

The Corporation of the Township of Huron-Kinloss



BY-LAW

2019-140

Being a By-law to Prohibit or Regulate Signs and other Advertising Devices
within the Township of Huron-Kinloss

WHEREAS Section 11(2)7 of The Municipal Act, 2001, provides that a Council of a municipality may pass a By-law for the prohibition and regulation of signs and other advertising devices and the posting of notices within a municipality;

AND WHEREAS Council deemed it advisable to pass a By-law to prohibit or regulate signs and other advertising devices with the Township of Huron-Kinloss;

NOW THEREFORE, the Corporation of the Township of Huron-Kinloss enacts as follows:

SECTION 1: TITLE, SCOPE AND CONFORMITY REQUIREMENTS

- 1.1 This By-law may be cited as the "Sign By-law".
- 1.2 No sign or its structure, whether temporary or permanent, shall be erected or enlarged or placed for any purpose within the Township of Huron-Kinloss, except as permitted by this By-law and in conformity with the applicable provisions of the Ontario Building Code.

SECTION 2: DEFINITIONS

- 2.1 **ABANDONED SIGN** – shall mean a sign which no longer correctly directs or advertises a bona-fide business, product or activity conducted, or product produced on the premises upon which the sign is displayed.
- 2.2 **A-FRAME SIGN** – shall mean a hinged, two sided, triangular free standing sign intended for daily use.
- 2.3 **AGRICULTURAL SIGN** – shall mean a sign accessory to the permitted agricultural use.
- 2.4 **ALTER** – shall mean to change the name on a sign of a business or occupancy, the size or area of a sign, the relocation of a sign, or a structural material sign. A change in the message displayed by a sign or other advertising device does not in itself constitute an alteration.
- 2.5 **AREA OF SIGN** – shall mean the number of square metres on the surface of a sign, including the border and frame, and where there is no border, shall include all the area of the

surface lying within the extremities of the sign.

- 2.6 **BACK LIT SIGN** – shall mean any sign designed to provide artificial light through transparent or translucent material from a light source within the sign.
- 2.7 **BANNER SIGN** – shall mean a sign composed of light-weight material, either enclosed or unenclosed in a rigid frame, secured or mounted so as to allow movement of the sign caused by movement of the atmosphere.
- 2.8 **BILLBOARD SIGN** – shall mean an advertising sign, symbol or structure, maintained by a person, firm, corporation, business, service, commercial or industrial enterprise, engaged in the sale or rental of space thereon to a clientele, upon which space therein is displayed advertising copy describing one or more products or services which are not necessarily made, produced, assembled, sold or stored from the lot or premise upon which the sign is displayed.
- 2.9 **BUILDING IDENTIFICATION SIGN** – shall mean a sign attached to or part of a building, lettered to give the name of a building itself as opposed to the name of occupants or services.
- 2.10 **BY-LAW ENFORCEMENT OFFICER** – shall mean the By-law Enforcement Officer of the Corporation of the Township of Huron-Kinloss and/or designate.
- 2.11 **CHIEF BUILDING OFFICIAL** – shall mean the Chief Building Official for the Corporation of the Township of Huron-Kinloss and/or designate.
- 2.12 **COMMERCIAL SIGN** – shall mean a sign accessory to the permitted main commercial use as permitted by the Comprehensive Zoning By-law and may include fascia signs, projecting signs, standard signs, directional information signs and window signs.
- 2.13 **COMPREHENSIVE ZONING BY-LAW** – shall mean the Comprehensive Zoning By-law for the Township of Huron-Kinloss, as amended.
- 2.14 **CONSTRUCTION SIGN** – shall mean a sign identifying a proposed development or a construction project where work is in progress.
- 2.15 **CORPORATION** – shall mean the Corporation of the Township of Huron-Kinloss.
- 2.16 **COUNCIL** – shall mean the Council of the Corporation of the Township of Huron-Kinloss.
- 2.17 **DIRECTIONAL INFORMATION SIGN** – shall mean a sign indicating the direction with regard to pedestrian and/or vehicular movement.
- 2.18 **ERECT** – shall mean to attach, alter, build, construct, reconstruct, enlarge or move, including the painting of wall signs, but not including copy changes on any signs.
- 2.19 **EXEMPT SIGN** – shall mean signs that are exempt from normal permit requirements, i.e., Federal, Provincial and/or Municipal sign requirements.

- 2.20 **FAÇADE** – shall mean the exterior face of a building hosting the building’s principal entrance, often distinguished from other faces by the elaboration of prominent architectural features.
- 2.21 **FASCIA SIGN** – shall mean a single faced sign located in such a manner that the sign face is parallel to the main wall of the building to which it is attached and shall also include a sign attached to or constructed in or on a canopy, marquee or awning and shall not include a banner sign or a sign painted on the building.
- 2.22 **FLASHING SIGN** – shall mean an illuminated sign, fixed or rotating, upon which the source of artificial light is not stationary or the intensity or colour is not constant, and does not include those electronic displays giving public service information such as, but not limited to, time, date, temperature or weather.
- 2.23 **GRADE** – when used in reference to a sign, shall mean the average elevation of the finished surface of the ground where it meets the supports of the sign or the building upon which it is erected, exclusive of any artificial embankment.
- 2.24 **HEIGHT OF SIGN** – shall mean the vertical distance from the ground to the highest extremity of the sign including the border or frame, and in the case of a sign without border or frame, the vertical distance from the ground to the top of the letter, symbol or other part of the sign that is the highest.
- 2.25 **HOME OCCUPATION SIGN** – shall mean a sign identifying a permitted accessory use.
- 2.26 **HOME OCCUPATION** – shall mean a use as defined pursuant to the terms of the Township of Huron-Kinloss Comprehensive Zoning By-law, as amended.
- 2.27 **IDENTIFICATION SIGN** – shall mean a sign which is limited to the name, address and number of a building, institute or person and to the activity carried on in the building or institution, or the occupancy of that person.
- 2.28 **ILLUMINATED SIGN** – shall mean any sign designed to provide artificial light, either through exposed lighting or on the sign face, or through transparent or translucent material from a light source within the sign.
- 2.29 **INDUSTRIAL SIGN** – shall mean a sign accessory to a permitted industrial use as permitted by the Comprehensive Zoning By-law and may include fascia signs, projecting signs, standard signs, directional information signs and window signs.
- 2.30 **INSTITUTIONAL SIGN** – shall mean a sign accessory to a permitted institutional use as permitted by the Comprehensive Zoning By-law and may include fascia signs, projecting signs, standard signs, directional information signs and window signs.
- 2.31 **LOT** – shall mean a parcel or tract of land, described in a deed or other legal document, which is legally capable of conveying title.
- 2.32 **LOT LINE** – shall mean the division line between a utility or

road right-of-way and a lot, or the division line between two lots.

- 2.33 **MOBILE SIGN** – shall mean any mounted sign on a trailer or on a supporting frame which is designed to be transported from one site to another and includes mobile signs with changeable copy and/or illumination.
- 2.34 **PARAPET WALL** – shall mean that portion of a building wall that rises above the roof level.
- 2.35 **PERMITTED USE** – shall mean a use as permitted pursuant to the Township of Huron-Kinloss Comprehensive Zoning By-law, as amended.
- 2.36 **PORTABLE SIGN** – shall mean any sign not permanently attached to the ground or building or any other structure, and which may be transported from one site to another.
- 2.37 **PROJECTING SIGN** – shall mean a sign attached and perpendicular to the main wall of the building and shall not include a banner sign.
- 2.38 **REAL ESTATE SIGN** – shall mean a sign notification advising that a property is to be sold, rented or leased.
- 2.39 **REAL ESTATE DEVELOPER SIGN** – shall mean a billboard or A-Frame sign, owned by a real estate developer that advertises a subdivision or condominium development.
- 2.40 **RESIDENTIAL SIGN** – shall mean a sign accessory to the permitted residential use and may identify the address, owners/occupants or name of the residence and/or may advertise the home occupation on the lot.
- 2.41 **RURAL SIGN** – shall mean a sign accessory to the permitted rural use.
- 2.42 **SETBACK** – shall mean the horizontal distance from the lot line to the nearest part or leading edge of any sign.
- 2.43 **SIGN** – shall mean a display board, electronic display, screen, cloth or structure having characters, letters or illustration applied thereto or displayed thereon in any manner, including signs within a building visible from the street, and shall include the posting or painting or an advertisement or a notice on a building or structure advertising a place of business, product, activity, or a special happening.
- 2.44 **SIGHT TRIANGLE** – shall mean the triangular space formed of a corner lot and a line drawn from a point in one street line to a point in the other street line, each such point being 6m from the point of intersection of the street lines (measured along 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 line or the intersection of the tangents to the street lines.
- 2.45 **STANDARD SIGN** – shall mean a sign not attached to a building but supported by a structure on the ground or placed upon poles or standards, and shall not include any rotating or swinging parts or a banner sign.

- 2.46 **STOREFRONT** – shall mean the portion of the building’s façade that hosts the business or establishment’s principal entrance.
- 2.47 **TEMPORARY SIGN** – shall mean a sign conveying a message applicable for a definable and specific limited time or related to an event or project short in duration. Temporary signs shall include signs for construction projects and special events. Temporary signs for construction projects shall only be erected at construction sites and may indicate the nature of the project(s) and to identify the developers, contractors, architects, engineers and related personnel or trades involved in the development of the site.
- 2.48 **THIRD PARTY SIGN** – shall mean a sign that is advertising a business that is located on a property other than the property that the sign is located.
- 2.49 **WINDOW SIGN** – shall mean a sign which is directly affixed to or painted or etched on any window.

SECTION 3: APPLICATION FOR BUILDING PERMIT

- 3.1 Except for the signs referred to in Section 4 no person shall erect, cause to be erected or structurally alter any sign within the boundaries of the Township of Huron-Kinloss without first obtaining a building permit for a sign from the Township.
- 3.2 Prior to issuance of a building permit for a sign, an application for a permit shall be submitted to the Township to be checked for conformity with this By-law, the Building By-Law and any other applicable By-laws.

SECTION 4: PERMIT EXEMPTIONS

- 4.1 The following signs identified in this Section do not require a building permit for a sign, however, all other requirements of this By-law shall apply with respect to sign size, location, etc.:
- 4.1.1 Signs for regulating traffic or similar devices, legal notices or warnings at railroad crossings;
- 4.1.2 Signs for public safety, such as caution, construction or detour signs;
- 4.1.3 Signs issued by the Corporation of the Township of Huron-Kinloss;
- 4.1.4 Municipal exhibition or events signs;
- 4.1.5 Real estate signs 0.93 sq. m or less, refer to subsection 5.8 for regulations;
- 4.1.6 Residential signs as identified in Section 6.
- 4.1.7 “No Trespassing” signs 0.19 sq. m or less;
- 4.1.8 A-Frame signs, refer to subsection 10.2 for regulations;
- 4.1.9 One building identification per frontage to a maximum of two signs provided that the total combined area does not exceed 0.38 sq. m;

- 4.1.10 Portable signs, refer to Section 10 for regulations;
- 4.1.11 Temporary signs, refer to subsection 5.5 for regulations.

SECTION 5: GENERAL REGULATIONS

- 5.1 No sign owner shall erect or maintain, or cause to be erected or maintained, a sign which does not comply with the provisions of this By-law.
- 5.2 Policies:
 - 5.2.1 The use of signs that are designed to revolve, roll, spin, turn, twist or twirl or similar motion shall not be permitted.
 - 5.2.2 Fascia signs shall not cover up windows or decorative features of buildings.
 - 5.2.3 Fascia signs shall not extend below storefront openings, and shall be located within sign panels or sign bands and where no sign panel or band exists, no fascia sign or part thereof shall be located above the main story.
 - 5.2.4 Signs shall not be permitted on a building that are located on the roof or project above the eaves or above the parapet or cornice of the building.
 - 5.2.5 Signs on the same building should have a consistent location, size, and overall pattern and be compatible with one another.
 - 5.2.6 No sign shall utilize any wording or characters that could be considered offensive, profane, obscene, or for unlawful activity.
 - 5.2.7 Generally, all signs shall face a street or public lane or walkway and must be located on the property of the business it is promoting.
 - 5.2.8 No person shall, for the primary purpose of displaying said sign or advertisement, attach, affix or display any sign or advertisement on a vehicle or trailer which is parked, stored or located on a site, that is not either the home or business of the owner or home of the employee of the businesses being advertised or is located at a construction site while under contract to provide a service to the property owner or tenant of the subject property, unless such property is zoned Commercial, Industrial or Institutional by the Comprehensive Zoning By-law.
- 5.3 Lighting:
 - 5.3.1 Where a sign is illuminated, the said light source shall be directed so that it does not cause a nuisance to neighbouring properties or conflict with traffic signaling devices.
 - 5.3.2 No sign with green, red or amber lighting shall be located in such a fashion so as to diminish or detract from the effectiveness of any traffic signal or similar warning device, or fall within the vision of motorists in such a manner so as to create a traffic hazard.

- 5.4 Location:
- 5.4.1 No sign shall be in a sight triangle.
- 5.4.2 Signs shall be setback in accordance with this By-law.
- 5.4.3 No sign shall be attached to a tree, or to a Hydro or Township pole or support, or on Township or public property without permission of the Township.
- 5.5 Temporary Special Event Signs
- 5.5.1 Temporary special event signs are not permitted on Township road right-of-ways unless they are for a community event or a fundraising event for a not-for profit organization, charitable organization, or service club.
- 5.5.2 Special event signs that are used in conjunction with non-profit events and charitable organization events erected up to a maximum of 14 days prior to the start of the event and shall be removed within 24 hours following the termination of the event.
- 5.5.3 Garage sale signs may be erected up to a maximum of 7 days prior to the start of the event and shall be removed within 24 hours following the termination of the event.
- 5.6 Electrical Work:
- 5.6.1 All electrical components in a sign shall be Canadian Standards Association (CSA) certified.
- 5.7 Maintenance:
- 5.7.1 No sign owner shall fail to maintain, or fail to cause such sign to be maintained, in a proper state of repair, so that such sign does not become unsafe or unsightly and so that such sign shall be completely operative at all times.
- 5.8 Real Estate Signs:
- 5.8.1 A maximum of one unlit real estate sign is permitted for each street frontage less than 46m in length and a maximum of two unlit real estate signs are permitted for each street frontage over 46m in length, provided that such sign is located on the property being sold or leased;
- 5.8.2 A maximum of one directional sign per street is permitted, provided they indicate the most direct route to the property, are located on a road allowance, between the curb or edge of the untraveled part of the road and sidewalk, or where no curb exists, such sign may be erected on the untraveled portion of the right-of-way closest to the outer edge of the untraveled roadway, and provided such sign does not affect sight lines for drivers of vehicles.
- 5.8.3 A maximum of one open house sign is permitted on the property for sale up to a maximum of 14 days prior to the start of the event and shall be removed within 24 hours following the termination of the event.
- 5.8.4 No sign owner shall fail to remove a real estate sign within 10

days of the closing date and transfer of the property's ownership.

5.9 Banner Signs:

5.9.1 Banner signs may only be erected by non-profit organizations so long as they comply with the provisions of this By-law.

SECTION 6: RESIDENTIAL SIGNS

6.1 One residential sign not exceeding 0.19 sq./m in area is permitted to be located on a residential lot.

6.2 The height of the sign shall not exceed a maximum of 1.8 metres;

6.3 No sign shall be located within 1.5 metres of an adjoining property line.

6.4 No residential sign shall project over the street or Township lands without the express written permission of the Township.

SECTION 7: COMMERCIAL / INDUSTRIAL SIGNS

7.1 General Conditions:

7.1.1 A maximum of one (1) fascia sign may be erected for each store front.

7.1.2 A fascia sign shall be attached to and parallel with the main wall of the building;

7.1.3 A fascia sign shall be a minimum of 2.44m above the finished sidewalk or mall grade and no longer than the horizontal measurement of the wall or building façade to which it is attached;

7.1.4 A fascia sign shall not project more than 0.30m from the building face.

7.1.5 The fascia sign shall not extend beyond the limits of the building façade.

7.2 Projecting Signs:

7.2.1 One vertical projecting sign may be erected on a storefront having a width of 7.62m or more.

7.2.2 The maximum projection of the projecting sign from the building facade shall not be greater than 1.22m.

7.2.3 Projecting signs shall not exceed 1.20 sq. m in total area.

7.2.4 No part of the projecting sign shall be closer than 3.35m from finished grade;

7.2.5 There shall be no overhanging structures or wires from the roof of any building where a projecting sign is permitted.

7.3 Standard Signs:

- 7.3.1 One standard sign may be erected for each commercial building on a lot. Said standard sign shall be located on the same lot as the lot on which the said commercial building is located.
- 7.3.2 The height of the standard sign shall not exceed a maximum of 4.5m;
- 7.3.3 The display surface of the standard sign shall not exceed 10% of the area of the storefront or a maximum of area of 10 square metres, whichever is more restrictive.
- 7.3.4 The distance between any standard signs shall not be less than 7.62m;
- 7.3.5 No standard sign shall be located within 1.5 metres of an adjoining property line.
- 7.3.6 No standard sign shall project over the street or Township lands without the express written permission of the Township.
- 7.3.7 Standard signs shall include soft landscape treatment at the base of the sign or supporting structure.

SECTION 8: AGRICULTURAL SIGNS AND RURAL SIGNS

- 8.1 One agricultural sign or one rural sign, not exceeding 3.0 sq. m in area, advertising a permitted use may be erected on a lot zoned Agricultural or Rural as defined by the Comprehensive Zoning By-law.
- 8.2 The height of an agricultural sign or a rural sign shall not exceed a maximum of 1.8 m;
- 8.3 No agricultural sign or rural sign shall be located within 3.0 metres of an adjoining property line.
- 8.4 No agricultural sign or rural sign shall project over the public right-of-way.

SECTION 9: BILLBOARD SIGNS

- 9.1 Permitted Billboard Sign Locations:
- 9.1.1 Billboard signs shall only be permitted in a Rural or Agricultural Zoned property as identified in the Comprehensive Zoning By-law for the Township of Huron-Kinloss;
- 9.2 Display Surface:
 - 9.2.1 The maximum display surface per billboard sign shall be 22.3 sq. m, including border and trim, but excluding the base or apron, supports or other structural members.
 - 9.2.2 The maximum size limitation shall apply to each sign face of a billboard sign structure, and signs may be placed back-to-back, in line, or in a "V" type construction. Notwithstanding the foregoing, only two sign faces shall be permitted in any one billboard structure.
 - 9.2.2 No billboard sign shall be so illuminated that it interferes with

the effectiveness or obscures an official traffic signal, device or sign.

9.3 Developer Signs

9.3.1 Real estate developer signs are permitted in accordance with this Section, provided that the development being advertised on the sign has development approval.

9.3.2 In addition to the provisions of this Section, no real estate developer sign shall be more than 5 metres in width when located on the lands subject to the development.

9.3.3 Real estate developer signs can be located in any zone.

9.3.4 In addition to any signage off site, one real estate developer sign per acreage shall be permitted on the development site.

9.3.5 No real estate developer sign can be located so as to block sight of any other real estate developer sign.

9.3.6 No real estate developer signs shall be illuminated.

SECTION 10:

10.1

10.1.1 Every mobile sign shall include, in a visible location on such sign, the name, address, and telephone number of the owner of the sign.

10.1.2 No third party mobile signs are permitted to be located on any lands.

10.1.3 Mobile signs are only permitted in areas zoned Commercial, Industrial, or Institutional as identified in the General Zoning By-law for the Township of Huron-Kinloss.

10.1.4 No more than one mobile sign at a time is permitted to be located on any lot zoned Commercial, Industrial, or Institutional in the General Zoning By-law for the Township of Huron-Kinloss.

10.1.5 No mobile sign shall exceed 2.44m in height measured from the grade level at the base of the sign, nor shall it exceed a single face area of 65 sq. m or a total area of 9.3 sq. m;

10.1.6 Every mobile sign shall be located entirely on private property; shall not be located in a sight triangle;

10.1.7 Mobile signs shall be permitted for time periods of 30 consecutive days. The property owner shall be entitled to a maximum of two such time periods per calendar year on the lot.

10.2

10.2.1 No more than one a-frame sign is permitted per business entrance onto a street on any lot zoned Commercial, Industrial, or Institutional in the Comprehensive Zoning By-law for the Township of Huron-Kinloss.

10.2.2 No third party a-frame signs shall be permitted to be erected on any lands.

- 10.2.3 Every a-frame sign must be removed to an indoor location no later than the time of closing of the business in the day and not replaced until the opening of the business the next day.
- 10.2.4 Each a-frame sign shall have a maximum height of 1.25m above grade and a maximum single sign face area of 0.77 sq. m and a total sign face area of 1.54 sq. m;
- 10.2.5 A-frame signs shall not be permitted within an entrance or planting bed, or in a parking space or aisle, placed on snow banks, planters or street furniture, or in any manner that may impede municipal maintenance.
- 10.2.6 When located on a sidewalk each a-frame shall be placed in such a way as to allow a minimum clearance of 1.2m to allow pedestrians to pass.

SECTION 11: SIGN VARIANCE

- 11.1 If a sign does not conform to the provisions of the By-law, the applicant may apply to Council for a variance. Any such decisions shall be final and conclusive.

SECTION 12: UNLAWFUL SIGNS

- 12.1 No sign shall be affixed to any tree, utility pole or municipal standard or be erected or placed on Township or public property without the express permission of the Township.
- 12.1.1 When a sign is erected or displayed in contravention of any provision of this By-law, said sign may be removed immediately by the Township without notice at the expense of the owner, if located on, over, partly on, or partly over property owned by or under the jurisdiction of the Township.
- 12.1.2 When a sign no longer correctly advertises a bonafide business, lessor, owner, product or activity conducted or product available, on the premises where such a sign is displayed, the sign owner shall remove the sign within 10 days
- 12.1.3 The Township may recover the expense incurred doing a matter or thing referred to in this Section by action, or the same may be recovered in like manner as municipal taxes.
- 12.1.4 Signs located so as to obstruct emergency services or emergency escapes or exits are prohibited.
- 12.1.5 Signs painted on, attached to, or supported by a tree, stone or other natural object are prohibited however, residential signs may be attached to a stone.
- 12.1.6 A sign erected or painted on a vehicle or trailer where the vehicle or trailer is not being used in the day to day operation of the business for transportation purposes and is parked or located in a manner so as to be visible from the street is prohibited.
- 12.1.7 The Chief Building Official, or the By-law Enforcement Officer or designate shall have the authority to order the painting, repair, alteration or removal of signs which become unsafe, unsightly, inoperative or are abandoned.

SECTION 13: CONFLICT

13.1 Notwithstanding the provisions of any other By-law to the contrary, in the event of a conflict between any other By-law of the Township, the By-law containing the more restrictive provisions shall prevail.

13.2 The regulations set forth by this By-law do not override the need for any other potentially applicable permits governing the erecting or owning of any sign. These may include permits issued by other federal, provincial, and/or county agencies.

SECTION 14: SEVERABILITY

14.1 Should any section, clause or provisions of this By-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or in part thereof, other than the part which was to be declared to be invalid.

SECTION 15: PENALTY

15.1 Any person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act.

READ a FIRST and SECOND TIME this 18th day of November, 2019.

READ a THIRD TIME and FINALLY PASSED this 18th day of November, 2019.


Don Murray, Deputy Mayor
~~Mitch Twolan, Mayor~~


Emily Dance, Clerk