

THE CORPORATION OF THE TOWNSHIP OF PERRY

BY-LAW NUMBER 2020-94

A BY-LAW TO REGULATE THE SIZE, USE, LOCATION AND MAINTENANCE OF SIGNS AND ADVERTISING DEVICES WITHIN THE TOWNSHIP OF PERRY

WHEREAS Section 8 of the *Municipal Act, 2001, as amended*, provides that the Act shall be interpreted broadly so as to confer broad authority on municipalities to enable municipalities to govern their affairs as they consider appropriate and enhance their ability to respond to municipal issues;

AND WHEREAS Section 9 of the *Municipal Act, 2001, as amended*, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Act;

AND WHEREAS Section 10(2)10 of the *Municipal Act, 2001, as amended*, a single-tier municipality may pass by-laws respecting structures, including fencing and signs;

AND WHEREAS Section 99 of the *Municipal Act, 2001, as amended*, sets out rules which apply to a by-law of the municipality respecting advertising devices, including signs;

AND WHEREAS Section 425 of the *Municipal Act, 2001, as amended*, establishes that any person who contravenes any by-law of the municipality or of a police services board, as the case may be, passed under the Act, is guilty of an offence;

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Township of Perry hereby enacts as follows:

1.0 DEFINITIONS

- 1.1 **A-frame Sign** means any portable sign, triangular in shape, designed with no less than two sides of similar length forming its apex allowing it to stand freely on the ground.
- 1.2 **Abandoned or Obsolete** means a sign which becomes vacant/unoccupied for a period of 90 days or more, or any sign which pertains to a time, event or purpose which no longer applies.
- 1.3 **Advertising Device** shall mean any device or object creating a design and erected or located or affixed on any building or structure or on/in the ground for the purpose of advertising, and shall include flags, banners, pennants, lights or any other object intended for advertising purposes.
- 1.4 **Advertising Sign** means a sign which is owned and maintained by a person engaged in the rental or leasing of the sign face area for advertising goods services or facilities and upon which copy can be fastened in a manner such that other copy can be substituted from time to time.

- 1.5 **Alter** (when used in reference to a sign), means to change one or more external dimensions and/or construction material, but shall not include the replacement of the face, painting, cleaning or other normal maintenance and repair of a sign not involving structural changes. The maintenance and repair of the sign or advertising device or a change in the message displayed thereon shall be deemed not to in itself constitute an alteration.
- 1.6 **Animated Sign** means a video screen or any kinetic or illusionary motion of all or any part of a sign and includes the rotation of a sign but does not include an electronic message board.
- 1.7 **Awning Sign** means a sign attached to or which forms part of the surface of either a retractable awning or a non-retractable canopy provided that for purposes of determining the Sign Area of an Awning Sign, only the number of square meters of the part of the awning or canopy which is used as a visual medium or display to attract attention shall be considered to be the Sign Area of the Awning Sign.
- 1.8 **Banner** means a sign composed of lightweight, flexible material such as cloth, plastic, canvas or other similar material, and which is mounted at each end so as to allow movement by atmospheric conditions.
- 1.9 **Billboard Sign** means a free-standing sign to which advertising is fastened in such a manner as to permit its periodic replacement, and which advertises goods, products, services or facilities that are not available at the location of the sign, and/or which directs a person to a location different from that where the sign is located.
- 1.10 **Charitable/Fund Raising Sign** means any sign used to indicate a fund-raising event or project that is to benefit a Charitable group or individual in need or to assist in the raising of money for a community project/event/charity.
- 1.11 **Chief Building Official/By-law Enforcement Officer (CBO/BEO)** means the Chief Building Official/By-law Enforcement Officer as appointed under the Building Code Act and by Council for the Township of Perry.
- 1.12 **Community/Cottage Association Bulletin Board Sign** means a bulletin board sign erected by the local Cottage Association (with written permission from the Township) for the purposes of providing a display surface for posters, pamphlets, notices and similar temporary signs.
- 1.13 **Contractor's Identification Sign** means a sign identifying the contractor involved in the renovation, construction or demolition of a building or structure. The sign shall not be permanently constructed at one place or be fixed to any other sign structure or tree; have a sign area not greater than 0.5 m² (3.2 ft²); have a height not exceeding 1.5m (4.9 ft.); shall not be illuminated; shall be located on the property where the work is being performed; and only during the period of such work.

- 1.14 **Dark Sky Compliant Sign** means an outdoor advertising signs with light fixtures used to illuminate signs or billboards and shall be installed to minimize light pollution by being mounted on top of the sign facing down, must utilize full cut-off fixtures.
- 1.15 **Designated Official** means the Chief Building Official/By-law Enforcement Officer, or designate, for the Township of Perry.
- 1.16 **Directional Sign** means any sign which gives directions or instructions for the control of vehicular or pedestrian traffic within the property on which the sign is located and shall include an entry and exit sign.
- 1.17 **Electronic Message Board Sign** means a sign which is electronically controlled, and which displays information in a prearranged sequence.
- 1.18 **Erect** means the placing, arranging for the placement of or installation of, or the leasing of a sign.
- 1.19 **Fascia Sign** means a sign which is attached and lies parallel to the surface of a building or structure fascia (roof eave) and includes a horizontal sign attached and parallel to the perimeter surface of a canopy.
- 1.20 **Flag Sign** means a sign made of cloth or lightweight material attachable by one edge to a pole or rope.
- 1.21 **Free-Standing Sign** means a ground sign or billboard sign. An A-frame sign shall not be considered a free-standing sign.
- 1.22 **Grade** means the average elevation of the finished surface of the ground adjacent to the sign but shall not include any artificial embankment or planter box.
- 1.23 **Ground Sign** means a sign which is free-standing in a fixed position and is supported by a structure (framework) attached to or affixed into the ground which is not supported by any building or other structure.
- 1.24 **Improved Public Road** means a road or highway under the jurisdiction of the Province of Ontario or the Township or a private road within a registered Plan of Subdivision/Condominium which is maintained so as to allow normal vehicular access to adjacent properties and which, in the case of a municipal road is a road which has been constructed to municipal standards.
- 1.25 **Inflatable Sign** means any advertising device designed to be inflated and which is tethered to the ground, a building, structure, or similar support and includes hot-air balloons.
- 1.26 **Incidental Sign** means a sign of minor consequence and size, generally smaller than 0.5 m² (3.2 ft²). Without limiting the foregoing, incidental signs shall normally include: any sign which is part of equipment or display; signs affixed to or painted on boarding around a construction site; a banner sign advertising a special event, having a maximum material

dimension of 3m x 1m (9.8 ft. X 3.2 ft.) erected on fencing adjacent to a street by a charitable organization and having written permission of the property owner on which the fence is situated; flags; park bench; mailbox; newspaper box; bus shelter signs; corner stone; holiday decorations; metal plaques; and community gateway signs.

- 1.27 **Menu Board Sign** means a sign erected as part of a drive-through facility used to display and order products and services available through a drive-through business.
- 1.28 **Municipal Land** shall have the same meaning as land owned by the Township of the Perry.
- 1.29 **Municipal Road Allowance** means lands owned by the Township of Perry for road purposes.
- 1.30 **Mural** means any type of display or artistic endeavor applied as paint or film to any external wall or other part of a building or structure which does not include any words or advertisement or any other promotional message or content including logos and trademarks.
- 1.31 **Official Sign** means any sign erected by or under the jurisdiction of the federal, provincial or municipal government and any sign required by a federal or provincial statute or regulation or municipal by-law.
- 1.32 **Owner** in respect to the sign, means any person described on the sign, or whose name and address, telephone number and/or email address appears on the sign, or who is the permit holder, or who installed the sign, or who is in lawful control of the sign, or who benefits from the message on the sign, or the property owner or tenant upon which the sign is situated, and for the purposes of this By-law, there may be more than one owner of the sign.
- 1.33 **Parapet** means a low vertical wall protecting the edge of a roof and extends above a roofline and includes any architectural forming as an integral part of such wall.
- 1.34 **Permit Holder** means the person to whom any sign permit has been issued or who has obtained a sign permit.
- 1.35 **Portable Sign** means a free-standing sign intended to be placed on a temporary basis (maximum of 2 weeks) that contains a maximum sign area of 1.2 m² (12.9 ft²) per face (side) and no more than to 2 faces. Portable signs are not permitted upon Township Road Allowances.
- 1.36 **Poster Sign** means a sign printed from normal paper stock (which may be laminated) that is used to advertise such things as missing pets, garage/yard sales, items for sale, etc.
- 1.37 **Public Land** means any lands principally for residential use but does not include lands owned by a utility or public authority.
- 1.38 **Public Information Sign** means any of the following signs:

- a) Signs erected in parks, or playgrounds and used for park identification only having a sign face area of less than 1 m² (10.7 ft²);
- b) Signs located at or near entrances to proposed subdivisions, lands under development or redevelopment which provide an adequate portrayal of the zoning and/or land uses within the lands and all adjacent properties and any other sign required under a subdivision or development agreement provided such signs are approved by the Designated Official and carry no advertising other than the name of the subdivision, the property owners, builders, consultants or real estate agents and provided the sign area is not more than 20.0 m² (215 ft²); for the purposes of the By-law such signs within the controlled access of the Ministry of Transportation of Ontario and requiring approval of that agency, shall be erected in accordance with the Ministry's guidelines with respect to setback, height, removal, etc.;
- c) Signs required by a public authority pursuant to an application for rezoning, consents, minor variance, road closing and other similar application.

1.39 **Property Owner** means, but is not limited to, an individual, association, firm, partnership, incorporated company, agent or trustee, and their heirs, executor or other legal representative of a person, and, for the purpose of this by-law, includes an owner, or any person in temporary possession of the property, according to the last revised Assessment Roll of the municipality.

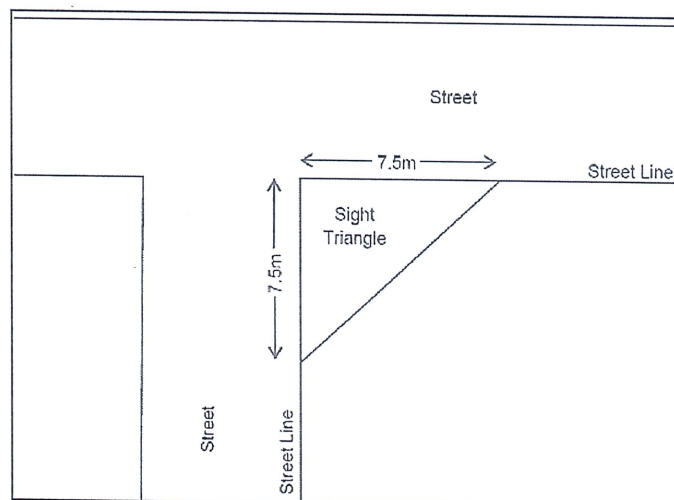
1.40 **Real Estate Point of Sale Sign** means a temporary sign located on a property for the purpose of announcing the sale, lease or rental of such property or building or part of a building located thereon. Real estate point of sale signs may include off premises, directional way finding signs with the realtor's symbol on them to provide directions to prospective clients to the property that is for sale, lease, or rent. This also includes **Real Estate Open House Signs**, meaning a temporary sign that is located off premise on the day of an open house showing to announce the open house and provide directional way finding signs.

1.41 **Roof Sign** means any sign which is located entirely on or above the roof of a building or located entirely on the top of or above the parapet of a building. A roof sign shall not include any sign erected on the wall of a mechanical room, penthouse, dormer or other like structure which projects above the roof of a building.

1.42 **Sign** includes any device located outside of any building which is to be used for the purpose of identifying, advertising or attracting attention to any business, enterprise, organization or project, product or service, including all parts of such device including frames; located on any premises by means of

painting on or attaching bills, letters, numerals, pictorial matter, or electric or other devices in such a way as to be visible to the public. A sign also includes any inflatable device tethered to any building, structure, vehicle or other anchor and an announcement, notice, directional or pictorial matter, name, declaration, demonstration, display, illustration or insignia.

- 1.43 **Sign Area** means the number of square meters on the surface (face) of a sign including the border and frame and where there is no border shall include all of the surface area lying within the extremities of the sign.
- 1.44 **Sign Face** means the surface of the sign upon, against or through, which the message of the sign is exhibited, but does not included the sign structures.
- 1.45 **Sign Permit** means a permit issued by the Designated Official pursuant to the provisions of this By-law to the permit holder.
- 1.46 **Sign Structure** means the supports, uprights, bracing and/or framework of a sign.
- 1.47 **Sight Triangle** means the triangular space formed by the street lines and a line drawn from a point in one street line to a point in the other street line, each such point being 7.5 metres, measured along the street line from the point of intersection of the street lines. 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 projection of the street lines or the intersection of the tangents to the street lines.



- 1.48 **Special Events Sign** means signs advertising special events, within the Township, that are erected for a relatively short period of time (which period shall be terminated upon the conclusion of the event taking place at that particular site).
- 1.49 **Street Line** means the property line or common boundary between a property or lot and a road allowance and in the case of a corner lot means both such lines produced to their point of intersection.
- 1.50 **T-frame Sign** means any sign supported by a base such that the sign and base are similar in shape to an inverted "T".

- 1.51 **Temporary Personal Sign** means a free-standing temporary sign or advertising device which displays a personal announcement or congratulatory message and is located on a property used for residential use.
- 1.52 **Vacant Lot** means a parcel of land separately assessed that has no building thereon but does not include any improved land.
- 1.53 **V-Shaped Sign** means a sign placed on a horizontal plain in a V Shape containing no more than three support posts and two signs.
- 1.54 **Wall Sign** means any sign directly affixed to, marked on or inscribed on an exterior wall surface of a building, but shall not include a mural.
- 1.55 **Zone** means an area designated for particular land uses as determined by the current Zoning By-law, as amended, of the Township of Perry.
- 1.56 **Zoning By-Law** means the current Zoning by-law enforce for the Township of Perry.

2.0 SIGNS NOT REQUIRING PERMIT

The following signs do not require a sign permit from the Designated Official, except with respect to setback from property line, abutting properties and safety, or unless otherwise specified in this section or elsewhere in this by-law, the provisions of this by-law shall not apply to the following signs:

- 2.1 Signs erected by or for any federal, provincial or municipal government agency which are located on its own lands and which are used solely in conjunction with identification of the agency or its mandate.
- 2.2 Charitable/Fund Raising or Public information signs not exceeding 3 m² (32 ft²).
- 2.3 Community/Cottage Association Bulletin Board signs with authorization from the Council for the Township of Perry.
- 2.4 Public Information Signs.
- 2.5 A sign not exceeding 0.25 m² (2.7 ft²) in area per face indicating no trespassing, safety, caution or any other regulatory sign, including entrance, exit, parking or traffic signs on private property.
- 2.6 A sign not exceeding 0.25 m² (2.7 ft²) in area per face indicating the name and address of the owner or occupant of the premises on which the sign is located, or the name of the land or premises or both. In a commercial or industrial zone the sign area of municipal numbering on a wall shall not exceed 0.5 m² (5.4 ft²).
- 2.7 A sign not exceeding 0.25 m² (2.7 ft²) in area indicating the name and profession of a physician, dentist, chiropractor or

other professional person having his/her office and/or residence on the lot on which the sign is located, or any home occupation conducted from a property used as a residence, provided such occupancy and land use is legal (permissible under the Zoning By-laws and in compliance with other related land use regulations in effect in the Township and all other applicable law).

- 2.8 A non-illuminated real estate point of sale sign or real estate open house sign advertising the sale or lease of a building or property, provided that such sign does not exceed 0.5 m² (5.4 ft²) in area.
- 2.9 One A frame sign per business (not exceeding 0.6 m² (6.4 ft²) per face) placed in front of the business that the sign serves and not upon the Township or Provincial road allowance.
- 2.10 Signs or lettering attached to or painted directly upon any vehicle, trailer or cycle, provided such vehicle, trailer or cycle is actively being used for its intended purpose, or being stored at any location where a portable sign would otherwise not be permitted and that any advertising is strictly incidental to the primary intended use.
- 2.11 A sign having a maximum sign area of 3.0 m² (32.3 ft²) per face advertising the sale of seasonal produce from the agricultural lands on which they were grown, during the appropriate growing season for the produce advertised. Such sign may be a portable sign.
- 2.12 Election signs affixed, installed or otherwise displayed in accordance with the Township's Election Sign By-law 2018-22.
- 2.13 A non-illuminated sign not exceeding 5.5 m² (59.2 ft²) per face stating the name of the building or project to be built on the property on which the sign is located and stating names and addresses of the owners, agents, contractors and consultants, provided that such sign shall be removed within six months of first occupancy.
- 2.14 A sign erected on a construction project after construction has commenced provided that such sign shall be removed within six months of the occupancy of the building under construction.
- 2.15 Temporary personal signs.
- 2.16 Menu board signs, as incidental to a legally established restaurant use.
- 2.17 Incidental signs, the provisions of this by-law shall not apply to these signs save and except that such signs shall not be located on public property without the necessary approvals.
- 2.18 Signs erected on a temporary sales office, model home, or trailer used for charitable purposes. Such signs however, shall not be located on the roof of such office, home or trailer. The exceptions provided in this section does not prohibit any other Township Department or Government Authority from requiring

a permit or approval for any sign pursuant to other legislation, regulations or by-laws.

- 2.19 Any signs illustrating a detailed site sketch comprising part of an approval and registered Site Plan Agreement, are deemed to comply with this By-law and do not require a sign permit, provided the sign meets the provisions of the Township's Sign By-law.
- 2.20 For the purposes of the By-law such signs within the jurisdiction of the Ministry of Transportation of Ontario and requiring approval of that agency, shall be erected in accordance with the Ministry's guidelines with respect to setback, height, removal, etc.

3.0 GENERAL PROHIBITIONS

Every person who erects or installs a sign shall comply with the following requirements:

- 3.1 No person shall erect or permit to be erected, or allow to remain on lands or buildings owned, rented or leased or occupied by them, any sign or advertising device in the Township other than those in accordance with the provisions of this By-law.
- 3.2 No person shall erect or structurally alter any sign or advertising device in the Township without first obtaining a sign permit or approval from the Designated Official.
- 3.3 No sign or advertising device shall obstruct the view of any official traffic sign or signal on public property, nor shall any sign resemble any official traffic sign or signal, other than a stop sign or other traffic sign meant solely for local traffic safety purposes.
 - a) Liabilities as to the directions given by signs on private property and the enforcement of these signs, unless they are covered by existing legislation, is the responsibility of the property owner and/or the agent of the same.
- 3.4 Every illuminated sign adjacent to a residential zone shall have its illumination extinguished by 2200 hours each day and shall not be re-lighted before 0800 hours of the morning of the following day. Such signs may remain lighted so long as such establishments are open for service to the public. All illuminated signs must meet "Dark Sky Compliance" requirements. This section shall not apply to illuminated signs erected/installed by the Ministry of Transportation of Ontario.
- 3.5 No flashing illumination or electric animation of signs shall be permitted.
- 3.6 No changeable message faster than three-minute intervals is permitted.
- 3.7 No roof top mounted signs shall be permitted.

- 3.8 No sign shall be located so as to obstruct or impede any fire escape, fire exit, fire route, door, flue or air intake or exhaust so as to prevent or impede the free access of emergency personnel to any part of a building including fire department Siamese connections and/or fire hydrants.
- 3.9 The erection of signs on lands used or zoned for residential purposes is prohibited other than those signs specifically permitted under this subsection and Section 2 (Signs Not Requiring Permits) of this By-law or in accordance with a permitted home-based business as per the Township's applicable Zoning By-law.
- a) Signs may be erected for a commercial and/or office use, school, church, hospital or public authority on lands zoned for residential purposes provided such use is permitted under the relevant land use by-law or regulation. Such sign shall be subject to the provisions of this By-law.
- 3.10 No person shall allow a public information sign to remain on lands or buildings owned, rented, leased or occupied by them, or on adjacent lands, after the application for approval under the *Planning Act, as amended*, or other similar application, has been finally disposed of and after all relevant appeal periods have elapsed.
- 3.11 No person shall erect or maintain any sign, awning or canopy or portion thereof which projects over a sidewalk on a street unless such sign, awning or canopy has a vertical clearance of 2.4 m (7.9 ft.) between the sidewalk grade and the underside of such sign, awning or canopy and an encroachment permit has been issued by the Township.
- 3.12 No billboard sign shall be erected on lands zoned for residential purposes.
- 3.13 No poster sign or banner shall be affixed to any sign support member, light standard, flagpole, fence, or any other like structure.
- 3.14 No sign shall be affixed to a fence on private property adjacent to any Municipal or Provincial highway.

This regulation shall not apply to:

- a) Signs affixed or painted on boarding erected around a construction site.
- b) Banners classified as an incidental sign.

4.0 REGULATIONS RESPECTING SIZE, TYPE, AND LOCATION

Every person who erects or installs a sign shall comply with the following requirements:

- 4.1 Signs are required to conform to the required side lot line as per the Township's current Zoning By-law.

- 4.2 Signs are permitted on a Municipal Road Allowance when the applicant provides Commercial General Liability Insurance in the amount not less than \$2,000,000 (two million), listing the Township as an additional insured, and the sign conforms to the following and has been approved by the Public Works Department:
- a) Proposed sign location shall not be within a Sight Triangle;
 - b) Proposed sign shall not be located within 50m (164 ft.) to the site line of any traffic sign/light;
 - c) Proposed sign is a minimum of 3.0 m (9.8 ft.) off of the travelled portion of the road and not located within a drainage system/easement;
 - d) Proposed sign shall not obstruct any roads or entrances onto roads;
 - e) Sign bases shall be designed/manufactured to be "breakaway" should the sign be struck by a vehicle;
 - f) The Township shall not be held liable for any damaged sign or vehicle located adjacent to the travelled portion or shoulder of the road where the sign is located; and
 - g) Proposed sign shall not be located on the travelled road or shoulder surface of the road.
- 4.3 All signs shall not exceed an aggregate size of 30 m² (323 ft²) on one lot.
- 4.4 No more than two (2) signs per business on one lot.
- 4.5 The maximum size, height and setback of free-standing signs shall be as follows:
- a) GROUND SIGN
 - Maximum Height: 1.8 m (5.9 ft.)
 - Maximum Sign Area: 6.7 m² (72.1 ft²)
 - Setback from street line equal to half of sign height
 - Setback from side or rear lot line: 1.5 m (16.1ft²)
 - b) BILLBOARD SIGN
 - Maximum Height: 6 m (19.7 ft²)
 - Maximum Sign Area: 5.6 m² (60.3 ft²)
 - Minimum setback from street line: 3 metres (9.8 ft²)
 - Minimum separation from other billboard signs: 1 kilometer
 - Minimum lot size: 50 acres
- 4.6 V-Shaped Signs are permitted on properties that do not have a free-standing sign. The maximum height permitted is 0.9 m (3 ft.) and the maximum width is 0.6 m (2 ft.). The sign must be

constructed of good quality materials, be resistant to wind and shall be designed to meet the satisfaction of the Designated Official.

- 4.7 A-frame Signs are permitted on properties that do not have a free-standing sign. The maximum height permitted is 0.9 m (3 ft.) and the maximum width is 0.6 m (2 ft.). The sign must not obstruct the sidewalk, so as to reduce the clear width to less than 1.5 m (4.9 ft.). The sign must be constructed of good quality materials, be resistant to wind and shall be designed to meet the satisfaction of the Designated Official.

5.0 CONSTRUCTION DETAIL

- 5.1 Every sign shall be designed, constructed and maintained to adequately withstand all loads which may reasonably be expected to come upon them and the loads and design shall be equal to those specified in the Ontario Building Code.
- 5.2 No sign illuminated or operated electrically shall be erected, maintained or altered unless such electrical work is in conformity with all regulations of Ontario Hydro and the Electrical Safety Authority (ESA) and all such electrical equipment bears the appropriate approval of the Canadian Standards Association.

6.0 PERMITS AND APPLICATION

- 6.1 Except as provided in Section 3 (General Prohibition) of this By-law, no person shall erect, or structurally alter a sign until such time as a sign permit for such erection or structural alteration has been issued by the Designated Official to the permit holder.
- 6.2 Where a sign has been lawfully erected prior to this by-law coming into force, such sign shall be permitted provided that it is not removed, enlarged or structurally altered.
- 6.3 The application for a sign permit shall include the following:
- a) Two completed copies of the application form as prescribed by the Designated Official.
 - b) Two copies of a detailed site sketch showing:
 - the property boundary line and/or other boundaries lines of the property on which the sign is proposed to erect or altered;
 - location of travelled and shoulder of any road;
 - the proposed location of the sign upon the property in relation to all other signs and

structures existing or proposed on such property; and

- showing all other information as may be necessary, including the total existing sign area, to enable the application to be processed to ensure compliance with all pertinent requirements of this By-law.

If required by the CBO/BEO such plans and/or information shall be certified by a registered Ontario Land Surveyor.

- c) Two copies of complete working drawings and specifications covering the construction and/or alteration of the sign, including any supporting frame work. Where the sign is proposed to be or is located on a building or other structure, sufficient data shall be shown to determine that such building or structure can safely carry the additional loads and stresses imposed thereon by the erection or alteration of such sign. Where required by the CBO/BEO, such drawings shall include calculations bearing the stamp of a registered Ontario structural engineer.
- d) Approval of the Ministry of Transportation of Ontario, as required.
- e) Where applicable, an application for a sign permit for a portable sign shall be accompanied by a letter from the property owner or his/her agent confirming knowledge of, and agreement with the permit application.

7.0 BY-LAW EXEMPTIONS

- 7.1 The Designated Official may approve signs that do not meet the requirements of the By-law if they are deemed to meet the intent of this Bylaw.
- 7.2 A Legal Non-Conforming sign that was lawfully erected or displayed on the day the By-law comes into force shall be deemed to comply with this Bylaw, so long as the sign or advertising device is not in any way substantially altered. The maintenance and repair of the sign or advertising device or a change in the message displayed thereon shall be deemed not to in itself constitute an alteration.

8.0 PERMIT FEE

The fee payable upon application for a sign permit for other than a portable sign pursuant to this By-law shall be based on the current Fees and Charges By-law for the Township of Perry.

9.0 PERMIT REFUNDS

- 9.1 Fifty percent (50%) of the sign permit fee shall be refunded to the permit holder or his/her agent once the sign application has been submitted and reviewed by the Designated Official, upon written notification withdrawal of the sign application by the permit holder or his/her agent.
- 9.2 There shall be no permit fee refunded after the sign permit has been issued.

10.0 EXPIRY AND REVOCATION

Expiry

- 10.1 A sign permit issued for other than a portable sign pursuant to this By-law shall be valid for a period of six months from date of issue and shall remain valid so long as the work covered by the permit is commenced before the expiry of the six (6) month period and so long as the work is carried on at a reasonable rate to completion.
- 10.2 Where no written request for renewal is submitted to the Designated Official by the permit holder or his/her agent before the expiry of the six (6) month period or where a sign permit has been renewed once with work not being commenced before the expiry of the second six-month period, the sign permit shall automatically lapse and a new application shall be required along with applicable fees at that time.

Revocation

- 10.3 The Designated Official may revoke a permit issued under this By-law:
 - a) Where it was issued on mistaken, false or incorrect information;
 - b) Where it was issued in error;
 - c) Where, after one year after its issuance or six (6) months if no written request for renewal is submitted by the permit holder or his/her agent, the erection of the sign, other than a portable sign, for which the permit was issued has not, in the opinion of the Designated Official, been substantially commenced;
 - d) Where erection of the sign, other than a portable sign is, in the opinion of the Designated Official, substantially suspended or discontinued for a period of more than one year;
 - e) Where the permit holder or his/her agent or property owner or his/her agent requests in writing that it be revoked.
- 10.4 Prior to revoking a permit in accordance with this By-law, the CBO/BEO may give written notice, by regular mail, of

intention to revoke to the permit holder or his/her agent at their last known address and, if on the expiration of thirty (30) days from the date of such notice, the ground for revocation continues to exist, the permit shall be revoked without further notice and all submitted plans and other information may be disposed of or, at the request of the permit holder, returned as directed.

11.0 REMOVAL AND NOTICE TO REMOVE

11.1 Any authorized employee of the Township is authorized to take down or remove any sign or other advertising device that is erected or displayed in contravention of this By-law and the Owner shall pay for any costs or expenses of the Township. All costs and charges incurred by a municipality for the removal, care and storage of an advertising device that is erected or displayed in contravention of this By-law are a lien on the advertising device that may be enforced by the municipality under the *Repair and Storage Liens Act*, 2006, c. 32, Sched. A, s. 39. and all costs and charges incurred for disposing of an advertising device described in Section 11.2 of this By-law may be recovered by the municipality as a debt owed by the Owner of the device.

11.2 The Designated Official may direct any person who:

- a) has caused a sign or other advertising device to be erected, displayed altered or repaired without first having obtained a permit to do so; or
- b) having obtained a permit has caused a sign or other advertising device to be erected, displayed, altered or repaired contrary to the approved permit plans in respect of which the permit was issued;

to make such sign or other advertising device comply with this By-law or to remove such sign or other advertising device within any time period as directed.

11.3 Where a sign or sign structure is deemed by the Designated Official to be in such a condition that it is or may be:

- a) dangerous to the public; or,
- b) in a state of disrepair; or,
- c) is obsolete or redundant.

The Designated Official may, in his/her discretion, either serve written notice to the property owner or tenant of the property on which, or in front of which, such sign is located, to remove such sign or make the sign safe, or without giving notice to the property owner or tenant of the property on which such sign is located, cause such sign or structure to be removed.

For the purposes of this clause, redundant means a sign advertising a business or product that is no longer available, or a sign that is not legible.

- 11.4 Any sign removed pursuant to this Section may be deposited elsewhere on the property on which it was located.
- 11.5 Any notice given under this By-law may be given by ordinary mail to the permit holder or his/her agent, for permit to erect a sign, or where such sign is existing, by ordinary mail to the property owner or tenant, according to the last revised Assessment Roll of the municipality, of the property on which, or in front of which, the sign is located.

12.0 INSPECTIONS/POWER OF ENTRY

- 12.1 The permit holder or his/her agent, shall notify the Designated Official or his/her designate upon commencement of the erection of a sign, in order to arrange an inspection.
- 12.2 The Designated Official or CBO/BEO may enter onto a property at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
 - a) The provisions of this By-law; or
 - b) An order issued under this By-law; or
 - c) An order made under Section 431 of the *Municipal Act, 2001, as amended*.
- 12.3 Where an inspection is conducted by the Designated Official or CBO/BEO, the person conducting the inspection may:
 - a) Require the production for inspection of documents or things relevant to the inspection;
 - b) Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - c) Require information from any person concerning a matter related to the inspection including their name, address, phone number, email address and identification; and
 - d) Alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- 12.4 The Township may undertake an inspection pursuant to an order issued under Section 438 of the *Municipal Act, 2001, as amended*.
- 12.5 The Township's power of entry may be exercised by the Designated Official or CBO/BEO to enforce by-laws for the Township.

- 12.6 Every person who hinders or obstructs the Designated Official or CBO/BEO lawfully carrying out the enforcement of this By-law is guilty of an offence.

13.0 LIABILITY

- 13.1 Any person erecting any sign or sign structure shall indemnify and hold harmless the Township, its officers, members of municipal council and employees from and against any liabilities, claims, expenses, demands, loss, cost, damages, actions, suits or other proceedings by whomsoever made, directly or indirectly arising out of the signage or sign structure attributable to bodily injury, sickness, disease or death or to damage to or destruction of tangible property including loss of revenue or incurred expense resulting from disruption of service and caused by any acts or omissions of the Service Provider, its officers, agents, servants, employees, customers, invitees or licensees, or occurring in or on the premises or any part thereof and, as a result of activities under this agreement.
- 13.2 The Township assumes no liability for property damage or personal injury resulting from remedial action or remedial work undertaken with respect to any person or property that is subject of this By-law.

14.0 OFFENCES AND PENALTY

- 14.1 (a) Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine not exceeding \$5,000.00, for each offence exclusive of costs, **as provided for by the Provincial Offences Act R.S.O. 1990, C.P33, as amended.**
- 14.1 (b) Each day such violation is committed, or permitted to continue, shall constitute a separate offence and may be punishable as such there under. Such fine shall be recoverable under the *Provincial Offences Act*.
- 14.2 Where a person has been convicted of an offence under this By-law the Court may in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted, directed toward the continuation or repetition of the offence.
- 14.3 Neither the granting of a permit nor the approval of the drawings and specifications, nor inspection made by the authority having jurisdiction during the erection of a sign shall, in any way, relieve the owner of the property on which the sign is located, from full responsibility for carrying out the work in accordance with the provisions of this By-law.

15.0 SEVERABILITY

Should any section, clause or provision of the By-law be declared by a court of competent jurisdiction to be invalid, the same shall

not affect the validity of the bylaw as a whole or any part thereof, other than the part which was declared to be invalid.

16.0 SHORT TITLE

The short title of this By-law is the Sign By-law.

17.0 That By-law 2020-89 is hereby repealed.

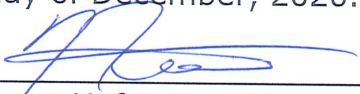
18.0 That Schedule "A" attached hereto forms part of this By-law.

19.0 That Schedule "B" attached hereto forms part of this By-law.


20.0 FORCE AND EFFECT

This By-law shall come into force and effect on the date of passage.

Read a first and second time this 16th day of December, 2020.




Norm Hofstetter, Mayor

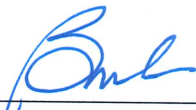


Beth Morton, Clerk-Administrator

Read a third and final time and enacted in open Council this 16th day of December, 2020.



Norm Hofstetter, Mayor



Beth Morton, Clerk-Administrator

SCHEDULE "A" to By-law 2020-94

Sign Application Form
The Corporation of the Township of Perry

Sign Application

This section to be completed by the Applicant			
Name of Applicant – Owner of Sign:			
Address:		Postal Code:	
Telephone #:		Cell #:	
Email Address:			
Property Roll #:	PIN:	Lot:	Con:
Landowner Name (if different from Applicant):			
Address:		Postal Code:	
Telephone #:		Cell #:	
Email Address:			
Sign Type (as defined in Sign By-law):			
Sign Wording (attach additional pages as required):			
Sign Dimensions:		Sign Size:	
<u>Sign Location</u>			
Road Name:			
Civic Address:	PIN:	Lot:	Con:
Signature of Applicant:		Date:	

Permit Approval

For Office Use Only			
Received By:		Date Received:	
Payment Type:			
Sign Application Fee:		Total Amount:	
Location Inspected By:			
Date of Inspection:			
Remarks/Instructions to Applicant:			
Approved: <input type="checkbox"/> Yes <input type="checkbox"/> No		Council Approved: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
Notes:			

For Sign Permit information, please contact the Chief Building Official/By-law Enforcement Officer, at 705-636-5941.

SCHEDULE "B" to By-law 2020-94

The Corporation of the Township of Perry Part I Provincial Offences Act Signs

Item	Column 1 Short form wording	Column 2 Provision creating or defining offence	Column 3 Set Fine
1.	Erect or structurally alter any sign or advertising device without a permit	3.2	\$300.00
2.	Erect any sign or advertising device that obstructs the view of official traffic sign or signal	3.3	\$300.00
3.	Erect any sign or advertising device that resembles official traffic sign or signal	3.3	\$300.00
4.	Fail to extinguish illuminated sign from 2200 hours to 0800 hours	3.4	\$300.00
5.	Erect flashing illumination or electronic animation sign	3.5	\$300.00
6.	Permit changeable message faster than 3-minute interval	3.6	\$300.00
7.	Erect or install roof top sign	3.7	\$300.00
8.	Locate sign that obstructs or impedes any fire escape, fire exit or fire route, door, flue, or air intake of exhaust	3.8	\$300.00
9.	Erect or install sign on residential zone without permit/authorization	3.9	\$300.00
10.	Erect or install sign on residential zone not in accordance with sign by-law	3.9 a)	\$300.00
11.	Allow public information sign to remain after approval or after all relevant appeal periods have lapsed.	3.10	\$300.00
12.	Allow sign to project over sidewalk without encroachment permit	3.11	\$300.00
13.	Erect or install billboard sign on residential lands	3.12	\$300.00
14.	Affix any poster sign or banner to sign support member, light standard, flagpole, fence or any other like structure	3.13	\$300.00
15.	Affix sign to fence on private property adjacent to Municipal or Provincial Highway	3.14	\$300.00
16.	Sign within site triangle	4.2 a)	\$300.00
17.	Sign within 50m to any site line of any traffic sign/signal	4.2 b)	\$300.00
18.	Sign within 3m of travelled road or drainage easement	4.2 c)	\$300.00
19.	Sign that obstructs any roads or entrances onto roads	4.2 d)	\$300.00
20.	Sign on base or structure that is not designed/manufactured to be "breakaway"	4.2 e)	\$300.00
21.	Sign on travelled road or shoulder surfaces	4.2 g)	\$300.00
22.	Permit signs to exceed maximum aggregate area of 30 m ²	4.3	\$300.00
23.	Permit more than 2 signs per business on one lot	4.4	\$300.00
24.	Ground sign exceed size, height, and setback requirements	4.5 a)	\$300.00
25.	Billboard sign exceed size, height, and setback requirements	4.5 b)	\$300.00
26.	V-Shaped sign exceed permitted size	4.6	\$300.00

27.	V-Shaped sign made of poor quality materials / not wind resistant	4.6	\$300.00
28.	A-frame sign exceed permitted size	4.7	\$300.00
29.	A-frame sign obstructs sidewalk	4.7	\$300.00
30.	A-frame sign made of poor quality materials/not wind resistant	4.7	\$300.00
31.	Erect, maintain or alter illuminated sign without authority having jurisdiction approval	5.2	\$300.00
32.	Hinders or obstructs the Designated Official or CBO/BEO	12.6	\$500.00

NOTE: The general penalty provision for the offences listed above is Section 14 of By-law #2020-94, as amended, a certified copy of which has been filed.

OFFICE OF THE REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
NORTHEAST REGION

159 CEDAR STREET
3rd FLOOR, SUITE 303
SUDBURY, ONTARIO P3E 6A5



CABINET DU JUGE PRINCIPAL RÉGIONAL
COUR DE JUSTICE DE L'ONTARIO
RÉGION DU NORD-EST

159, RUE CEDAR
3^e ÉTAGE, BUREAU 303
SUDBURY (ONTARIO) P3E 6A5

TELEPHONE/TÉLÉPHONE (705) 564-7624
FAX/TÉLÉCOPIEUR (705) 564-7620

January 27, 2021

Ms. Beth Morton, Clerk/Administrator
The Township of Perry
P.O. Box 70, 1695 Emsdale Road
Emsdale, Ontario, P0A 1J0

Dear Ms. Morton;

Re: Set Fines – Provincial Offences Act
Part I – Township of Perry, Parry Sound District

Enclosed herewith is an original Order and an original schedule of set fines for By-law No. 2020-94, the By-law indicated in the schedule. Please ensure that a copy of the said documents is forwarded to the Provincial Offences Office, which has jurisdiction for the Township of Perry.

The setting of the fines does not constitute my approval of the short form of wording used to describe the offences.

I have forwarded the copy of the Order and the schedules of these set fines to the Ontario Court of Justice in Parry Sound, together with a certified copy of the By-Law.

Yours truly,

A handwritten signature in black ink, appearing to read 'ML', with a long horizontal flourish extending to the right.

MARTIN LAMBERT
A/REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE

ML/hrd

Encl.

c.c.: His Worship Gary McMahon, Regional Senior Justice of the Peace
Her Worship Cornelia Mews, Justice of the Peace

OFFICE OF THE REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
NORTHEAST REGION

159 CEDAR STREET
3rd FLOOR, SUITE 303
SUDBURY, ONTARIO P3E 6A5



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COUR DE JUSTICE DE L'ONTARIO
RÉGION DU NORD-EST

159, RUE CEDAR
3^e ÉTAGE, BUREAU 303
SUDBURY (ONTARIO) P3E 6A5

TELEPHONE/TÉLÉPHONE (705) 564-7624
FAX/TÉLÉCOPIEUR (705) 564-7620

January 27, 2021

Ms. Devyani Anandjit
Crown Law Office, Criminal
720 Bay Street, 10th floor
Toronto, Ontario
M5G 2S9

Dear Ms. Anandjit:

Re: Set Fines – Provincial Offences Act
Part I – Township of Perry, Parry Sound District

Please find enclosed a copy of an Order dated January 27, 2021, and a copy of a letter to Ms. Beth Morton, Clerk/Administrator for the Township of Parry.

Should you have any questions, please do not hesitate to contact me at (705) 564-7624.

Yours truly,

A handwritten signature in cursive script, appearing to read 'ML'.

MARTIN LAMBERT
A/REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE

ML/hrd

Encl.

OFFICE OF THE REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
NORTHEAST REGION

159 CEDAR STREET
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SUDBURY, ONTARIO P3E 6A5



CABINET DU JUGE PRINCIPAL RÉGIONAL
COUR DE JUSTICE DE L'ONTARIO
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TELEPHONE/TÉLÉPHONE (705) 564-7624
FAX/TÉLÉCOPIEUR (705) 564-7620

PROVINCIAL OFFENCES ACT

Part I

IT IS ORDERED pursuant to the provisions of the *Provincial Offences Act* and the rules for the Ontario Court of Justice, that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-Law No. 2020-94, of the Township of Perry, Parry Sound District, attached hereto is the set fine for that offence. This Order is to take effect February 10, 2021.

Dated at the City of Greater Sudbury, this 27th day of January, 2021.

A handwritten signature in black ink, appearing to read 'M. Lambert', written over a horizontal line.

MARTIN LAMBERT
REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE

SCHEDULE "B" to By-law 2020-94

The Corporation of the Township of Perry Part I Provincial Offences Act Signs

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