provisions of this by-law.

5.8 Where signs are regulated by more than one authority having jurisdiction such signs shall be erected in accordance with the regulations of the most restrictive regulating authority.

5.9 Variances

5.9.1 An applicant may apply in writing to Council for a variance from the requirements of this by-law.

5.9.2 The application for a variance shall be accompanied by the non-refundable fee prescribed in accordance with Schedule "A" attached hereto and forming part of this by-law.

5.9.3 The application for variance must be received not less than 2 weeks before the next scheduled General Committee meeting.

5.9.4 The Council may, upon application of any person, authorize variances from the by-law which are minor in nature and, if in the opinion of Council, the general intent and purpose of the by-law are maintained. Council may also attach additional requirements necessary to carry out the spirit and purpose of this by-law.

5.10 Prohibited signs

Except as specifically permitted by this By-law, the following signs shall not be erected, located or displayed within the municipality:

5.10.1 any sign in such a location or manner as to obstruct the line of vision of pedestrian or vehicular traffic;

5.10.2 any sign having a flashing light or lights within 20m (65.6 ft.) of a street line;

5.10.3 any sign having a flashing light or lights within 30m (98.4 ft.) of any property line of any land zoned residential, institutional, park or public as defined by the Corporation's zoning by-law;

- 5.10.4 revolving beacons;
 - 5.10.5 any sign with lights or lighting which will adversely affect adjacent properties or vehicular traffic;
 - 5.10.6 signs which make use of words as "Stop", "Look", "One-Way", "Danger", "Yield" or any similar words or phrases, symbols, lights or characters in such a manner as may tend to interfere with, mislead, or confuse drivers;
 - 5.10.7 any sign within any sight triangle;
 - 5.10.8 any billboard sign;
 - 5.10.9 any business sign on residential lands, other than a sign advertising a home occupation in compliance with the Town's Zoning By-law and as provide in Sections 4.9.10 and 4.9.11;
 - 5.10.10 any real estate sign on residential lands which sign exceeds 0.6m² (6.5 sq. ft.) in area;
 - 5.10.11 any third party sign except a temporary special event sign;
 - 5.10.12 a sign painted on a roof;
 - 5.10.13 an inflatable sign.
- 5.11 No person shall erect, nail or otherwise attach any sign or cause any sign to be erected, nailed or otherwise attached to or upon any property managed and controlled by a public utility commission or of a local board as defined in the Municipal Act except upon the express written consent of the said public utility commission or local board; and no sign, other than Federal, Provincial, Regional or Town owned signs shall be permitted on any street or on any tree situated on a street or on anything situated on municipal property without the approval of Council;
- 5.12 Any sign or other advertising device which no longer advertises a bona fide business or service on the premises or which advertises products no longer stocked or sold, shall be removed within 60 days of the cessation of such business or service or the cessation of the sale of such products.

6. VIOLATIONS

The Municipal Law Enforcement Officer may, require any person who:

- 6.1 has caused a sign to be erected without first having obtained a permit to do so; or,
- 6.2 having obtained a permit has caused a sign to be erected contrary to the approved plans in respect of which the permit was issued, to make such sign comply with this by-law if it does not so comply or to remove such sign within forty-eight (48) hours of receiving said written notice from the Municipal Law Enforcement Officer.

7. ENTRY AND INSPECTION

- 7.1 Subject to the following conditions, an officer may at any reasonable time enter onto land for the purpose of carrying out an inspection to determine whether or not the provisions of this by-law are being complied with:
 - 7.1.1 The power of entry shall be exercised by an employee, officer or agent of the municipality or a member of the police force of the municipality;
 - 7.1.2 The person exercising the power must on request display or produce proper identification;
 - 7.1.3 The person exercising the power may be accompanied by a person under his or her direction;
 - 7.1.4 Except as provided in Section 7.1.5, authorization from the occupier of the land is required prior to exercising the power of entry provisions;
 - 7.1.5 If the required authorization as per Section 7.1.4 is not obtained, a notice of the proposed entry shall be provided to the occupier of the land;
- 7.2 Where a notice of a proposed entry is required to be given as per Section 7.1.5, the notice must satisfy the following requirements:
 - 7.2.1 The notice must be given to the occupier of the land in respect of which the power of entry will be exercised;

7.2.2 The notice may be given by personal service, prepaid mail or by posting the notice on the land in a conspicuous place;

7.2.3 The notice must be given a minimum of 24 hours before the power of entry is exercised.

8. **RESTRICTIONS**

Every occupier shall permit an officer to inspect any land for the purposes as set out in Section 7.1 of this by-law.

9. **INSPECTION POWERS**

For the purposes of an inspection, an officer may;

9.1. require the production for inspection of documents or things relevant to the inspection;

9.2 inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;

9.3 require information from any person concerning a matter related to the inspection; and

9.4 alone or in conjunction with a person possessing special or expert knowledge, make examinations or take photographs, necessary for the purposes of the inspection.

10. **OBSTRUCTION**

10.1 No person shall obstruct, or attempt to obstruct, any officer or other person who is exercising a power or performing a duty under this by-law or the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, or its predecessor.

10.2 Without limiting Section 10.1, "obstruct" includes:

10.2.1 to hinder or mislead;

10.2.2 to knowingly provide false information or make a false claim or statement;

- 10.2.3 to prevent, bar or delay, or attempt to prevent, bar or delay, entry or inspection by an officer, or any person under his or her direction;
 - 10.2.4 to prevent, bar or delay, or attempt to prevent, bar or delay, any person, including an officer, from carrying out his or her duties or exercising his or her powers, including but not limited to the removal of documents or things relevant to the inspection, or the taking of any tests, samples or photographs necessary for the purposes of the inspection;
 - 10.2.5 to prevent, bar or delay, or attempt to prevent, bar or delay, any person, including an officer, from carrying out his or her duties or exercising his or her authority pursuant to an order issued by a provincial judge or justice of the peace under Section 438 of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended; and
 - 10.2.6 to fail to provide, upon request by an officer, any information, documents or things relevant to an inspection.
- 10.3 Without limiting Sections 10.1 and 10.2, every person who is alleged to have contravened any of the provisions of this by-law shall identify themselves to an officer upon request and failure to do so shall be deemed to have obstructed the officer in the execution of his or her duties contrary to Section 10.1 of this by-law.

11. REMOVAL OF ILLEGAL SIGNS

- 11.1 When a sign is erected or displayed in contravention of any provision of this by-law, such sign may be removed immediately by the Chief Building Official or a Municipal Law Enforcement Officer without notice, if located on, over, partly on, or partly over, property owned or under the jurisdiction of the Town or any sign located in a sight triangle.
- 11.2 When a sign is erected or displayed in contravention of any provision of this by-law and such sign is located on property other than property owned by or under the jurisdiction of the Town, the Chief Building Official or a Municipal Law Enforcement Officer may forward a notice by personal service on, or by registered mail to, the owner or occupant of the property, requiring that the sign be permanently removed within forty-eight (48)

hours of the notice and thereafter not replaced with any sign in contravention of this by-law.

- 11.3 If a notice issued under the provisions of Section 11.2 is not complied with, the Chief Building Official or a Municipal Law Enforcement Officer may require that the municipality, its employees, or an independent contractor enter upon the land at any reasonable time and remove such sign.
- 11.4 Signs so removed shall be stored by the municipality in accordance with Work Step Procedure BLDG/19 – Removal, Storage and Return of Unlawful Signs. The owner or his agent may redeem such sign as per the provisions of the aforementioned Work Step Procedure.
- 11.5 Where a sign has been removed by the municipality and has not been redeemed, such sign may be forthwith destroyed or otherwise disposed of by the Town on authority and direction from the Chief Building Official and the owner shall be liable to pay the Town the cost of removal and storage of the sign as provided for in Work Step Procedure BLDG/19 – Removal, Storage and Return of Unlawful Signs.
- 11.6 If a person fails to pay the removal and storage costs as provided for in subsections 11.4 and 11.5 above, the municipality may recover the expense incurred in doing so, by adding the costs to the tax roll and collecting them in the same manner as municipal taxes;

12. CLASSIFICATION OF SIGNS

12.1 ELECTION SIGNS

- 12.1.1 No person shall erect, or cause to be erected, an election sign, except in accordance with this by-law.
- 12.1.2 Election signs are not permitted on public property, and shall not be erected within the road allowance of the Town of Pelham or the Regional Municipality of Niagara, including medians and islands, utility poles, light standards and traffic signal standards.
- 12.1.3 Election signs, including signs attached to vehicles, are not permitted to be erected, or displayed in anyway on Town property or buildings, including but not limited to the municipal offices, town parks, cemeteries, arena, libraries and firehalls.

- 12.1.4 Election signs erected on the ground shall be located not less than 1.0 m (3.3 ft) from a lot line and a street line.
- 12.1.5 Election signs erected on residential only lands shall not exceed 0.6 m² (6.5ft²) in sign area.
- 12.1.6 Election signs erected on other than residential only lands shall not exceed 3.0 m² (32.3 ft²) in sign area.
- 12.1.7 No election sign shall be erected on the property where a polling facility is located or within 60 m (197ft.) of a polling facility.
- 12.1.8 Election signs shall not be erected earlier than forty-five (45) days before voting day, with the exception of signage at a campaign headquarters.
- 12.1.9 Election and campaign headquarters signs shall be removed no later than three (3) days following Election Day. The candidate shall be responsible for the removal of the signs.

12.2 GROUND SIGNS

- 12.2.1 No ground sign shall be located on any property other than the property to which the ground sign applies.
- 12.2.2 No ground sign shall be located closer to the street line or any other property line than the setback line for a building as established by the Corporation's zoning by-law or 3.0m (9.84 ft.), whichever is the lesser.
- 12.2.3 No ground sign shall be erected which:
 - 12.2.3.1 exceeds 3m (9.84 ft.) in height of sign;
 - 12.2.3.2 exceeds 0.3m² (3.2 sq. ft.) in area on residential lands;
 - 12.2.3.3 exceeds 9m² (96.0 sq. ft.) in area per side or visible face.

12.2.4 No person shall erect a ground sign within 6m (19.68 ft) of a driveway entrance/exit or intersection of two streets, when the setback is less than the height of the sign.

12.2.5 No person shall erect on any lot more than one ground sign for every 20m (65.5 ft.) of the frontage of the lot on which the ground sign is located. Where a lot has less than 20m (65.5 ft.) of frontage the owner may erect one ground sign.

12.3 POLE SIGNS

12.3.1 No pole sign shall be located on any property other than the property to which the pole sign applies.

12.3.2 No pole sign shall be located closer to the street line or any other property line than the setback line for a building as established by the Corporation's zoning by-law or 3m (9.84 ft.), whichever is the lesser.

12.3.3 No pole sign shall be erected which:

12.3.3.1 exceeds 9m (29.5 ft.) in height of sign;

12.3.3.2 exceeds 20m² (215 sq. ft.) in area per side or visible face;

12.3.4 No person shall erect on any lot more than one pole sign for every 60m (197 ft.) of the frontage of the lot on which the pole sign is located. Where a lot has less than 60m (197 ft.) of frontage a pole sign is not permitted;

12.3.5 No person shall erect a pole sign on residential lands.

12.4 PORTABLE GROUND SIGNS

12.4.1 No portable ground sign shall be located on any property other than the property to which the portable ground sign applies.

12.4.2 No portable ground sign shall be located closer to:

12.4.2.1 any street line or other property line than 1.0m (3.2 ft.);

- 12.4.2.2 any street line than 2m (6.5 ft.) where the portable ground sign exceeds 1m (3.25 ft.) in height of sign;
- 12.4.2.3 any other portable ground sign than 30m (98.4 ft.) .
- 12.4.3 No person shall erect a portable ground sign which:
 - 12.4.3.1 exceeds 2.4m (7.8ft) in height of sign;
 - 12.4.3.2 exceeds 4.6m² (50.0 sq. ft.) in area per side or visible face;
 - 12.4.3.3 has more than two sides or visible faces.
- 12.4.4 No person shall erect a portable ground sign on residential lands except a temporary special event sign.
- 12.4.5 No person shall erect on any lot more than one portable ground sign for every 30m (98.4 ft.) of the frontage of the lot on which the portable ground sign is located. Where a lot has less than 30m (98.4 ft.) of frontage the owner may erect one portable ground sign.
- 12.4.6 Portable ground signs may be illuminated or luminous provided such lighting does not consist of flashing lights, moving lights, or intermittent or activated lighting of any kind.
- 12.4.7 All electrical cables, extensions, wires or outlets of every nature or kind attached to, or relating in any way to, a portable sign must comply with the regulations of the Electrical Safety Authority.
- 12.4.8 No person shall erect a portable ground sign in or on a required parking space on a property.
- 12.4.9 No person shall erect a portable ground sign within 6m (19.68 ft) of a driveway entrance/exit or intersection of two streets, when the setback is less than the height of the sign.
- 12.4.10 Portable ground signs may be approved on a temporary basis only and shall only be permitted to be erected, subject to a

permit for each individual time period in accordance with the provisions above, for a maximum of four (4) - thirty (30) day periods in any one calendar year, with a minimum thirty (30) day interval between each thirty (30) day permitted period.

12.4.11 Notwithstanding subsection 12.4.10 above, a new business may be granted a one-time permit to erect a portable ground sign for a three (3) month period of continuous advertising from the opening day of the business to promote the new business.

12.4.12 Portable ground signs and supporting structure must be removed from the property or yard, or adequately screened from view by fencing or landscaping, once the time frame indicated on the sign permit has lapsed.

12.5 **PROJECTING SIGNS**

12.5.1 Projecting signs shall not project more than 1 m (3.28 ft.) from the building to which it is attached;

12.5.2 Projecting signs shall only be fastened to a structural component of the building to which such sign is attached in accordance with good engineering practice subject to the approval of the Chief Building Official;

12.5.3 No part of any projecting sign may project beyond the street line or any other property line or encroach on or over any other property;

12.5.4 Every projecting sign shall have a minimum 2.4 m (7.87 ft.) clearance between the bottom of the sign and grade.

12.6 **ROOF SIGNS**

12.6.1 No roof sign shall be located on any property other than the property to which the roof sign applies.

12.6.2 A roof sign shall be located on a roof and shall be setback at least 1m (3.3 ft.) from the building face on which such roof sign is erected.

12.6.3 No roof sign shall be erected which:

12.6.3.1 is not constructed of non-combustible materials;

12.6.3.2 does not have a clear space of at least 1.22m (4 ft.) from the underside of the sign to the level of the roof or top of the building except for the sign's support structure;

12.6.3.3 exceeds 10m² (107 sq. ft.) in area per side or visible face;

12.6.3.4 height exceeds the maximum building height from grade as prescribed by the Corporation's zoning by-law.

12.7 SANDWICH BOARDS ON PRIVATE PROPERTY

Any person who has a legal commercial business operating within the Town of Pelham, may erect one sandwich board on the property on which such business is located without obtaining a permit provided such sign complies with the following regulations:

12.7.1 by its decision to erect a sandwich board the business assumes all liability for personal injury and property damage caused or contributed to by the sandwich board;

12.7.2 the sandwich board shall only be erected on the business property and not on public property;

12.7.3 the sandwich board will not impede pedestrian or vehicular traffic and will not cause a traffic visibility hazard;

12.7.4 no sandwich board shall be larger than 0.6m (2 ft) wide x 1.2m (3.9 ft.) high or 0.9m (3ft.) in depth;

12.7.5 each sandwich board shall be properly maintained to the satisfaction of the Chief Building Official or Municipal Law Enforcement Officer.

12.7.6 The sandwich board shall be removed from public view during any time when the business is not open to the public.

12.8 SANDWICH BOARDS ON PUBLIC PROPERTY

Any person who has a legal commercial business operating within the Town of Pelham may erect one sandwich board on public property where it is not possible to erect a sandwich board sign on private property in compliance with 12.7, provided the sandwich board sign complies with the following regulations:

- 12.8.1 There shall be only one sandwich board sign adjacent to the business frontage of each business on the ground floor;
- 12.8.2 by its decision to erect a sandwich board the business assumes all liability for personal injury and property damage caused or contributed to by the sandwich board. Each business shall maintain a minimum \$2,000,000.00 of Commercial General Liability Insurance naming the Town as an additional insured and providing 30 days notice of cancellation or non-renewal;
- 12.8.3 Section 4.2.6 of this by-law is not applicable;
- 12.8.4 No sandwich board sign shall be closer than 0.3 m (1 ft.) to the travelled portion of the roadway;
- 12.8.5 No sandwich board sign shall be located in such a manner as to interfere with either pedestrian or vehicular traffic. This also includes vehicle parking stalls;
- 12.8.6 Where a sandwich board sign is located on a public sidewalk, there shall be a minimum clearance around the sign of 1.2 m (4 ft.) to allow pedestrians to pass;
- 12.8.7 No sandwich board sign shall be larger than 0.6 m (2 ft.) wide, 1.2 m (3.9 ft.) high, or 0.9 m (3 ft.) in depth;
- 12.8.8 Each sandwich board sign shall be properly maintained to the satisfaction of the Chief Building Official or Municipal Law Enforcement Officer;
- 12.8.9 The sandwich board sign shall be removed from public view during any time that the business is not open to the public.

12.9 TEMPORARY SPECIAL EVENTS SIGNS

- 12.9.1 Nothing herein shall be deemed to prevent temporary street decorations or other temporary advertising devices installed for various civic celebrations and/or other festivals and/or special events, which are not for profit in nature.
- 12.9.2 Temporary special event signs may be erected for a period from forty-five (45) days prior to the event to not more than five (5) days after the event at which time the sign shall have been removed.
- 12.9.3 Temporary special event signs shall be erected in compliance with the portable ground sign provisions of subsections 12.4.2, 12.4.3, 12.4.6, 12.4.8, 12.4.9, 12.4.10 and 12.4.11.
- 12.9.4 Temporary special event signs shall not be illuminated in any manner.
- 12.9.5 A permit is required for a special event sign but not subject to the fee outlined in Schedule A. The permit must be obtained prior to the erection of the sign.
- 12.9.6 No temporary special event signs shall be erected on public property unless specifically approved by Council.

12.10 WALL SIGNS

- 12.10.1 No wall sign shall be located on any property or building other than the property or building to which the wall sign applies.
- 12.10.2 No wall sign shall be erected which:
 - 12.10.2.1 is not erected against the exterior wall of the building to which the wall sign is to be attached;
 - 12.10.2.2 projects more than 0.3m (1 ft.) from the wall of the building;
 - 12.10.2.3 the upper limit of a wall sign shall not project above eaves line or parapet of a building;

12.10.2.4 has an area or aggregate area of all wall signs which exceeds 10m² (107 sq. ft.) or 25% of the area of the face of the building on which it is installed, whichever is the lesser;

12.10.2.5 exceeds 0.3m² (3.2 sq. ft.) in area on a building on residential lands;

12.10.2.6 signs that project more than 100mm (4") shall have at least 2.4m (7.87 ft.) clearance between grade and the underside of the wall sign;

12.10.3 In the case of a building consisting of multiple occupancies or tenants, a maximum of one (1) wall sign shall be permitted for each occupancy or tenant, provided the sign does not exceed 10% of the business wall area, and the total sign area of all signs does not exceed the maximum allowable sign area of 10 m² (107 sq ft);

12.10.4 Where two (2) or more wall signs are attached to the same building face, the signs shall maintain a uniform band of signage along the building face by locating all signage on the building face in a manner that maintains a consistent horizontal alignment and vertical height or the signs are to be located in the centre of the business frontage.

12.10.5 No person shall erect more than one wall sign for each 100m² (1,076 sq. ft.) of business wall area, notwithstanding that any business which does not have a business wall area of 100m² (1,076 sq. ft.) may have one wall sign on the building face which has a public entrance into the business.

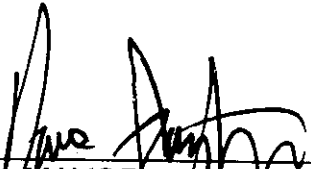
13. **PENALTY**

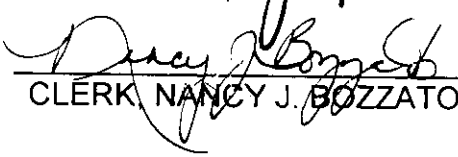
Every person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to a penalty as prescribed by the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.

14. **BY-LAWS REPEALED**

By-law No. 3297 (2012) is hereby repealed and replaced.

READ A FIRST, SECOND AND THIRD TIME
AND FINALLY PASSED BY COUNCIL
THIS 5th DAY OF NOVEMBER, 2012.


MAYOR, D. AUGUSTYN


CLERK, NANCY J. BOZZATO

SCHEDULE "A"
TO BY-LAW NO. 3299 (2012)

SIGN PERMIT FEES

1.	GROUND SIGNS	\$ 75.00
2.	POLE SIGNS	\$100.00
3.	PORTABLE GROUND SIGNS (for each 30 day period in accordance with Section 12.4.10)	\$ 75.00
4.	PROJECTING SIGNS	\$ 75.00
5.	ROOF SIGNS	\$ 75.00
6.	WALL SIGNS	\$ 75.00
7.	APPLICATION TO COUNCIL FOR VARIANCE	\$100.00 + applicable sign permit fee