



# The Municipal Corporation of the Town of Fort Erie

BY-LAW NO. 42-99

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**BEING A BY-LAW REGULATE THE ERECTION OF OUTDOOR  
SIGNS AND OTHER OUTDOOR ADVERTISING DEVICES IN  
THE TOWN OF FORT ERIE**

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**(C01.08)**

**WHEREAS** Chapter M.45, Subsection 210(146), (148), and (149) of the Municipal Act, R.S.O. 1990, or as amended, provides inter alia that the council of a municipality may pass by-laws for prohibiting or regulating signs and other advertising devices or any class or classes thereof and the posting of notices on buildings or vacant lots within any defined area or areas or on land abutting on any defined highway or part of a highway, and

**WHEREAS** Section 326 of the said 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, if 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** before passing a by-law under sub-section 210(146) notice of the proposed by-law and notice of the council meeting at which the proposed by-law is to be discussed shall be published once at least fourteen (14) days prior to the council meeting indicated in the notice and the council shall hear any person who before the council meeting indicated in the notice applies to be heard, and

**WHEREAS** Subsection 210(146)(i) provides that no by-law passed under this paragraph that prohibits or regulates signs or other advertising devices, applies to a sign or advertising device that is lawfully erected or displayed on the day the by-law comes into force, if the sign or advertising device is not substantially altered, then the maintenance and repair of the sign or advertising device or a change in the message displayed shall be deemed not in itself to constitute an alteration, and

**WHEREAS** the Municipal Council of the Town of Fort Erie considers it desirable and expedient to enact a by-law to prohibit or regulate outdoor signs and outdoor advertising devices in the Town of Fort Erie for the purpose of avoiding traffic hazards, unsightly appearance and maintaining aesthetic and architectural integration of all Town streetscapes and abutting properties;

**NOW THEREFORE** the Municipal Council of The Corporation of the Town of Fort Erie hereby enacts as follows:

## **SECTION 1 - TITLE AND SCOPE**

### **1.1 Short Title**

1.1.1 This By-law may be cited as the "Sign By-law"

### **1.2 Scope**

1.2.1 The provisions of this by-law shall regulate the erection, location, construction, alteration, repair and maintenance of outdoor signs and other advertising devices within the limits of the Corporation of the Town of Fort Erie.

## **SECTION 2 - DEFINITIONS**

### **2.1 General Definitions**

The following general definitions shall apply for the purposes of this By-law unless the context otherwise provides.

2.1.1 "Approved" means approved by the authority having jurisdiction.

2.1.2 "Architect" means a member or licensee of the Ontario Association of Architects under the Architects Act.

2.1.3 "Area of Sign" means the number of square metres on the surface of a sign, both sides if a double face 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. The area of a multiple faced sign shall be the sum of all the area of the faces. A double face sign shall have a minimum 200 square feet per side face.

2.1.4 "Area of the Wall" means the total area of an exterior vertical surface of a building facing one direction.

2.1.5 "Authority Having Jurisdiction" means the Council of the Corporation of the Town of Fort Erie or its agents.

2.1.6 "Chief Building Official" means the persons so appointed by the Town Council pursuant to the provisions of the Ontario Building Code Act or designate.

2.1.7 "Council" means the Municipal Council of the Corporation of the Town of Fort Erie.

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- 2.1.8 "Display Surface" means the surface made available by the structure, either for direct mounting of letters and decorations, or for the mounting of facing material intended to carry the entire advertising message.
- 2.1.9 "Engineer" means a Professional Engineer registered as a member or licensee of the Association of Professional Engineers of the Province of Ontario under the Professional Engineers Act.
- 2.1.10 "Erect" means anything done in the installation, painting, placement, maintenance, repair, or alternation of any sign.
- 2.1.11 "Erector" means anyone who does anything or permits anything to be done, or causes anything to be done, in the erection, maintenance, repair, installation, painting or placement of any sign.
- 2.1.12 "Face" means the surface of the sign upon, against or through which the message of the sign is exhibited.
- 2.1.13 "Frontage" means the width of a lot between the side lot lines measured at the street line. Where more than one property line of a lot abuts a street line, each property line shall be considered separately for the purpose of determining frontage.
- 2.1.14 "Height of Sign" means the vertical distance from the ground to the highest point of the sign.
- 2.1.15 "Highway" includes a common and public road, street, avenue, lane, driveway, parkway, square, place, bridge, subway, viaduct or trestle.
- 2.1.16 "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.
- 2.1.17 "Letters and Decorations" means the letters, illustrations, symbols, figures, insignia and other devices employed to express and illustrate the message of the sign.
- 2.1.18 "Owner" includes:
- (a) owner of the sign;
  - (b) owner of the real property on which the sign is located, or;

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- (c) the person for the time being, managing or receiving the rent of:
- (i) the sign, or;
  - (ii) the real property on which the sign is located.
- 2.1.19 "Person" means and includes person, partnerships, a body corporate or political, an agent, trustee, and heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law.
- 2.1.20 "Residential Property" means any property used exclusively for residential purposes and includes all properties zoned "Residential" in accordance with the Zoning By-laws of the Town of Fort Erie.
- 2.1.21 "Road" see definition of Highway herein.
- 2.1.22 "Road Allowance" means all that portion of land allowed for roads by the Crown surveyors, or any highways established by any statute, by-law, plan or any roads on which public money has been spent.
- 2.1.23 "Sight/Daylighting Triangle" means the triangular shape formed by street lines of a corner lot where such lot is located at the intersection of two or more streets and the line drawn from a point in one street to a point in the other street, each such point being 10.5 metres (10.5 m) from the point of intersection of the streets measured along the said streets provided that where the two streets do not intersect at a point, the point of the intersection of the street lines shall be deemed to be the intersection of the projected tangents to the street lines drawn through the extremities of the interior lot lines.
- 2.1.24 "Street" see definition of Highway herein.
- 2.1.25 "Street Line" means a lot line dividing a lot or block from a street and is the limit of the road allowance.
- 2.1.26 "Support Structure" means the supports, uprights, bracing and framework which is intended to support or be capable of supporting any sign and which in turn is supported by the ground, a building or a structure which is not an integral part of the sign.
- 2.1.27 "Structural Trim" means the moulding battens, copping, nailing strips, latticing and platforms which are attached to the sign structure.
- 2.1.28 "Town" means the Corporation of the Town of Fort Erie.

- 2.1.29 "Town Engineer" means the Director of Public Works for the Corporation of the Town of Fort Erie or designate.
- 2.1.30 "Traffic By-law" means any by-law regulating traffic in the Town of Fort Erie.
- 2.1.31 "Visually Unobstructed" means the area is 80% open with no single obstruction exceeding three hundred millimetres (300 mm) in width.
- 2.1.32 "Wall" means the total exterior surface of a building, facing one direction.
- 2.1.33 "Zoning By-law" means any by-law regulating the use of land and the character, location and use of building and structures in the Town of Fort Erie, passed pursuant to the Planning Act and amendments thereto.

## **2.2 Sign Definitions**

The following sign definitions shall apply for the purposes of this By-law unless the context otherwise provides.

- 2.2.1 "Awning, Canopy or Marquee Sign" means a sign painted, stamped, perforated or stitched or otherwise applied on an awning.
- 2.2.2 "Banner Sign" means a temporary sign erected over a public highway produced on lightweight non-rigid material (such as cloth, paper, fabric or other similar material of any kind), either with or without a frame, and not solidly fixed to the ground or any structure.
- 2.2.3 "Bench Signs" means any sign that is painted, placed or attached to a bench.
- 2.2.4 "Billboard" means a third party, non-accessory sign erected and maintained by a person, firm, corporation, business, commercial service or industrial enterprise, upon which space there is displayed advertising copy, describing one or more products or services which are not made, produced, assembled, sold or stored from the lot or premises upon which the sign is erected and shall include billboards, poster displays, poster boards, poster panels and electronic signs which constitutes more than 10% of the area of the sign and shall exclude all other signs defined in this by-law.
- 2.2.5 "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 produced, assembled, sold or stored on the premises upon which the sign is erected.

- 2.2.6 "Community / Charity Sign" means any sign or advertising device used to advertise a community or charitable event sponsored by a charitable, non-profit corporation or not-for-profit organization which benefits the community as a whole.
- 2.2.6 "Construction Sign" means sign identifying a proposed development or a construction project where work is in progress and such sign shall be located on the same lot or the same registered plan of subdivision as the project and shall exclude any sign otherwise defined in this by-law. The construction sign shall be removed when the project has been completed. In the case of a proposed development, the construction sign shall be removed if a building permit has not been issued for the project within one year from the issuance of the sign permit.
- 2.2.7 "Directional Signs" means a sign which indicates the distance or direction or both to a place of business or other premises indicated on the sign.
- 2.2.8 "Election Sign" means a sign indicating support of a candidate or a recognized political party in a municipal, regional, provincial or federal election.
- 2.2.9 "Electronic Sign" means an illuminated, remotely controlled, changeable display sign, however, excluding signs which display only price or signs which display only time and/or temperature.
- 2.2.10 "Flashing Sign" means luminous or an illuminated sign, fixed or rotating upon which the source of artificial light is not stationary or the intensity or colour is not constant, but does not include such signs indicating time and/or temperature nor does it include electronic signs.
- 2.2.11 "Flat Sign, Wall Sign or Fascia Sign" means a single faced sign including letters or decorations which are attached directly to or painted on the building wall in such a manner that the sign face is parallel to the main wall of the building and shall not extend more than one hundred and fifty millimetres (150 mm) from the wall to which it is attached.
- 2.2.12 "Ground Sign" means a sign directly supported from the ground without the aid of any other building or structure other than the sign structure and shall not

exceed twenty square metres (20.0 sq. m) in area or three metres (3.0 m) in height and shall exclude any sign otherwise defined in this by-law.

- 2.2.13 "Institutional Sign" means any sign pertaining to government departments and agencies, hospitals, churches, schools, service clubs and organizations.
- 2.2.14 "Mall Sign" means the major identification sign or advertising structure of a multiple occupancy industrial or commercial shopping development exceeding a height of three metres (3.0 m) and shall exclude any sign otherwise defined in this by-law.
- 2.2.15 "Multiple Faced Sign" means a sign having two or more faces.
- 2.2.16 "Open Sign" is classified as such in which the sign face is less than seventy percent (70%) of the gross area as determined by the overall dimensions.
- 2.2.17 "Pole or Pylon Sign" means a sign greater than three metres (3.0 m) in height directly supported from the ground without the aid of any other buildings or structures other than the sign structure and shall exclude any sign otherwise defined in this by-law. No smaller sign shall be attached to the supporting structure.
- 2.2.18 "Portable Ground Sign" means a sign situated on the ground but not permanently affixed thereto and without restricting the generality of the foregoing, be deemed to include signs that may be moved from place to place; and signs placed on motor vehicles or trailers, and inflatable devices tethered to any building, structure, vehicle or other devices.
- 2.2.19 "Poster Display, Poster Board or Poster Panel" shall mean the same as "Bulletin Board".
- 2.2.20 "Projecting Sign" means a sign so constructed and so erected as to be attached at one end to a building and projecting outwardly therefrom.
- 2.2.21 "Real Estate Signs" means a type of sign that advertises property or premises for sale, lease or rent.
- 2.2.22 "Refuse Container Sign" means any sign that is painted, placed or attached to a refuse container.
- 2.2.23 "Roof Sign" means a sign which is erected, constructed or supported on or above a roof of a building or canopy.

- 2.2.24 "Signs or Sign and Other Advertising Devices" hereinafter referred to as sign or signs, means any fabricated sign, statue or structure displaying any letter, figure, character, mark, point, plane, design, poster, pictorial, stroke, stripe, line trademark, reading matter, or illuminating device constructed, painted, attached, erected, fastened, placed or manufactured in any manner whatsoever, so that the same shall be used in an apparent attempt to inform, warn, advertise or otherwise attract the attention of the public to any place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever and displayed in any manner whatsoever.
- 2.2.25 "Temporary Sign" means a sign or other advertising device conveying a message applicable for a definable and specific limited period of display for holidays, public demonstrations, or charitable organizations which has been approved by a Resolution of Town Council.
- 2.2.26 "Third Party Sign" means a sign erected and maintained by a person, firm, corporation, business, commercial service or industrial enterprise, upon which space there is displayed advertising copy, describing one or more products or services which are NOT made, produced, assembled, sold or stored from the lot or premises upon which the sign is erected.
- 2.2.27 "Traffic Sign" means a sign, marking or device lawfully placed for the purpose of regulating or prohibiting traffic.
- 2.2.28 "Under Canopy Sign" means a sign suspended from a canopy or entirely under such canopy.
- 2.2.29 "Wall Sign" (see definition of Flat Sign herein)
- 2.2.30 "Window Sign" means a sign that is applied or attached to the exterior or interior of a window or located in such a manner within a building that it can be seen from the exterior of the structure through a window.

### **SECTION 3 - GENERAL SIGN PROVISIONS**

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- 3.1 This section shall apply to all types of signs as defined in Section 2.2 hereof save and except banner signs, billboard signs, election signs, special occasion signs and portable ground signs.
- 3.2 Every owner or lessee shall ensure that every sign shall be designed, constructed and erected in conformity with the provisions of this by-law and the Ontario Building Code and the Electrical Code.
- 3.3 Flashing signs including those with high impact lighting and fluorescent lights shall not be placed at locations closer than thirty metres (30.0 m) from the property line of any land in a Residential zone as defined by any applicable Zoning By-law of the Town.
- 3.4 Revolving beacons shall not be permitted on any property unless approved by Council resolution.
- 3.5 Floodlights that are deemed to be an advertising device shall be shielded so as to deflect the light away from the view of vehicular traffic and any adjacent residential uses.
- 3.6 In the interests of traffic safety, coordination of placement of signs and aesthetics, no new sign erected, placed or altered after the date of the passing of this by-law, other than a Federal, Provincial, Regional or Town owned sign or notice or emergency signs as provided by the Town or other such special sign that may be approved by Council from time to time shall be permitted on any road allowance or any utility pole or tree situated on Town road allowances or property without the approval of the Council. Such signs when duly approved shall comply with all of the provisions of this by-law. This section shall not apply to temporary community and charitable event signs, garage sale signs or election signs.
- 3.7 Notwithstanding any other provisions of this By-law, no person shall, after the date of the passing of this by-law:
- a) Erect, place or alter any sign, spot light, flood light or any other special illumination of any building or structure or portion thereof in such a location or with materials, lights or colours so as to interfere with the proper operation and visibility of any traffic signal light or traffic sign which is now or may hereafter be erected for the control or guidance of traffic and pedestrians on the highways and/or streets in the Town of Fort Erie.
  - b) Erect, place or alter any sign where in the opinion of the Authority having jurisdiction, it would adversely interfere with the line of vision of pedestrian or vehicular traffic.

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- c) Erect or place any sign on any property other than the property to which the sign applies, (no third party signs) except for billboard signs, election signs, temporary community event or charitable event signs, garage sale or controlled signs or signs erected by any level of government, or as otherwise exempted or controlled by the provisions of this By-law.
- 3.8 The minimum clearance of any sign from the electric wires or cables of the Canadian Niagara Power Co. Ltd. Co. Ltd. or any other hydro electric utility shall be as follows:
- a) In a horizontal plane every such sign or any part thereof, shall have a clearance from any wire, cable or conduit which carries a voltage of up to 750 volts of 3.048 metres (3.048 m).
- b) In a horizontal plane every such sign or any part thereof, shall have a clearance from any wire, cable or conduit which carries a voltage of over 750 volts of 4.572 metres (4.572 m).
- c) No sign shall be located above or below any electric wire, cable or conduit.
- d) In erecting any sign close to electric wires, cables or conduit, the provisions of the "Occupational Health and Safety Act" R.S.O. 1990, Chap. O.1 or other like legislation shall be adhered to by the owner in connection with the erection or maintaining of any sign as may be defined by this by-law.
- 3.9 No sign shall be erected or located so that any part of such sign, including cables, guys or other appurtenances will be within 3.048 metres (3.048 m) of any electric light pole, street lamp, or any other hydro utility pole or standard which has no overhead wires attached. If overhead wires are attached, Subsection 3.8 applies.
- 3.10 Every sign utilizing electricity shall bear a C.S.A. or Ontario Hydro label of approval and all electrical wiring in a sign and the erection and location of a sign shall conform with the regulations of Ontario Hydro, as such regulations may apply.
- 3.11 Every sign, together with all its supports, braces, guys and anchors, shall be kept in good repair and when not constructed of corrosion-resistive material, shall be kept painted to prevent corrosion.
- 3.12 (a) Whenever, upon inspection, the Town finds any sign to be unsafe, insecure or endangering the safety of the public, or not erected in accordance with approved plans and the provisions of this By-law, it shall notify the owner of the sign or the owner of the

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- real property on which the sign is located, verbally and in writing, that the said sign is deemed to be unsafe and if the said sign is defective or is not in accordance with the approved plans and the provisions of this By-law, the Town shall order such owner of the sign or owner of the real property on which the sign is located to make the sign conform to the provisions of the notice within a specified time. The written notice shall specify the contravention and state the time period for compliance with the applicable legislation.
- (b) If the owner of the sign or the owner of the real property on which the sign is located fails to comply with the terms set forth in the notice, the Town may cause such sign to be removed at the expense of such owner of the sign or owner of the real property on which the sign is located.
- 3.13 (a) Any sign lawfully erected or displayed on the day after this by-law comes into force which does not conform to the provisions of this by-law shall not be relocated, rebuilt, reconstructed, altered, restored or replaced except in accordance with the provisions of this by-law. However, a change in the message displayed by the sign shall not in itself constitute an alteration such as to require the issuance of a permit.
- (b) Every sign not lawfully erected or displayed on the day after this by-law comes into force shall be made to comply with the regulations of this by-law or such sign shall be immediately removed by the owner thereof or by the owner of the land upon which it is situated.
- 3.14 Where a sign is required by the Ontario Building Code to be designed by an Architect or Engineer, the Chief Building official shall require that the sign and its supporting structure be certified by the Engineer or Architect as being erected in compliance with design drawings and specifications.
- 3.15 In addition to the requirements of this sign by-law, any sign to be erected on a property designated as an adult entertainment parlour site shall be subject to the sign provisions in the Town's By-law "To License, Regulate, Govern And Classify Adult Entertainment Parlours And For Revoking Or Suspending Any Such Licence And For Limiting The Number Of Licences To Be Granted" passed pursuant to the provisions of the Municipal Act and amendments thereto.

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- 3.16 The provisions of this By-law shall be held to be the minimum requirements adopted for the promotion of public health safety and convenience. Whenever the requirements of this By-law are at variance with requirements of any other By-law or agency requirements such as the Ministry of Transportation Ontario, the Regional Municipality of Niagara or the Niagara Parks Commission, the most restrictive requirements or the higher standards shall apply.
- 3.17 Notwithstanding the provisions of this section, should any provision conflict with Section 3.14 (Signs) of the Building Code Act 1997, as amended, then the Building Code shall prevail.
- 3.18 Any sign erected within the boundaries of the Crystal Beach Improvement Area specific to Erie Road between Ridgeway Road and Cambridge Road, Derby Road from Erie Road to Queens Circle and Queens Circle itself shall be a Flat Sign, Wall Sign or Fascia Sign.

#### **SECTION 4 - BANNER SIGNS**

- 4.1 No person shall erect or place a banner sign which projects into or extends across any street or public thoroughfare unless approval is first obtained from the Town Engineer, and in the case of a Regional Road, the approval of the Regional Municipality of Niagara.
- 4.2 Prior to the erection or placement of any banner sign which projects or extends over and across any Town street or public thoroughfare, application shall be made in writing to the Town Engineer setting out the purpose, location, duration and message of the banner and no such banner sign shall be erected or placed until the application is approved by the Town Engineer.
- 4.3 If deemed appropriate, the Town Engineer shall approve the banner sign application and so notify the Town Clerk.
- 4.4 Upon approval of the application, the Town Clerk shall so notify the applicant and a permit shall be issued for a period not to exceed thirty (30) days provided the applicant delivers to the Town Clerk a certificate of liability insurance in the amount of \$2 million naming the Town as additional insured.
- 4.5 Permits for Banner Signs shall be valid for a period not exceeding sixty (60) days or such lesser time as determined by the Town Engineer.

- 4.6 The owner of the banner sign shall be responsible for obtaining written clearance from Canadian Niagara Power Co. Ltd. prior to the erection of the banner sign.

## **SECTION 5 BILLBOARD SIGNS**

- 5.1 No person or owner shall erect, place, alter, cause or permit to be erected, placed or altered after the passing of this by-law any billboard sign without first having obtained a permit from the Chief Building Official.
- 5.2 Every application for a billboard sign permit shall be in duplicate on the forms provided by the Town and shall be accompanied by a duplicate set of plot plans showing:
- (a) the street lines and other lot lines of the lot on which it is proposed to erect such sign;
  - (b) the location of the proposed sign on the lot in relation to other structures and to the lot lines and in relation to the premises adjoining thereto where such premises exist;
  - (c) the relation of and distance from the proposed sign to any traffic light or traffic signal or device within 30 metres (30 m) in any direction;
  - (d) any other information required by the Chief Building Official.
- 5.2.1 A complete set of drawings and specifications in duplicate showing:
- (a) the construction of the sign, and where applicable, showing details of the illumination of the sign;
  - (b) the construction anchorage and elevation of the structure to which the sign is attached;
  - (c) the sizes of the supports of all affected structural members, and location thereon of such sign;
  - (d) any additional information which may be necessary to determine whether or not the structure of a building will carry and support the additional loads and stresses imposed thereon by the erection of such sign, such information to be proved by a Registered Professional Architect, Engineer, or person having special or expert knowledge;
- 5.3 The sign and support structure shall be designed by an Architect or Professional Engineer when required by the Ontario Building Code, as amended.

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- 5.4 The Chief Building Official may require that the sign and support structure be designed by an Architect or Professional Engineer if in his opinion an unsafe condition would exist if the sign were not so designed.
- 5.5 The application shall further be accompanied by any other permit required to be issued by the Federal, Provincial or Regional Governments or any other authority having jurisdiction.
- 5.6 Every person applying for a billboard sign permit shall include the name and address of the owner of the sign and the name and address of the owner of the real property upon which the billboard sign will be erected.
- 5.7 Prior to the issuance of a billboard sign permit, the applicant shall remit a fee of \$0.50/ft<sup>2</sup> to the Chief Building Official.
- 5.8 The Chief Building Official shall issue a permit except where:
- (a) the proposed work or construction will not comply with this By-law, the Comprehensive Zoning By-law, the Building Code Act or any other By-law of the Town or applicable law;
  - (b) the permit or approvals described in subsection 5.5 are not included with the application;
  - (c) the application therefore is incomplete or any fees due are unpaid.
- 5.9 Every billboard sign shall be subject to inspection by the Chief Building Official. The owner of the sign shall notify the Chief Building Official when such sign is completely erected.
- 5.10 In the event that the erection, alteration or relocation of any billboard sign shall be commenced without a permit having previously been obtained, the fee for obtaining such permit shall be double the amount which would have been payable had such permit been obtained before the commencement of such work.
- 5.11 No person shall make a material change or cause a material change to be made to a plan, specification document or other information on the basis of which a billboard sign permit was issued without filing details of such change(s) with the Chief Building Official along with an alteration fee of \$75.00. If the alteration is approved, the Chief Building Official shall issue a supplementary permit.
- 5.12 No person, or owner shall erect a billboard sign except in accordance with the plans, specification, documents, and any other information on the basis of which a permit was issued or amended by the Chief Building Official.

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- 5.13 The Chief Building Official may revoke a permit:
- (a) where, after six months from its issuance the work in respect of which it was issued has not, in the opinion of the Chief Building Official been seriously commenced, or;
  - (b) where, after one year after its issuance the work in respect of which it was issued has not, in the opinion of the Chief Building Official been completed, or;
  - (c) where it was issued on mistaken or false information.
- 5.14 When any billboard sign is to be moved from one location to another, a permit shall be obtained and the fee shall be the same as prescribed for a new sign being \$0.50/ft<sup>2</sup>.
- 5.15 The owner must obtain all necessary clearances from any and all utilities and agencies including Canadian Niagara Power Co. Ltd. That may in any way be affected by the erection of the billboard sign. These clearances must be obtained prior to the issuance of a sign permit and written confirmation of such clearances from the utilities and/or agencies must be submitted to the Chief Building Official.
- 5.16 Upon completion of the installation of a Billboard, the permit holder for a Billboard shall restore the property to an acceptable condition and shall maintain the property leased for the sign to the satisfaction of the Town.
- 5.17 Should the permit holder fail to comply within forty-eight (48) hours of receipt of any written notification from the Town directing works be carried out to comply with this by-law, the Town may carry out the said works and the cost incurred shall be recovered from the owner. The Corporation may recover the expenses in doing the works, by action, or the same may be recovered in like manner as municipal taxes.
- 5.18 Billboard signs shall be designed by an Engineer, or Architect and if supported on or by any building the structural adequacy of the building to support the additional loading shall be certified by the Engineer or Architect.
- 5.19 Billboard signs shall be serviced by underground hydro.
- 5.20 No Billboard signs shall be located closer than thirty metres (30.0 m) from any residentially zoned property, church, Town park or historical site if any part of such sign is visible from any such site.
- 5.21 Except as provided for in Section 5.22, no new Billboard sign shall be located within 200 metres of any existing billboard sign. The 200 metres shall be measured in all directions (in a circle).

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- 5.22 Notwithstanding Section 5.21, two new Billboard signs may be erected or installed back to back or attached at an angle such that the back of the signs are not exposed to the street or streets upon which the signs face provided the 200 metre separation from existing billboard signs is maintained.
- 5.23 Notwithstanding the requirements of any other provisions of this by-law, billboard signs shall not exceed fifty square metres (50 sq. m) in total area and no billboard sign shall exceed 9.14 m (30 ft.) in height measured from the ground to the top of the billboard sign.
- 5.24 Billboard signs shall not be placed on any property zoned, Residential, Agricultural, Rural, Hazard, Public, Open Space or Dune Protection in accordance with the Zoning By-law of the Town.
- 5.25 No person shall erect, install or maintain a Billboard Sign on a property where a Pole sign has been legally established.

## **SECTION 6 - PORTABLE GROUND SIGNS**

- 6.1 A portable ground sign shall not exceed a face area of 4 square metres nor exceed a height of four metres (2.5 m) above the ground level.
- 6.2 Notwithstanding any other provisions of this by-law, the Town may cause any portable ground sign to be removed from any location if it contravenes any of the provisions of this by-law, without giving notice to the owner and the owner shall be liable for all expenses incurred in such removal.
- 6.3 All electrical cables, extensions, wires or outlets of every nature or kind attached to or relating in any way to a portable ground sign must comply with the regulations of Ontario Hydro Inspection Department and Canadian Niagara Power Co. Ltd.
- 6.4 A portable ground sign as located on a lot, shall be capable of withstanding the design wind loads established by the Ontario Building Code.
- 6.5 A portable ground sign shall not be placed on any residential property or on any property other than the property to which the sign applies except as provided under Section 6.12.
- 6.6 No person shall erect, install or maintain a portable ground sign within six metres of a driveway/exit or intersection of two streets, when the setback is less than the height of the

sign.

- 6.7 A portable ground sign that is one metre (1.0 m) or less in height shall not be placed closer than one metre (1.0 m) from any property line except where Section 3.3 applies and it shall then apply.
- 6.8 A portable ground sign shall not be placed closer than thirty metres (30.0 m) from another portable ground sign, except that a property with less than thirty metres (30.0 m) of frontage but more than ten metres (10.0 m) of frontage may have one portable ground sign.
- 6.9 No person shall erect, install or maintain a portable ground sign on a property without first obtaining written permission from the owner of the property or his agent
- 6.10 No person shall erect, install or maintain a portable ground sign that does not advertise a product, goods, services, or the like, located on that property except signs used to advertise a charitable event.
- 6.11 No person shall locate a portable ground sign in a required parking space on a property.
- 6.12 Any person may erect, install or maintain one portable sign on a residential property for birthdays, anniversaries or similar events for a maximum of three days.
- 6.13 No person shall erect, install or maintain more than one portable ground sign per business, per frontage. This applies regardless of the maximum number of portable ground signs permitted.

## **SECTION 7 - ELECTION SIGNS**

- 7.1 Election signs may be placed on the untravelled part of Municipal or Regional road allowances, provided sightlines at intersections and driveway entrances are not obstructed.
- 7.2 Any election signs erected within the Town must comply with the Municipal Act and all other applicable laws.
- 7.3 No election sign shall be placed on any municipal property such as Municipal Centre, parks, beaches, cemeteries, museums, libraries and the like or any road allowance abutting municipal property.
- 7.4 No election signs shall be affixed to any tree that is situated within a Municipal or Regional road allowance.

- 7.5 All other applicable sections of this by-law apply for any other type of sign other than the traditional residential "lawn" sign used in elections, such as billboards, electronic, flashing, etc.

## **SECTION 8 - ADMINISTRATION**

- 8.1 The Chief Building Official shall review all applications and plans submitted for sign permits and if in conformity with the provisions of this by-law and other applicable law shall certify the plans and approve the applications.
- 8.2 The Chief Building Official shall keep proper records of all applications received, permits and orders issued, inspections made, and retain copies of all papers and documents with the administration of this by-law.
- 8.3 The Chief Building Official shall issue all sign permits following the approval of the application and plans and payment of the permit fee.
- 8.4 The Chief Building Official shall revoke or refuse to issue a permit where the erection of a sign would be, or is, a violation of this by-law or any other applicable law or creates an unsafe condition.
- 8.5 In the event the Chief Building Official, refuses to issue a permit or revokes a permit, the applicant may appeal the decision to the Council. The applicant shall appeal the said decision to the Council within thirty (30) days of the date of refusal or revocation.
- 8.6 In accordance with Section 10.1.1 herein, the Chief Building Official shall cause a written notice to be delivered to the owner of any sign directing him/her to correct any condition where, in the opinion of the Chief Building Official, such condition constitutes a violation of this by-law or unsafe conditions exist.
- 8.7 Neither the granting of a permit nor the approval of the drawings and specifications, nor inspection made by the Chief Building Official or his designate during the erection of a sign shall, in any way, relieve the owner of such sign or the owner of property on which the sign is located, from full responsibility for carrying out the work in accordance with the provisions of this by-law.
- 8.8 The applicant may apply in writing to Town Council for a variance from the requirements of this by-law. The \$75.00 non-refundable fee for an application for variance to cover processing of the application shall be submitted to the Chief Building Official.

- 8.9 In the event that the erection or construction of any sign shall be commenced without a permit having previously been obtained, the fee for obtaining such permit shall be double the amount which would have been payable had such permit been obtained before commencement of such work.

## **SECTION 9 - PENALTIES**

- 9.1 (a) Every person who contravenes any provision of this by-law is guilty of an offence and is liable upon conviction and at the discretion of the Presiding Justice of the Peace or Judge of the Ontario Court (Provincial Division) or other relevant Justice or Judge or Court, to a fine of not more than \$5,000.00 exclusive of costs and every such fine is recoverable under the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.
- (b) The set fines for an offence under this by-law are set out in Schedule "A" annexed hereto and forming part of this by-law.
- (c) The court, in which the conviction has been entered, and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.
- (d) Each day during which there is a breach of this by-law shall be regarded as a separate and distinct offence and any person who continues in breach of this by-law may be charged or fined for each separate day during the continuation of the offence.
- 9.2 The set fines described herein shall come into force and effect upon receipt of a Judge's Order from The Ministry of the Attorney General approving the set fines herein.

## **SECTION 10 - ENFORCEMENT**

- 10.1 Notwithstanding the penalty provisions set out in Section 9.1 herein:
- 10.1.1 When it has been determined that there is a violation under any section of this by-law, the Town or authority having jurisdiction shall forthwith notify the owner of the real property on which the sign is located, in writing, and shall order the owner of the real property on which the sign is located to make such sign conform with the provisions of the by-law within forty-eight (48) hours from the time of notification.

If a permit for such sign has been issued, such permit may be cancelled or revoked by the Chief Building Official and such cancellation or revocation shall become effective upon giving forty-eight (48) hours notice in writing to the owner of the sign and the real property on which the sign is located by personal service or by registered mail at the address given in the application for such sign permit. Should a subsequent offence(s) occur, then a violation ticket shall be issued pursuant to Section 9.1(b) herein.

- 10.1.2 Where the Chief Building Official finds there is a significant risk of damage to persons or property from a sign he may notify the owner to remove the sign or place the same in a proper state of repair within 48 hours or less.
- 10.1.3 Where the Chief Building Official finds that any provision of this by-law is being contravened, he may notify the owner directing compliance with such provision forthwith or within such time as he specifies.
- 10.1.4 If the owner fails to bring the sign into compliance with the by-law, the Chief Building Official may cause such sign to be removed or the violation corrected at the expense of such owner 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.
- 10.1.5 Where a sign ceases to comply with this by-law as a result of a road widening, the Chief Building Official may require the removal of said sign at the owner's expense within 30 days of notification.

## **SECTION 11 - SEVERABILITY**

- 11.1 It is declared that, notwithstanding that any section of this by-law or part thereof may be found by any court of law to be bad, illegal, beyond the power of Council to enact or for any reason held to be invalid, such section or part thereof shall be deemed to be severable and all other sections or parts of this by-law are separate and independent therefrom and enacted as such.

## **SECTION 12 - BUILDING BY-LAW AMENDMENT**

12.1 That Building By-law 181-93 as amended by By-law No. 57-96 be and it is further amended by deleting "Sign - \$0.50/ft<sup>2</sup>" from Schedule "A" thereof.

**SECTION 13 - EFFECTIVE DATE**

13.1 This by-law shall come into force and take effect immediately upon final passage thereof.

**SECTION 14 - SUNSET PROVISIONS**

14.1 That any permits which have been granted prior to the passage of this by-law shall be recognized as being grandfathered provided that the sign is erected within 90 days from the date of issuance of the permits.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS DAY  
OF 29<sup>TH</sup> DAY OF MARCH, 1999.**

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

I, CAROLYN BOOTH, CLERK OF THE CORPORATION OF THE TOWN OF FORT ERIE HEREBY CERTIFY THE FOREGOING TO BE A TRUE CERTIFIED COPY OF BY-LAW NO. 42-99 OF THE SAID TOWN. GIVEN UNDER MY HAND AND THE SEAL OF THE SAID CORPORATION THIS \_\_\_\_ DAY OF \_\_\_\_\_, 19\_\_.

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# SCHEDULE "A" to BY-LAW NO. 42-99

TOWN OF FORT ERIE BY-LAW NO.

TITLE: SIGN REGULATION BY-LAW

ITEM	DESCRIPTION OF OFFENCE	PROVISION CREATING OR DEFINING OFFENSE	SET FINE INCLUDING COSTS
1.	Failure to conform to by-law, Ontario Building Code and/or Electrical Code	Section 3.2	\$75.00

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