

MUNICIPALITY OF SOUTHWEST MIDDLESEX

BY-LAW NUMBER 2013/096

SIGN BY-LAW

**Being a by-law to regulate advertising devices including signs
and awnings and canopies associated with a business**

in the

Municipality of Southwest Middlesex

WHEREAS the Municipal Act, 2001 authorizes a municipality to pass by-laws respecting advertising devices including signs;

AND WHEREAS the Municipal Act, 2001 provides that a municipality may enter land and pull down or remove an advertising device including a sign if it is erected or displayed in contravention of a by-law respecting same;

AND WHEREAS it is deemed desirable to establish regulations governing advertising devices including signs in the Municipality of Southwest Middlesex.

NOW THEREFORE the Council of the Municipality of Southwest Middlesex enacts as follows:

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1.0 TITLE

- 1.1 This By-law shall be known as a by-law for the regulating advertising devices including signs and awnings and canopies associated with a business in the Municipality and may be cited by its short title; namely, the "Sign By-law".

2.0 DEFINITIONS

For the purpose of this By-law:

2.1 Abandoned Sign

shall mean a sign that identifies or advertises an activity, business, product, service or event that is no longer available at, or on the premises indicated, or identifies or advertises an activity, business, product, service or event which is no longer conducted or available at, or on the premises on which the sign has been erected.

2.2 Address Sign

shall mean a pole sign on which the information is limited to the municipal address of the property on which the sign has been erected.

2.3 Alter

shall mean to change one or more of the dimensions of a sign.

2.4 Animated Sign

shall mean a sign that includes action or motion of all or any part of a sign and includes a sign containing an intermittent or flashing light source.

2.5 Area

shall mean the surface area of one (1) side of a sign including the border and frame.

2.6 Awning

shall mean a retractable, collapsible or moveable shelter, hood or cover that projects from the wall of a building.

2.7 Awning Sign

shall mean a sign painted on or affixed flat to the surface of an awning that does not extend beyond the limit of the awning and used solely for the identification of the business being conducted in the building to which the awning is attached and contains no other commercial message.

2.8 Billboard

shall mean a sign other than a real estate sign, measuring more than 2.0 m² in area, which directs attention to products, goods and services, activities or facilities not provided on the property on which the sign is erected.

2.9 By-law Enforcement Officer

shall mean the Municipality's By-law Enforcement Officer or designate as appointed by the Municipality from time to time.

2.10 Canopy

shall mean a permanent non-retractable shelter, hood or cover that projects from the wall of a building.

2.11 Council

shall mean the Council of the Municipality of Southwest Middlesex.

2.12 Election Sign

shall mean a sign advertising, promoting or relating to the election of a political party, candidate for public office in a federal, provincial or municipal election, or an authorized question on the ballot.

2.13 Erect

shall mean to attach, install, hang, place, suspend, affix a sign or letters or to build, construct, reconstruct, alter, enlarge, or relocate a sign.

2.14 Existing Sign

shall mean a sign that was lawfully erected prior to the date of the passing of this By-law.

2.15 Fascia Sign

shall mean a sign located in such a manner that the sign surface is parallel to the main wall of the building to which it is attached and not extending more than 0.25 m from the wall of the building to which it is attached.

2.16 Grade

shall mean the average elevation of the finished surface of the ground immediately surrounding the sign.

2.17 Ground Sign

shall mean a sign affixed to, supported by or placed directly upon the ground.

2.18 Identification Sign

shall mean, when used in reference to:

- (a) a premises, business or building identification sign, means a sign that displays nothing more than one or more of the name and address of the premises, any insigniã related thereto, the name, address and insignia of any business conducted from or available to others on the premises and hours of operation;

- (b) a product or activity identification sign, means a sign that displays nothing more than one or more of the contents of a premises or business identification sign, the name of a product or thing manufactured on or available to others on the premises, and the name of an activity related to any business conducted on the premises and hours of operation.

2.19 Inflatable Sign

shall mean a non-rigid sign supported by air or other gas under pressure.

2.20 Memorial Sign

shall mean a sign providing historical information about a building, structure or object to which it is attached or the site upon which the sign is erected.

2.21 Owner

shall mean the owner of the sign and includes the owner of the property on which the sign is erected and the owner of the business being advertised.

2.22 Pedestal Sign

shall mean a non-illuminated sign resting on the ground.

2.23 Pole Sign

shall mean a sign supported and placed upon one or more poles or standards.

2.24 Portable Sign

shall mean a temporary advertising device and includes any and all signs, constructed so as to be readily moved or transported whether or not the sign is fixed to the ground, mounted on a vehicle or affixed to a freestanding structure but does not include a sandwich board sign.

2.25 Projecting Sign

shall mean a sign that projects from a building face so that the sign face is not parallel with the building wall to which it is attached.

2.26 Property

shall mean a separately assessed property shown on the Municipality's Assessment Roll.

2.27 Real Estate Sign

shall mean a temporary sign indicating a property or any part thereof is for sale, rent, lease or is open for viewing for the purposes of such sale, rent or lease of the property.

2.28 Sandwich Board Sign

shall mean a non-illuminated sign consisting of two (2) flat surfaces joined or hinged at one (1) end and resting on the ground.

2.29 Sight Triangle

shall mean the triangular space formed by the street lines of a corner lot where such lot is located at the intersection of two or more streets and a line drawn from a point in one street line to a point in the other street line, each such point being nine (9.0) metres from the point of intersection of the street lines measured along the said street lines, and where the two street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the projected tangents of the said street lines.

2.30 Sign

shall mean a surface containing an advertisement by means of painting or printing on, attaching bills, letters, numerals or symbols to any building, structure or device which identifies or advertises any business, group, activity or product on any premises in such a way as to be visible to the public, excluding a mural.

2.31 Sign Face

shall mean the area of a single surface of any sign within the outer edge of the frame or border of a sign. In the case of a multi-faced sign (excluding sandwich board signs), each side shall be counted in computing the sign face.

2.32 Street Line

shall mean the limit of a road allowance and is the dividing line between a lot and the street or a road.

2.33 Temporary Sign

shall mean a sign displayed, or intended to be displayed, for a limited period of time.

2.34 Municipality

shall mean the municipal corporation of the Municipality of Southwest Middlesex, or the geographic area over which that corporation has territorial jurisdiction as the context requires.

2.35 Vehicle

shall mean a motor vehicle, tractor, trailer, truck, camper, boat, motorcycle, motorized snow vehicle, mechanical equipment or any vehicle drawn, propelled or driven by any kind of non-muscular power.

2.36 Window Sign

shall mean a sign placed, painted or affixed upon a window facing the outside, and intended to be seen from the exterior of the window.

2.37 Zoning By-law

shall mean the Zoning By-law of the Municipality passed by Council and in effect pursuant to the provisions of Planning Act.

3.0 GENERAL REGULATIONS

- 3.1 No person shall erect a sign unless it is in compliance with this By-law.
- 3.2 No person shall erect any of the following:
- a) a sign within a sight triangle unless specifically permitted otherwise herein;
 - b) a sign attached to a tree, utility pole or light standard;
 - c) an awning sign projecting more than 0.3 m over any street line; or
 - d) a sign that encroaches upon any vertical or horizontal spatial clearance required by Hydro One or the Municipality for electrical wires, poles, or light standards.
- 3.3 Every sign shall be maintained in its proper position and in a proper condition and state of repair.
- 3.4 Notwithstanding any other provisions contained herein, no person shall erect or maintain any sign, awning or canopy in such a location, or of such construction, which in the opinion of the By-law Enforcement Officer would block or interfere with the visibility or operation of any traffic sign, traffic signal or other traffic related appurtenance or that would obstruct the view of a motorist or a pedestrian so as to create a potentially unsafe or hazardous situation.
- 3.5 Nothing herein shall serve to relieve any person from the obligation to comply with any and all other applicable laws.
- 3.6 Every sign, awning sign or canopy shall be designed, constructed and erected in compliance with the provisions herein and, where required, in compliance with the Ontario Building Code.
- 3.7 This By-law shall not apply to any existing sign erected legally prior to its passing provided that no such sign shall be reconstructed, substantially altered or relocated unless such sign complies with the provisions of this Bylaw in all respects.
- 3.8 The following signs shall be exempt from the provisions of this By-law:
- a) a memorial sign;
 - b) a sign erected by the Municipality, the County of Middlesex; the Province of Ontario or the Government of Canada;
 - c) a sign erected by the Lower Thames Valley Conservation Authority or the St. Clair Region Conservation Authority;

- d) a sign erected by a an electrical, gas or oil transmission company or by a telecommunications company;
- e) signs for regulating traffic, or similar devices, legal notices or warnings at railway crossings:
- f) signs in or on display windows including writing, representation, painting or lettering directly on the surface of any window or door;
- g) small signs displayed for the direction of the public including signs that identify rest rooms;
- h) signs painted directly on a building.

4.0 SIGNS IN RESIDENTIAL AREAS

- 4.1 In addition to the requirements contained in Section 3, the requirements of this section shall apply to all signs that may be erected on a lot in a residential zone as established by the Zoning By-law.
- 4.2 A maximum of one ground identification sign, or one pedestal identification sign, or one pole identification sign provided such sign:
 - a) does not exceed 0.5 m² in area;
 - b) does not exceed 1.5 m in height above grade;
 - c) is not erected closer than 3.0 m to any property line;
 - d) is not flashing or animated.
- 4.3 A maximum of one window sign.
- 4.4 A maximum of one portable sign in accordance with Section 8.
- 4.5 An election sign in accordance with Section 9.
- 4.6 A real estate sign in accordance with Section 12.

5.0 SIGNS IN AGRICULTURAL AREAS

- 5.1 In addition to the requirements contained in Section 3, the requirements of this section shall apply to all signs that may be erected on a property in an agricultural zone as established by the Zoning By-law.
- 5.2 A maximum of two ground identification signs, or two pedestal identification signs or two pole identification signs or combination thereof provided each sign:
 - a) does not exceed 2.5 m² in area;
 - b) does not exceed 2.0 m in height above grade;

c) is not erected closer than 10.0 m to any property line.

5.3 A fascia sign for the purposes of identifying the ownership of a farm.

5.4 A real estate sign in accordance with Section 12.

5.5 An election sign in accordance with Section 9.

6.0 TEMPORARY SIGNS ON CONSTRUCTION SITES

6.1 A maximum of one temporary sign not exceeding 6.0 m² in area may be erected on a construction site and maintained on display for not longer than thirty (30) days after the completion of construction indicating the nature of the project and the developers and related personnel, professions or trades involved in the development of the site.

6.2 A maximum of one temporary sign not exceeding 6.0 m² in area may be erected to identify a subdivision or other development at the entrance of the subdivision or other development until the subdivision or other development is substantially complete as determined by the By-law Enforcement Officer.

6.3 A maximum of one temporary sign for a government sponsored project describing the nature of the project, the supporting bodies and other related information

7.0 POLE SIGNS

7.1 In addition to the requirements contained in Section 3, Section 4 and Section 5, the requirements of this section shall apply to pole signs.

7.2 A pole sign may be erected provided:

a) it is no greater than 8.0 m in height above grade;

b) it has a clearance of 4.5 m if erected in a sight triangle;

c) it is not erected closer than 3.0 m to any property line;

d) it has a minimum clearance of 2.5 m above grade;

e) it is supported by supports having a minimum width of 40 cm and does not have a base or ornamental features which would create a visible obstruction for motorists.

8.0 PORTABLE SIGNS

8.1 In addition to the requirements contained in Section 3, the requirements of this section shall apply to portable signs.

8.2 A maximum of one portable sign shall be permitted on a lot at any one time except on a lot with a frontage exceeding 50 m, in which case one additional portable sign shall be

permitted provided that no portable sign may be located closer than 30 m from any other portable sign.

- 8.3 No electrical extension cord that is connected to a portable sign shall pass over a sidewalk, pedestrian walkway, roadway, driveway, parking aisle or parking space.
- 8.4 A portable sign shall not:
1. be permitted in any residential zone as established by the Zoning By-law for a period exceeding more than three (3) days,
 2. shall not be used for commercial purposes if erected in a residential zone as established by the Zoning By-law;
 3. have an area greater than 6.0 m²;
 4. be erected closer than 0.5 m to any lot line;
 5. occupy any parking space required by the Zoning By-law;
 6. create, in the opinion of the By-law Enforcement Officer, an obstruction to vehicular or pedestrian traffic or a hazard to public safety;
- 8.5 A portable sign shall have the name and phone number of the sign owner permanently affixed to it in a visually prominent location.

9.0 PROJECTING SIGNS

- 9.1 In addition to the requirements contained in Section 3, the requirements of this section shall apply to projecting signs.
- 9.2 A projecting sign shall not:
- a) encroach beyond or over a street line.
 - b) be erected in the Commercial Core (C1) Zone as established by the Zoning By-law.

10.0 ELECTION SIGNS

- 10.1 In addition to the requirements contained in Section 3, the requirements of this section shall apply to election signs.
- 10.2 No person shall affix, erect or otherwise display an election sign or permit an election sign to be erected, affixed, or otherwise displayed prior to the issuance of writs for a provincial or federal election or until a candidate, as the case may be, has filed all required documents and paid the required fee in support of their candidacy for municipal office.
- 10.3 An election sign shall not display a logo, crest, seal or other identification of the Municipality.

- 10.4 An election sign shall not exceed a height of one (1.0) metres above grade if erected in a sight triangle.
- 10.5 An election sign shall be removed within forty-eight (48) hours immediately following the day of the election.

11.0 SANDWICH BOARD & PEDESTAL SIGNS

- 11.1 In addition to the requirements contained in Section 3, the requirements of this section shall apply to sandwich board signs and pedestal signs including any wind activated attention devices.
- 11.2 A maximum of one (1) sandwich board sign or pedestal sign shall be permitted for a business.
- 11.3 A sandwich board sign or pedestal sign shall not:
- a) be erected closer than 0.5 m to the curb;
 - b) leave less than a minimum 1.5 m wide unobstructed pedestrian corridor when erected on a public sidewalk or walkway;
 - c) exceed a height of 1.0 m above grade if erected in a sight triangle;
 - d) create, in the opinion of the By-law Enforcement Officer, an obstruction to vehicular or pedestrian traffic or a hazard to public safety;
 - e) be displayed after business hours of the premises; and
 - f) be illuminated.

12.0 INFLATABLE SIGNS

- 12.1 In addition to the requirements contained in Section 3, the requirements of this section shall apply to inflatable signs.
- 12.2 A maximum of one inflatable sign shall be permitted for a business.
- 12.3 An inflatable sign shall not be permitted if a portable sign is already in use.
- 12.4 An inflatable sign shall only be located on a lot to which the sign refers.
- 12.5 An Inflatable sign shall not:
- a) be placed closer than 3.0 m to a public sidewalk or where there is no public sidewalk within the road allowance;

- b) occupy any parking space required by the Zoning By-law;
- c) create, in the opinion of the By-law Enforcement Officer, an obstruction to vehicular or pedestrian traffic or a hazard to the public.

13.0 REAL ESTATE SIGNS

- 13.1 In addition to the requirements contained in Section 3, the requirements of this section shall apply to real estate signs.
- 13.2 A real estate sign shall not:
 - a) be erected closer than 0.5 m to any curb line, edge of asphalt or concrete, or shoulder of any travelled portion of a street in a settlement area;
 - b) be erected closer than 1.0 m to any curb line, edge of asphalt or concrete, or shoulder or any travelled portion of a street outside a settlement area;
 - c) create, in the opinion of the By-law Enforcement Officer, an obstruction to vehicular or pedestrian traffic or a hazard to public safety;
 - d) exceed a maximum 1.0 m in height above grade if located in a sight triangle.

14.0 BILLBOARDS

- 14.1 In addition to the requirements contained in Section 3, the requirements of this section shall apply to billboards.
- 14.2 A billboard sign shall only be permitted on lands zoned Highway Commercial (C3) as established by the Zoning By-law.
- 14.3 A maximum of one billboard shall be permitted on a property.
- 14.4 A billboard shall not:
 - a) exceed a maximum area of 18.5 m².
 - b) be erected within 300 m of another billboard except where they are attached,
 - c) be erected within 150 m of a dwelling.
 - d) be erected closer to the street line than the front of the nearest building on the property or setback requirements for that zone, whichever is the greater.

15.0 AWNINGS AND CANOPIES

- 15.1 In addition to the requirements contained in Section 3, the requirements of this section shall apply to awnings and canopies associated with a business.

- 15.2 Awnings and canopies may be erected provided that:
- a) The lowest point is at least 2.5 m above the level of any pedestrian walkway
 - b) The maximum projection of the awning or canopy shall be no greater than 2.0 m beyond the face of the wall to which it is attached and extend no closer than 1.0 m to the vertical plane projected up from the street line.
- 15.3 Every awning or canopy shall be constructed and erected so as to be collapsible or rigid. If collapsible, to be rolled or folded back to a position flat against the building it is affixed to.
- 15.4 Every awning or canopy shall be securely attached to the building wall or structure with proper fastening devices and shall not be dependent for support on any cornice, window sill, frame, or other projection.

16.0 ADMINISTRATION AND ENFORCEMENT

- 16.1 Without notice, the Municipality may cause the immediate removal of a dangerous or defective sign that is, in the opinion of the Municipality, a hazard to public safety.

Where a sign has been erected in contravention of any provisions of this By-law, such sign may be removed by the Municipality without notice if located on, over, partly on or partly over property owned by the Municipality or under the jurisdiction of the Municipality.

The Owner of a property on which a sign is erected shall, upon written notice from the Municipality, remove a sign that is abandoned or structurally, materially or electrically defective or in any way endangers the public or cause such sign to be removed within thirty (30) days of issuance of the written notice. In the event that the sign is not removed within this time period, the Municipality or its agents may enter upon the subject property and carry out the removal of the sign at the expense of the owner. Service of notice shall be written notice by registered mail or personal service to the owner and/or occupant of the premises requiring removal of the sign.

- 16.2 Signs removed by the Municipality under the authority of this By-law shall be stored by the Municipality for a period of not more than thirty (30) calendar days, during which time the owner or his agent may be entitled to redeem such sign upon payment of the cost of removing and storing the sign as set out in the Southwest Middlesex Fees and Service Charges By-law.
- 16.3 Where a sign has been removed by the Municipality and stored for a period of thirty (30) calendar days and has not been redeemed by the owner or his agent, such a sign may be forthwith destroyed or otherwise disposed of by the Municipality and the owner of the sign shall be liable to pay the Municipality the cost of the removal, storage and disposal of the sign as provided for in the Southwest Middlesex Fees and Service Charges By-law.
- 16.4 Any person who contravenes a provision of this By-law is guilty of an offence and is liable, upon conviction, to the maximum penalty as prescribed by the Provincial Offences

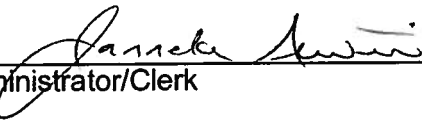
Act, as amended or revised from time to time, and as set out in Schedule "A" attached hereto. All such fines shall be recovered under the Provincial Offences Act.

- 16.5 Any person who fails to pay for the removal, storage and disposal costs as provided for in the Southwest Middlesex Fees and Service Charges By-law is guilty of an offence and, upon conviction, is liable to a fine as provided for in Section 16.4 of this By-law.
- 16.6 The Committee of Adjustment, upon an application from any person, may authorize a minor variance from the provisions of this By-law, if in the opinion of the Committee the general intent and purpose of this By-law is maintained and all other relevant provisions of the Planning Act are complied with.
- 16.7 It is hereby declared that each and every part of the foregoing provisions of this By-law is severable. If any provision of this By-law should for any reason be declared invalid by any court, every one of the then remaining provisions herein shall remain in full force and effect.
- 16.8 Schedule "A" being the Set Fine Schedule and attached hereto shall constitute part of this By-law.
- 16.9 This By-law comes into full force and effect on the date of passing thereof.

Read a first and second time this 27th day of November, 2013.



Mayor




Administrator/Clerk

Read a third time and finally adopted this 27th day of November, 2013.



Mayor



Administrator/Clerk