

THE CORPORATION OF THE TOWN OF GRIMSBY

BY-LAW NO. 97-45

**A BY-LAW FOR PROHIBITING AND REGULATING
THE ERECTION OF SIGNS AND OTHER
ADVERTISING DEVICES**

WHEREAS Section 210, paragraphs 145, 146, 148 and 149 of the Municipal Act, Chapter M.45, R.S.O., 1990, as amended, provides that the Council of a Municipality may pass by-laws for the prohibiting or regulating the erection of signs and other advertising devices and the posting of notices on buildings or vacant lots within any defined area or on land abutting on any defined highway or part of a highway.

AND WHEREAS the Municipal Act provides that where a Council has authority to direct or require by by-law, or otherwise, that any matter or thing be done, the Council may, by the same or by another by-law, direct that, in default of its being done by the person directed or required to do it, such matter or thing shall be done at his expense, and the Corporation may recover the expense incurred in doing it, by action or the same may be recovered in like manner as municipal taxes;

AND WHEREAS the Council of The Corporation of the Town of Grimsby deems it necessary to pass a by-law to regulate the use of signs and advertising devices in the Town of Grimsby with a view to ensuring the safety of the public in respect to the erection and maintenance of such signs;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF GRIMSBY enacts as follows:

SECTION 1 - DEFINITIONS

1. The following definitions shall apply for the purposes of this By-law unless the context otherwise provides.
 - 1.1 "**Area of Sign**" means the number of square meters (square feet) 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.
 - 1.2 "**Business Sign**" means a **Sign** erected and maintained by a person, firm, corporation, business, commercial service or industrial enterprise upon which space is displayed the name of the business and/or a description of the product or service made, produced, assembled, sold or stored on the lot upon which the **Sign** is erected.
 - 1.3 "**Chief Building Official**" means the Chief Official appointed by the Corporation pursuant to the Building Code Act, 1990, as amended.
 - 1.4 "**Community Service Group**" means a Grimsby based non-profit group of volunteers whose primary interest is promoting services which benefit the residents of Grimsby and whose primary purposes, goals and objectives are not contrary to the goals and objectives of the Town.
 - 1.5 "**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.
 - 1.6 "**Corporation**" means The Corporation of the Town of Grimsby.
 - 1.7 "**Council**" means the Council of The Corporation of the Town of Grimsby.

- 1.8 **"Daylighting Triangle"** means the triangular space formed by a triangle consisting of two sides each of 3 metres (9'10") measured from the point of intersection of any two Street Lines and a third line connecting the ends of the first two lines.
- 1.9 **"Development"** means the construction, erection or placing of one or more buildings, structures, including parking lots, on land.
- 1.10 **"Development Sign"** means a Sign identifying a proposed development or a construction project. The said Sign may identify companies involved in the development and may advertise property or premises for sale, lease or rent.
- 1.11 **"Election Sign"** means a Sign indicating support of a candidate or a political party in a municipal, regional, provincial or federal election.
- 1.12 **"Electronic Sign"** means an illuminated changeable display sign, or a luminous or an illuminated sign, fixed or moving, upon which the source of artificial light is not stationary or the intensity or colour is not constant, but does not include signs indicating time and/or temperature and/or price.
- 1.13 **"Erect"** means anything done in the installation, placement, maintenance, repair or alteration of any Sign.
- 1.14 **"Face"** means the plane of the Sign upon, against or through which the message of the Sign is exhibited.
- 1.15 **"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.
- 1.16 **"Ground Sign"** means a Sign 3 metres (9'10") or less in height directly supported from the ground without the aid of any building or structure other than the Sign structure.
- 1.17 **"Height of Sign"** means the vertical distance from the ground to the highest point of the Sign.
- 1.18 **"Inspector"** means any person appointed by the Chief Building Official to conduct investigations for the purpose of enforcing the provisions of this by-law.
- 1.19 **"Institutional Sign"** means any Sign pertaining to government departments and agencies, hospitals, churches, schools, service clubs and organizations.
- 1.20 **"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 on which a Sign is located or intended to be located.
- 1.21 **"Multiple Faced Sign"** means a Sign having two or more faces.
- 1.22 **"Owner"** includes:
- (a) owner of the Sign
 - (b) owner of the real property on which the Sign is located
 - (c) the person, for the time being, managing or receiving the rent for (i) the Sign or (ii) the real property on which the Sign is located.
- 1.23 **"Pole Sign"** means a Sign greater than 3.0 metres (9'10") in height directly supported from the ground without the aid of any building or Structure other than the Sign structure.

- 1.24 **"Portable Sign"** means any sign which is specifically designed or intended to be readily moved from one location to another and which does not rely on a building or fixed foundation for its structural support, and includes signs commonly known as "A - Boards", "Mobile" signs, and "Inflatable" devices tethered to any building structure, vehicle or other device.
- 1.25 **"Projecting Sign"** means a sign which is supported by a building wall at one end and projecting outwardly therefrom more than 450 mm (18 inches).
- 1.26 **"Property Line"** means any boundary that divides a lot from another lot.
- 1.27 **"Real Estate Sign"** means a Sign that advertises property or premises for sale, lease or rent.
- 1.28 **"Residential Lands"** means any land zoned "Residential" or "Holding" designation, in accordance with the provisions of any Zoning By-law of the Town of Grimsby.
- 1.29 **"Roof Sign"** means a Sign which is erected on or supported by the roof or portion of the building projecting above the roof of a building or a canopy.
- 1.30 **"Sign"** means any device displaying any letter, figure, character, mark, point, plane, design, poster, pictorial, stroke, stripe, line, trademarks, 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 in 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.
- 1.31 **"Structure" (with respect to a sign)** means the supports, bracing and framework of a Sign.
- 1.32 **"Structure" (other than previously defined)** means anything constructed or erected with a fixed location on the ground.
- 1.33 **"Street Line"** means the boundary line that divides a lot from a road allowance.
- 1.34 **"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.
- 1.35 **"Wall Sign"** means a Sign which is supported by a building wall and projects outwardly not more than 450 mm (18 inches).

SECTION 2 - ADMINISTRATION

- 2.1 This by-law regulates signs located on private property and includes signs partly located on a road allowance. Any sign located partly on a road allowance requires written permission from the owner of the road allowance.
- 2.2 For purposes of this by-law, when expressing "No person shall erect, relocate, possess, place, alter"; it shall also be deemed to include persons who permit to be erected relocated, possessed, placed, or altered.
- 2.3 No person shall erect, relocate, possess, place, alter, cause or permit to be erected, relocated, possessed, placed, or altered any sign without first having obtained a permit issued in accordance with the provisions of this by-law.

- 2.4 No person shall relocate a Sign without a permit.
- 2.5 Every application for a permit shall be submitted to The Corporation, on a form provided for that purpose, and shall be accompanied by:
- (a) Two plot plans dimensioned and drawn to scale 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 Signs and Structures upon the subject lot, and adjacent properties.
 - (b) Two complete plans of the proposed Sign including its structure, prepared by a competent person.
 - (c) Such other documents as may be specified by the Chief Building Official, or agent, in order to ensure that the proposed Sign complies with the Building Code, the Fire Code and any other applicable law.
 - (d) A design prepared by a professional engineer for all Pole Signs, Roof Signs greater than 10 square metres (107.6 square feet) and Projecting Signs weighing more than 115 kg. (253.5 lb.).
 - (e) The plot plan described in Article 2.5 (a), prepared by an Ontario Land Surveyor, if required by Chief Building Official, or his agent.
 - (f) The payment of the fee for a Sign permit as set by the Fee By-law for The Corporation of the Town of Grimsby, as amended, from time to time.
- 2.6 The Chief Building Official, or agent, may require the property bars to be visible for field verification of the location of permanent signs.
- 2.7 The Chief Building Official, or agent, may cancel the application of any person who does not furnish the materials described above in Subsection 2.5.
- 2.8 No person shall be granted a permit pursuant to the provisions of this by-law unless the Sign to which the permit relates complies with the provisions of this by-law or to a variance from the said provisions granted by the Council of The Corporation of the Town of Grimsby, pursuant to the provisions of the Municipal Act.
- 2.9
- (a) The Chief Building Official, or agent, may revoke any permit issued pursuant to the provisions of this by-law which relates to a Sign that is found by an inspector to be in contravention to the provisions of this by-law.
 - (b) The Chief Building Official, or agent, may revoke the permit of any holder of a permit issued pursuant to the provisions of this by-law whenever an inspector is denied access to the Sign to which the permit relates.
 - (c) The Chief Building Official, or agent, may revoke the permit of any holder of a permit who refuses to provide an inspector with any documentation relating to the design, location or Structure of the Sign to which the permit relates.
 - (d) The Chief Building Official, or agent, may revoke a Sign permit where it was issued on mistaken or false information.
 - (e) The Chief Building Official, or Inspector, may revoke a Sign permit where after six (6) months of the issuance of the permit, the construction of the Sign is not complete. The Sign shall be deemed to be incomplete if, within six (6) months of the date of the issuance of the permit, the applicant has not notified the Chief Building Official, or Inspector, that the Sign has been completed.

- (f) The Chief Building Official, or agent, may revoke a Sign permit in any situation in which the Sign to which the permit relates is modified, destroyed, relocated or removed.
- 2.10
- (a)
 - (i) Whenever the Chief Building Official, or agent, refuses to issue a permit, he shall give Notice in writing to the applicant for the permit stating the reason for refusal.
 - (ii) Whenever the Chief Building Official, or agent, intends to revoke a permit, he shall give Notice in writing to the holder of the said permit of the decision to revoke the said permit.
 - (b) The Notice, described above in Article 2.10(a) of this by-law shall be served upon the holder of, or applicant for, a permit, as the case may be, by registered first class mail addressed to the holder of, or applicant for, the permit in question at the address set out in the application for the permit which has been refused or is intended to be revoked.
 - (c) The Notice, described in Article 2.10(a) above, shall notify the person affected with notice of his right to have a decision of the Chief Building Official, or agent, to refuse or revoke the sign permit in question reviewed by Council.
 - (d) The Notice, described in Article 2.10(a) above, shall notify the person affected that his right to have the Council review the decision of the Chief Building Official, or agent, will expire thirty-five (35) days from the date of mailing of the notice.
 - (i) A request to have Council review the decision of the Chief Building Official, or agent, shall be in writing to the Town Clerk.
 - (ii) The decision of Council shall be final.
- 2.11 The Chief Building Official, or agent, shall review each application submitted for a Sign permit, and, if such application is in conformity with the provisions of this By-law, and other applicable by-laws, shall approve the application.
- 2.12 Notwithstanding the provisions of Subsection 2.3 of this by-law, no permit shall be required for the following Signs;
- (a) any directional Sign not exceeding 0.5 square metres (5.4 square feet) in area and not exceeding 1.5 metres (4'11") in height.
 - (b) an Election Sign.
 - (c) a Sign not exceeding 0.6 square metres (6.5 square feet) in area identifying a property for sale, lease or rent.
 - (d) a Sign not exceeding 0.6 square metres (6.5 square feet) in area identifying the occupant and/or the use of a building.
 - (e) a Sign inside a building or mall.
 - (f) a Sign painted upon a canopy or awning.
 - (g) a Sign painted upon a window.
 - (h) a Sign painted upon a roof.
 - (i) a Sign painted upon a wall.
 - (j) a Sign not exceeding 0.20 square metres (2.2 square feet) giving notice that trespassing is prohibited.
 - (k) a Sign painted on, or attached to, a fuel storage tank or dispensing facility advertising the product.

- (l) a Sign on a municipal sports field, backstop and accessory structure.
 - (m) a Sign required by a government to inform the public of proposed Zoning changes and Variances, subdivision applications and Official Plan amendments.
 - (n) a menu board at a drive-thru food outlet.
 - (o) a unit numbering scheme sign and fire route sign.
- 2.13 (a) The applicant may apply in writing to Council for a Variance from the requirements of this by-law.
- (b) The fee for an Application for Variance to cover processing of the application shall be in accordance with the Schedule of Fees approved by Council from time to time. The fee is non-refundable.
- (c) The Council may, upon application of any person, authorize minor variances from the by-law if, in the opinion of Council, the general intent and purpose of the by-law are maintained.
- 2.14 (a) Where no permit is issued, upon written request by the owner, the Chief Building Official shall retain 50% of the permit fee, or \$30.00 of the permit fee, whichever is the greater, pursuant to the provisions herein.
- (b) No fees shall be refunded after twelve (12) months from the date of filing the application for a permit.
- (c) No refund shall be made where the permit is issued and the Sign is not erected.
- 2.15 This by-law shall not require the relocation of any Sign or Structure for which a Sign permit was issued prior to the enactment of this by-law provided that:
- (a) The Sign or Structure remains in the same location that is specified in the documents upon which the applicant relied in making his application for the permit for the said Sign.
- (b) Any road allowance which abuts the lot upon which the said Sign is located is not widened, unless otherwise approved by the road authority.
- (c) The said Sign does not contravene the provisions of Subsection 3.6 or 3.7 of this by-law.
- 2.16 (a) Where any provision of this by-law is being contravened, the Chief Building Official, or agent, shall notify the owner of the offending Sign, in writing, of the contravention, and direct that compliance take place forthwith, or within such time as is specified on the notice.
- (b) (i) If the owner fails to remedy the contravention of the by-law specified in the Notice described in Article 2.16(a) within the time specified, the Chief Building Official, or agent, may cause the offending Sign to be removed or corrected;
- (ii) In the event the Chief Building Official, or agent, causes the offending Sign to be removed or corrected, the Corporation may recover the expense incurred in carrying out such removal or correction by legal action, or collected as municipal taxes.
- 2.17 Any person who contravenes any provision of this by-law is guilty of an offence and shall be subject to the applicable fine pursuant to the provisions of the Provincial Offences Act, or other applicable statute.

SECTION 3 - GENERAL PROVISIONS APPLICABLE TO ALL SIGNS

- 3.1 The owner of every Sign for which a permit is issued shall ensure that the said Sign bears the name of the owner of the Sign in clearly legible letters.
- 3.2 Every Sign shall be designed, constructed and erected in conformity with the provisions of this by-law and the Building Code, the Fire Code and any other applicable law.
- 3.3 Every electrical sign shall comply with all governing requirements of the Ontario Electrical Code, as amended from time to time.
- 3.4 The Chief Building Official, or agent, shall determine the distance from a Sign to any property line or street line by determining the distance from the said property line or street line to the closest portion of the said Sign, including any catwalk or lighting device, to the subject property line or street line.
- 3.5 No person shall fix a revolving beacon to a sign.
- 3.6 No person shall erect, locate or install any Sign, or source of illumination for that Sign, in such a location or manner as to interfere with the operation or visibility of any Traffic Signal which is now, or may hereafter be, erected for the control or guidance of traffic and pedestrians upon any highway within the boundaries of the Town of Grimsby.
- 3.7 No person shall erect, locate or install any Sign in such a location or manner as to obstruct the line of vision of pedestrian or vehicular traffic.
- 3.8 No person shall erect, locate or install a Sign that does not advertise a product, goods, etc. located on that property (no third party signs), except as permitted for portable signs used by **Community Service Groups**.
- 3.9 No person shall erect, locate or install a Sign within a required parking space, except for Portable Signs.

SECTION 4 - CLASSIFICATION BY STRUCTURAL TYPE

4.1 Ground Signs

- 4.1 (a) No person shall erect, locate or install a Ground Sign which exceeds 3.0 metres (9'10") in height.
- (b) No person shall erect, locate or install a Ground Sign:
 - (i) within 1.0 metre (3'3") of a property line or street line.
 - (ii) within 1.0 metre (3'3") from a street line when the Ground Sign does not exceed 1.0 metre (3'3") in height.
 - (iii) within a Daylighting Triangle when the Ground Sign exceeds 1.0 metre (3'3") in height.
- (c) No person shall erect, locate or install a Ground Sign which exceeds 0.4 square metres (4.0 square feet) or 1.5 metres (5').
- (d) No person shall erect, locate or install on any one lot, more than one (1) Ground Sign per 60 metres (200') of the frontage of the lot on which the Ground Sign or Signs, as the case may be, are located. In the case where the frontage of the lot on which a Ground Sign is to be located is less than 60 metres (200'), the owner of the lot is entitled to erect, install and maintain one (1) Ground Sign.
- (e) No person shall erect, locate or install a Ground Sign within 30 metres (100') of any other Ground Sign or Pole Sign on the same lot.
- (f) No person shall erect, locate or install a Ground Sign which exceeds 9.3 square metres (100 square feet) in area.

4.2 Pole Signs

- 4.2 (a) No person shall erect, locate or install a Pole Sign which exceeds 11.0 metres (36'1") in height.
- (b) No person shall erect, locate or install a Pole Sign which exceeds 20 square metres (215 square feet) in area.
- (c) No person shall erect, locate or install on any one lot more than one (1) Pole Sign per 60 metres (200') of the frontage of the lot on which the Pole Sign or Signs, as the case may be, is, or are located. In the case where the frontage of the lot on which the Pole Sign is to be located is less than 60 metres (200'), the owner of the lot is entitled to install, erect or maintain one (1) Pole Sign.
- (d) No person shall erect, locate or install a Pole Sign within 30 metres (100') of any other Pole Sign or Ground Sign located on the same lot.
- (e) No person shall erect, locate or install a Pole Sign:
- (i) within 1.0 metre (3'3") of a property line or street line.
 - (ii) within 5 metres (16'5") of a street line, unless the Pole Sign does not obstruct the vision of motorists and pedestrians between 1 metre (3'3") and 3 metres (9'10") from the ground.
 - (iii) within a Daylighting Triangle unless the Pole Sign does not obstruct the vision of motorists and pedestrians between 1 metre (3'3") and 3 metres (9'10") from the ground.
- (f) Pole Signs shall be deemed to obstruct the vision of motorists and pedestrians if more than twenty (20%) per cent of the area of the Sign between 1 metre (3'3") and 3 metres (9'11") from the ground is opaque, or any single member of the Structure of the Sign between 1 metre (3'3") and 3 metres (9'11") from the ground exceeds 300 mm (12") in width when the Sign is supported on more than one pole, and 600 mm (2'0") in width when the Sign is supported on only one pole.
- (g) No person shall erect, locate or install a Pole Sign on or within 8 metres (26'3") of any residential lands.

4.3 Portable Signs

- 4.3 (a) No person shall erect, locate or install a Portable Sign on lands zoned residential or rural.
- (b) No person shall permit a Portable Sign to be located on a property for more than four (4) thirty-day (30) periods in any calendar year. The number of days that a Portable Sign is erected or displayed shall be determined by the date of permit issuance.
- (c) No person shall erect, locate or install a Portable Sign on a property without first obtaining written permission from the owner, or his agent, of the property.
- (d) No person shall erect, locate or install a Portable Sign within 20 metres (65'7") from a Ground Sign and/or Pole Sign located on the same lot.
- (e) No person shall erect, locate or install on any one lot more than one (1) Portable Sign per lot on which the Portable Sign is located.
- (f) No person shall erect, locate or install a Portable Sign within 6 metres (19'8") of a driveway/exit or intersection of two streets, when the setback is less than the height of the sign.
- (g) No person shall erect, locate or install a Portable Sign with .6 metres (2'0") of any property line or street line, or .6 metres (2'0") from any public sidewalk, whichever is greater.

- (h) No person shall erect, locate or install a Portable Sign which exceeds 4.6 square metres (50 square feet) in area.
- (i) No person shall erect, locate or install a Portable Sign which exceeds 2.4 metres (8'0") in height.
- (j) No person shall locate a Portable Sign in a required parking space without first obtaining written permission from the owner, or his agent, of the property.
- (k) A person may erect, locate or install one (1) Portable Sign on a property zoned as residential lands for birthdays, anniversaries, or other similar events, for a maximum of three (3) days without having to obtain a sign permit.

4.4 Projecting Signs

- 4.4 (a) No person shall erect, locate or install a projecting sign which exceeds 9.3 square metres (100 square feet) in area.
- (b) No person shall install, erect, or maintain a Projecting Sign in such a location that the Sign extends to within 1 metre (3'3") of a street line or property line.
- (c) No person shall erect, locate or install a Projecting Sign such that the bottom is less than 2.4 metres (7'10") measured vertically from a private sidewalk, or 4.25 metres (13'11") from a private roadway.
- (d) No person shall erect, locate or install more than one (1) Projecting Sign per 6 metres (19'8") of lot frontage upon which the building and the said Projecting Sign or Signs, as the case may be, are located. In the case where the frontage of the lot, upon which the building and the Projecting Sign is located, is less than 6 metres (19'8"), the owner of the said lot is entitled to install and maintain one (1) Projecting Sign.
- (e) (i) No person shall erect, locate or install a Projecting Sign which is located within 3 metres (9'11") of another Projecting Sign which is attached to the same building.
(ii) The requirement set out in Sentence 4.4(e)(i) above does not apply to a Projecting sign which consists of two (2) projections from a common base which form a 'V'.

4.5 Roof Signs

- 4.5 (a) No person shall erect, locate, or install a Roof Sign that is greater than 11.1 square metres (120 square feet) in area.
- (b) No person shall erect, locate or install a roof sign with the structure of combustible material.
- 4.5 (c) No person shall erect, install, locate or maintain any Roof Sign in such manner or location that the distance from the roof upon which the said Sign is located to the highest point of the said Sign is greater than 7.5 metres (24'7").
- (d) No person shall erect, locate or install a Roof Sign on or within 8 metres (26'3") of any residential lands.
- (e) No person shall erect, locate or install a Roof Sign with 60 metres (200') of any other Roof Sign on the same property.

4.6 **Wall Signs**

4.6 No wall sign shall be erected which,

- (i) is not erected against the exterior wall of the building to which the wall sign is to be attached;
- (ii) projects more than 0.3 metres (1') from the wall of the building;
- (iii) exceeds 10 square metres (107 square feet) or twenty-five (25%) per cent of the area of the face of the building on which it is installed, whichever is the lesser;
- (iv) exceeds 0.3 square metres (3.2 square feet) in area on a building on residential lands;

SECTION 5 - CLASSIFICATION BY USE

5.1 **Development Signs**

- 5.1 (a) Notwithstanding Article 4.1(f), 4.2(b), 4.4(a), 4.5(a), 4.6(b), no person shall erect, locate or install a Development Sign larger than 22.3 square metres (240 square feet).
- (b) No person shall permit a Development Sign to remain once fifty per cent of the development is occupied, or, in the case of a parking lot, completed.
- (c) A Development Sign must be located on lands which are the subject of the development.
- (d) Development Signs may be located on residential lands.

5.2 **Real Estate Signs**

5.2 No person shall erect, install or locate a Real Estate Sign upon residential lands which Real Estate Sign is larger than 0.6 square metres (6.5 square feet) in area.

5.3 **Electronic Signs**

5.3 No person shall erect, locate or install an Electronic Sign on or within 20 metres (65'6") of residential land.

SECTION 6 - EFFECT

6.1 If any part, or parts, of this by-law are for any reason held to be invalid, those parts shall be deemed to be severable and the remaining parts of the by-law shall remain in effect until repealed.

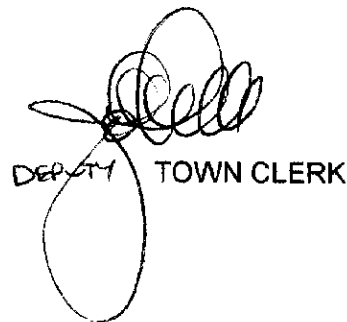
- 6.2 This By-law shall come into force and take effect immediately upon final passage thereof.
- 6.3 By-law No. 79-14 and By-law No. 87-150 are hereby repealed.

READ A FIRST TIME THIS 16th day of June, 1997.

READ A SECOND AND THIRD TIME AND FINALLY PASSED THIS 16th day of June, 1997.



MAYOR



DEPUTY TOWN CLERK