

**By-law 2007-70**  
**AS AMENDED BY**  
**BY-LAW 2009-32, 2009-33, & 2009-82**

**THE CORPORATION OF THE TOWN OF MIDLAND**  
**BY-LAW 2007-70**

A By-law to Regulate or Prohibit Signs or Other Advertising  
 Devices and the Posting of Notices and to Repeal By-law 81-52  
 and By-law 95-50.

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**WHEREAS** pursuant to Paragraph 9 of Section 99 of the *Municipal Act*, S.O., 2001 c. 25, as amended, authority is given to the municipal Council to pass a By-law to regulate or prohibit signs or other advertising devices and the posting of notices within the Town of Midland;

**AND WHEREAS** it is deemed advisable to adopt a policy for the governing of the erection of signs in the Town of Midland;

**AND WHEREAS** Council passed By-law 81-52 on the Twenty-eighth day of September, 1981 and By-law 95-50 on the Twenty-ninth day of May, 1995 to provide for the governance of signs in the Town of Midland;

**AND WHEREAS** Council has reviewed the Sign By-laws and now deems it expedient to adopt a comprehensive sign policy with respect to the erection of signs in the Town of Midland.

**NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWN OF MIDLAND HEREIN ENACTS AS FOLLOWS:**

1. That the sign policy attached as Appendix I and forming part of this By-law be herein confirmed as policy for the governing of the erection of signs in the Town of Midland.
2. That By-laws 81-52 and 95-50 are hereby repealed.
3. That this By-law shall come into full force and effect immediately upon final passage.

By-law read a first, second and third time, and finally passed at a meeting of the Municipal Council of The Corporation of the Town of Midland on this Twenty-sixth day of November, 2007.

\_\_\_\_\_  
 Mayor

\_\_\_\_\_  
 Clerk

**APPENDIX I OF BY-LAW 2007-70**

## SIGN POLICY FOR THE TOWN OF MIDLAND

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#### **1.1 Short Title**

This By-law may be cited as the "Sign By-law" for the Town of Midland.

## 1.2 Purpose

The purpose of this Sign By-law shall be to coordinate the type, placement, and scale of signs within the different land use zones as recognized in Zoning By-law 2004-90, as amended, and to recognize the communication requirements of all sectors of the business community. In doing so, this Sign By-law encourages signs which are compatible with the heritage of the downtown buildings and the unique scenic characteristics within the community, and shall endorse the philosophy of the Communities In Bloom program in order to improve the streetscape within the civic realm; shall promote both renovation and maintenance of signs; and shall be accomplished by regulation of signs, shape, display, erection, use and maintenance of signs. The use of signs is regulated to specific land use Zones of Zoning By-law 2004-90, as amended. No sign shall be permitted on a property except as permitted in this By-law.

## 1.3 Scope

No person shall erect, display, or structurally alter any sign or advertising device located wholly or partially upon private property in the Town, unless a permit has been obtained in compliance with the provisions of this By-law.

## 1.4 Defined Area

The area to which this Sign By-law applies shall be those lands which fall within the corporate boundaries of The Corporation of the Town of Midland.

## PART 2.0 DEFINITIONS

The following words shall have the following meanings in this By-law:

### 'A' Frame Sign

Shall mean a sign not permanently attached to a building, structure or affixed to the ground surface and is specifically designed to be temporary in nature and readily moved from one location to another, such as, but not limited to sandwich boards, sidewalk and/or curb signs.

### Abandoned Sign

Shall mean a sign located on a property which becomes vacant and unoccupied for a period of ninety (90) days or more, or any signs which pertains to a time, event or purpose which no longer applies.

### Abandoned

Shall mean the act by the owner to leave unattended, discard, desert, discontinue, forsake, quit claim or renounce any right to ownership. All liabilities, legal or otherwise, shall remain with the owner of the property.

**Address Sign**

Shall mean a ground sign on which the copy is limited to the name and address of a place, building, business, organization, person, or occupancy of the premises.

**Advertising Device**

Shall mean any designed device, object or any means of identification visible from any public street or private property, creating a design and intended to be erected or located or affixed on any land, building or structure which directs attention to any land, building or structure and includes flags, banners, pennants, lights or any object intended for advertising purposes. For the purpose of this By-law, an advertising device shall mean a sign.

**Animated Sign**

Shall mean any sign which includes action or motion or colour change of any or all of the sign, including wording, but shall not include a "Clock" or "Thermometer". Animated signs shall include the following:

- a) Naturally Energized shall mean the motion of a sign is activated by wind or other atmospheric impingement. Wind driven signs include flags, flag banners, pennants, streamers, spinners, metallic discs, or other similar devices designed to move in the wind.
- b) Mechanically Energized shall mean signs manifesting a repetitious pre-programmed physical movement or rotation in either one or a series of planes activated by means of mechanically based devices.
- c) Electronically Energized shall mean illuminated signs in which the motion or visual impressions of motion is activated primarily by electric means. Electrically animated signs are of two types:
  - i) Flashing Signs shall mean illuminated signs exhibiting pre-programmed repetitious cyclical interruption of illumination from one or more sources in which the duration of the period of illumination (on phase) is either the same or less than the duration of the period of darkness (off phase), and in which the intensity of illumination varies from zero (off) to one hundred percent (on) during the programmed cycle.
  - ii) Illusionary Movement Signs shall mean illuminated signs exhibiting the illusion of movements by means of pre-programmed repetitious sequential switching action in which illuminated elements of the sign are turned off and on to visually simulate the impression of motion characteristics of chasing, running, blinking, oscillating, twinkling, scintillating, or expanding and contracting light patterns.

**Architectural Feature**

Shall mean any individual feature or detail which constitutes or contributes to the character, design or style of the structure.

**Area**

Shall mean the entire area of a sign on which copy could be located, including any frame or border which forms an integral part of the display and:

- a) where used in connection with a Fascia Sign, means the area of display surface; or,
- b) in the case of a double-faced or multi-faced sign, only one half of the total area of the Sign Faces shall be used in the calculation of the Sign Area;
- c) where used in connection with free-standing letters or figures, means the sum of the areas of the smallest rectangles which will enclose each grouping of letters or figures;
- d) means the area of the smallest rectangle which encloses each grouping of letters, numerals or shapes which expresses a separate thought.

**Automatic Changing Sign**

Shall mean a sign used for the purposes of displaying public service, time, temperature and/or the date or any other electronically controlled message display.

**Awning**

Shall mean a structure projected horizontally and supported entirely from the exterior wall of a building and consisting of non-rigid materials such as, but not limited to, cloth or canvas. Awnings are not necessarily retractable.

**Awning Sign**

Shall mean advertising copy affixed to the surface of an Awning and which copy does not extend vertically or horizontally beyond the face of the Awning.

**Banner Sign**

Shall mean a sign composed of non-rigid materials such as, but not limited to, cloth or canvas, either enclosed or not enclosed on a rigid frame, secured in such a way as to permit movement of the sign by atmospheric conditions.

**Billboard Sign**

Shall mean a sign which advertises goods, products, services or facilities not available on the premises or land upon which the sign is located or which directs persons to a different location from that upon which the sign is located and is either single faced or doubled faced.

**Building**

Shall mean a structure used for the shelter, accommodation or enclosure of persons, animals, goods or chattels or equipment, having a roof which is supported by columns or walls and including any tents, awnings and carports.

**Building Face**

Shall mean an exterior building wall facing a street and/or any other building wall which does not face a street but which the main entrance to the building for the public is located.

**Building Frontage**

Shall mean the length of a Building Face fronting onto a public street.

**Building Sign**

Shall mean a sign on a building indicating the corporate, historical or colloquial name of the building, but excluding the names of the individual occupants, goods, or services provided.

**Business**

Shall mean all or a part of a building in which one or more persons are employed in the management, direction or conduct of a business and shall include such uses as retail sales, consultation or treatment, services or places of assembly, amusement and entertainment.

**Campaign Sign**

Shall mean an outdoor sign or other outdoor advertising device which by the use of words, pictures or graphics or any combination thereof is intended to influence persons to give or to refrain from giving their votes to a candidate at an election held in accordance with the *Canada Elections Act*, *The Elections Act* (Ontario), or the *Municipal Elections Act*, 1996 or to vote in favour of or against any question or By-law submitted to the electors under Section 8 of the *Municipal Elections Act*, 1996.

**Candidate**

Shall mean a person officially nominated as a candidate at an election.

**Canopy**

Shall mean a horizontally projected roof construction or cantilevered roof which may or may not be structurally dependant on the main building and be free of enclosing walls.

**Canopy Sign**

Shall mean a sign affixed to the fascia of a canopy over, such as but not limited to, a gasoline pump island, a public entrance or a drive through area.

**Clearance of Sign**

Shall mean the vertical distance between the lowest limit of a sign and the finished grade.

**Changeable Copy Sign**

Shall mean a sign on which the copy can be changed manually, with changeable letters or changeable pictorial panels and may be illuminated having its own power source or may be dependent on an exterior source of power and is affixed permanently to a building or pylon and is not temporary and is not mobile.

**Chief Building Official**

Shall mean the Chief Building Official or Building Inspector or designate as appointed by the Council of the Corporation of the Town of Midland.

**Construction Site Sign**

Shall mean a sign which identifies or provides information relating to or advertising the development or the construction of a building on the lands on which the sign is erected.

**Copy**

Shall mean the graphic content of a sign surface in either permanent or removable letters, pictorial, symbolic, logo or numeric form.

**Council**

Shall mean the Council of The Corporation of the Town of Midland.

**Director of Planning and Development**

Shall mean the Director of Planning and Development or designate as appointed by the Council of the Corporation of the Town of Midland.

**Directional Sign**

Shall mean a sign located on a premise giving directions, instructions or facility information and which may contain the name or logo of an establishment.

**Directory Sign**

Shall mean a sign located on a building listing the tenants of a multi-tenant building and may contain the municipal address and a may contain a list of tenants or occupancies for identification purposes.

**Display Area**

Shall mean the area of all surfaces of a sign, upon, against or through which the message is displayed or illuminated. In the case of individually installed letters or similar individually mounted logo or like sign components, display area shall be calculated as being the total surface area within the outermost perimeter bounding the limits of all of the individual components.

**Double Faced Sign**

Shall mean a sign having two (2) sign faces of equal area and proportions which are located exactly opposite of each other on the sign structure.

**Dwelling**

Shall mean a building or part of a building that may be used as a permanent residence.

**Election Sign**

Shall mean any sign advertising or promoting the election of a political party or a candidate for public office in a Federal, Provincial or Municipal Council or School Board election.

**Electronic Message Board**

Shall mean any sign that uses changing lights, including Light Emitting Devise (LED's) to form a message or messages wherein the sequence of the messages and the rate of change is electronically programmed and can be modified by electronic process.

**Erect**

Shall mean to build, construct, reconstruct, locate, or relocate a sign, advertising device or support member thereof.

**Facade**

Shall mean the entire building wall including a parapet.

**Fascia Sign**

Shall mean a sign attached to, marked or inscribed upon, erected or placed against a wall forming part of a building, or supported by or through a wall of a building and having the exposed face thereof on a plane approximately parallel to the plane of such wall. A fascia sign shall not include any other sign defined in this By-law unless otherwise stated.

**Flashing Sign**

Shall mean a sign which contains intermittent illumination which may vary in intensity and/or colour which includes the illusion of intermittent or flashing light by means of animation or an externally mounted light source but does not include an automatic changing sign or electronically controlled message centre.

**Frontage**

Shall mean the length of the property line of any one lot parallel to and along each legally accessible public street.

**Frontage, Business**

Shall mean the length of an outside building wall of a business on a public street. Where a building is located on two intersecting public streets, each business located on the property shall have a business frontage on one street. However, only that business which is closest to the intersecting street shall be entitled to a second business frontage on the intersecting street and therefore shall be entitled to a second sign.

**Garage Sale Sign**

Shall mean a sign advertising the sale of personal merchandise in a private garage sale on a property that is zoned residential.

**Gas Bar Canopy**

Shall mean an open and permanent roof structure, free standing or attached to a building, erected for the purposes of sheltering a gasoline pump island.

**Grade**

Shall mean the average elevation of the finished ground level where the said ground level is in contact with a building, structure or sign.

**Ground Standing Sign**

Shall mean a sign in a permanently fixed location to be self supporting either on vertical support posts or a free standing buttress wall and without the aid of any other structure, and may include the name of the complex, subdivision, owner(s) and/or tenant(s) and address and/or advertises goods, products that are sold or services offered or events offered or provided that it is on the premises on

which the sign is located and shall not include pylon, portable signs or any other sign mentioned in this By-law.

**Heritage Plaques**

Shall mean a sign identifying a site or a building designated by the Federal Government, or the Province, or the Town as being of architectural or historical value.

**Home Occupation**

Shall mean an occupation conducted for gain in a dwelling unit by the resident or residents of that dwelling unit.

**Identification Sign**

Shall mean a sign which is architecturally integrated into the façade of the building and is limited to the name, address and Municipal number and/or year of construction of the building. This sign shall not indicate any use of the premises or describe/illustrate the service of the occupants.

**Illuminated**

Shall describe any sign which is lighted by an external or internal light source which may or may not be part of the sign or its structural elements.

**Individual Letter Sign**

Shall mean a sign comprised of self-contained letters that are mounted directly to a building face, buttress wall or a parapet wall.

**Inflatable Sign**

Shall mean a sign or advertising device designed to be airborne and tethered to the ground or any other structure and shall include balloons and any other inflatable advertising device.

**Incidental Sign**

Shall mean a sign of minor consequence and size whose use is incidental to another use and which does not require detailed regulations. Without limiting the generality of the foregoing, incidental signs normally include numerical street numbers, signs which are an integral part of equipment or packaging of a product, or located on a park bench, mail box, newspaper box or cornerstone.

**Intermittent Illumination**

Shall mean illumination of inconstant intensity or from a variable source and specifically includes flashing, strobe, animated, revolving and intermittent illumination, but does not include an illuminated time or temperature message.

**Lamp Post Sign**

Shall mean a banner sign affixed to the Municipal lamp post to advertise seasonal events for specific Municipal programs and shall include the Business Improvement Area (BIA) banners in the downtown core.

**Local Board**

Shall mean a local board as defined in Part 1 of the *Municipal Act*, S.O. 2001, c.25.

**Menu Board**

Shall mean a sign erected as part of a drive-through facility and used to display and order products and services available in association with a drive-through business.

**Movement Sign**

Shall mean any sign which is in motion by means of swinging, revolving, spinning, streaming, twirling or rotating and shall include pennants, but not corporate, Municipal, County, Provincial or Federal flags.

**Municipal Law Enforcement Officer**

Shall mean the Municipal Law Enforcement Officer or designate as appointed by the Council of the Corporation of the Town of Midland.

**New Home Development Sign**

Shall mean any sign including, but not limited to an 'A' Frame Sign, a Portable Sign, a Temporary Sign and or a Billboard Sign, advertising the sale of dwelling units in a new residential development within the Municipality.

**Non-Electric Professional Name Plate Sign**

Shall mean a sign which identifies the name and/or the occupation of a professional occupant on the premises upon which the sign is located except where more than one occupant exists in which case the sign may also include directional information.

**Occupant**

Shall mean the person in physical possession of the premises and includes all persons who have the responsibility for and control over the condition of the premises or the activities carried on, notwithstanding that there may be more than one occupant of the same premises.

**Official Sign**

Shall mean a sign required or erected due to any law by any Municipal, Provincial or Federal government or governmental authority, agency, department or commission.

**Overhanging Sign**

Shall mean a sign which projects from a wall of a premise and which is either single or double-faced, with the sign face or faces approximately perpendicular to the plane of such wall.

**Owner**

Shall mean a person or persons having legal or equitable title to the land, building or structure upon which a sign is located and includes all persons having a legal right to obtain physical possession of the premises.

**Parapet Wall**

Shall mean that portion of a building or structure which extends above a roof level of a building or structure and is architecturally cosmetic in function.

**Permitted Signs**

Shall be any Sign which is listed in Part 5.0, Permitted Signs and Regulations.

**Person**

Shall mean an individual, firm, corporation, association or partnership.

**Permit**

Shall mean a written document issued by the Chief Building Official of the Town and/or another upper tier government approval agency indicating that the specific application has been approved.

**Plaza**

Shall mean a commercial building designed and constructed to contain multiple tenants and/or enterprises.

**Portable Sign**

Shall mean a sign not permanently attached to a building, structure or affixed to the ground surface that is designed so as to be capable of being readily moved from one location to another and may be built on a trailer and/or other solid framework with or without wheels and includes a double faced changeable letter type sign capable of having individual letters placed on each of the message boards and may display lighted directional arrows and which may be used for the expressed purpose of advertising a business establishment, product, service, event or entertainment when that sign is so positioned as to attract the attention of the motoring or pedestrian public.

**Poster**

Shall mean a printed notice generally made of cardboard, plastic, fibreboard, vinyl, mylar, paper or other similar flexible material, conveying information intended to be displayed for a temporary period of time and includes but is not limited to a bill, handbill, leaflet, notice, placard and election sign.

**Projecting Sign**

Shall mean a sign, either single or multi-sided, attached perpendicular to the main wall of a building or structure and projecting out over open space and includes a hanging sign.

**Property Line**

Shall mean any boundary of a lot or the vertical projection thereof.

**Public Property**

Shall mean property, land, including road allowances, or a building owned by the Town, or a local Board as defined by the *Municipal Act*, S.O., 2001, as amended, or owned by Federal, Provincial or County governments.

**Public Property**

Shall mean any Municipally owned land including road allowances and sidewalks.

**Pump Island Sign**

Means a sign on top of gasoline service pumps or on the columns of the gas bar canopy, on guard posts or freestanding on a gasoline pump apron.

**Pylon Sign**

Shall mean a free-standing vertical sign supported by permanent column(s) on a foundation in the ground and which is not attached to any building or structure and which may be internally illuminated and used for the express purpose of identifying a business or plaza.

**Real Estate Sign**

Shall mean a sign pertaining to the sale, lease or rental of any lands or buildings upon which the said sign is located.

**Road Allowance**

Shall mean that portion of land allowed for a road or highway established by any statute, act, by-law or plan.

**Roadway**

Shall mean the part of the road allowance that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder, and, where a road allowance includes two or more separate roadways, the term “roadway” refers to any one roadway separately, and not to all of the roadways collectively, that portion of land allowed for a road or highway established by any statute, act, by-law or plan.

**Roof**

Shall mean the horizontal line made by the intersection of the main wall of a building or structure and the roof line of said building or the top of the parapet wall, whichever forms the top line of the building silhouette.

**Roof Sign**

Shall mean a sign which is located entirely on or above the main roof of a building or structure or located entirely on the top of or above a parapet wall or attached canopy of a building.

**Rotating Sign**

Shall mean a sign or any portion of a sign which revolves or moves in a circular motion.

**Setback**

Shall mean the least horizontal distance measured from and at right angles to a property line to the nearest part of any building or structure on the lot or the nearest open storage use of the lot.

**Sight Triangle**

Shall mean, in the case of an intersection of two public streets, a triangular space, free of buildings, structures and obstructions other than those expressly permitted by this by-law, formed by the property lines abutting a corner lot and a third line joining points of the property lines, a distance of 6.0 m from their point of intersection; or in the case of a private driveway intersecting with a public street, a triangular space, free of buildings, structures and obstructions other than those expressly permitted by this by-law, formed by the property line and the curb line of the private driveway abutting the corner and a third line joining points of the property line and the curb line, a distance

of 9.0 m from their point of intersection.

**Sign**

Shall mean any visual medium, including its structure and component parts, which are used or are capable of being used to draw attention to a specific matter for identification, information, advertising, service, activity, person, business, product, good, or location of the business property on which it is located. A window display shall be deemed not to be a sign for the purposes of this By-law.

**Sign Area**

Shall mean the area of the sign delineated by the boundaries of the outer limits of the sign and excluding the frame, all support and/or structural fixtures. Where a sign is composed of individually installed letters, numerals or shapes, the sign area shall mean the total aggregate area of all of the letters, numerals or shapes.

**Sign Height**

Shall mean the vertical distance measured from grade beneath the sign to highest point of the said sign including any support structure.

**Storey**

Shall mean that portion of a building, other than an attic or a cellar, that is included between any floor level and the floor, ceiling or roof next above it.

**Street**

Shall mean a highway as defined under the *Highway Traffic Act*, R.S.O., 1990, or as amended from time to time and which has been assumed for a public use.

**Street Line**

Shall mean the limit of any road allowance and is the dividing line between the lot and the street.

**Support Structure**

Shall mean anything used to support the structure, column, pole, pylon, bracing and framework of the sign and which is attached to the building or structure.

**Swinging Sign**

Shall mean a sign installed on an arm, pole, or spar, and may or may not be permanently attached to the main wall of a building or a vertical support member or structure and which is secured at the top so as to permit movement.

**Temporary Sign**

Shall mean a sign which is temporarily installed or affixed to any sign structure or building and may include banners, pennants, balloons and/or other air or gas filled figures which conveys a message applicable for a definable and specific time period. For the purpose of this By-law, a temporary sign shall not mean or include a portable sign or 'A' frame sign.

**Traffic Signal**

Shall mean an electronic device that beams a red or green or amber light to direct traffic to stop or to proceed.

**Traffic Sign**

Shall mean a sign that identifies traffic speeds, turning movements, lane choices, stopping, yielding or directions to destinations or pedestrian crossings and are authorized by a Municipal, County, Provincial or Federal authority.

**Town**

Shall mean the Corporation of the Town of Midland.

**Town Engineer**

Shall mean the Town Engineer or designate as appointed by the Council of the Corporation of the Town of Midland.

**Window Display**

Shall mean an arrangement or showing in the exterior window of a business consisting of goods or products marketed or offered for sale from or on the premises where the window display exists. Such display may include items not marketed or offered for sale on the premises if such items are accessory to the main display of goods or products.

**Window Sign**

Shall mean a letters, an image or combination thereof, posted, painted, placed or affixed in or on a window exposed to public view, and shall include and interior sign that faces the window exposed to public view.

**Zone**

Shall mean a land use Zone established by the Town's Zoning By-law No. 2004-90, as amended, and defined by the following categories:

R1	-	Residential Zone
R2	-	Residential Zone
R3	-	Residential Zone
R4	-	Residential Zone
R5	-	Residential Zone
RT	-	Residential Townhouse Zone
RA	-	Residential Apartment Zone
RM	-	Residential Mobile Home Zone
RO	-	Residential Office Zone
DC-F2	-	Downtown Core Commercial Zone
NC	-	Neighbourhood Commercial Zone
HC	-	Highway Commercial Zone
MC	-	Marine Commercial Zone
M1	-	Industrial Zone
M2	-	Industrial Zone
I	-	Institutional Zone
OS	-	Open Space Zone
RU	-	Rural Zone
EP	-	Environmental Protection Zone

**PART 3.0     GENERAL PROVISIONS APPLICABLE IN ALL ZONES**

- 3.1**     This By-law shall apply to all signs within the Town. No person shall erect, display or alter any sign within the Town on public or privately owned lands or buildings without obtaining a permit under the provisions of this By-law.
- 3.2**     Signs listed hereunder are permitted in all Zones, provided they are in conformity with the provisions of this and any other By-laws of the Municipality, and **without** the necessity of a Building Permit:
- a)     Signs of the Town, County, Provincial, or Federal government or of another public authority including signs erected by a government authority of a political or civic nature.
  - b)     Real Estate Signs shall be 0.55 m<sup>2</sup> or less and only erected on properties that are a private sale or formally listed with a real estate company
  - c)     Specific trade contractors may place a temporary business sign not exceeding 0.55 m<sup>2</sup> in area, on a property where they have provided services provided that the sign is removed 14 days after the work has been completed.
  - d)     Signs for public convenience and safety such as, but not limited to: delivery directions, caution signs, construction and detour signs, entrance and exit signs, etc.
  - e)     Commemorative plaques or engraved stone of a non-advertising nature.
  - f)     Incidental Signs.
  - g)     Signs identifying the project architect, engineer and other professional consultant(s) including contractors and sub-contractors of a project, provided that such signs are erected on the project property and that the total sign area does not exceed 4.5 m<sup>2</sup> and provided that the signs are not erected for a period of thirty (30) days beyond the termination of the project.
  - h)     Flags of countries, provinces, municipalities, corporations, and educational or religious organizations provided not more than five (5) flags are located on one building or property.
  - i)     Heritage Plaques that have been awarded or sponsored by a recognized heritage group, association or committee.
  - j)     Signs of personal expression, political expression or social and or specific cause statements shall not exceed a sign face area of 0.55 m<sup>2</sup>.
  - k)     “No Trespassing” signs provided they do not exceed 0.20 m<sup>2</sup> of sign face.

- l) Window Signs that are placed on the interior side of a window.

**3.3** Federal, Provincial or Municipal or School Board Election Signs do not require a building permit and shall be subject to the following provisions:

Road Allowance:

- a) No person shall erect, cause or permit to be erected a campaign sign on a road allowance if the sign or any portion thereof is:
- (i) On or over the roadway or a sidewalk.
  - (ii) Closer than 1.0 m to the edge of the roadway.
  - (iii) Within a sight triangle at the intersection of two roadways.
  - (iv) Where a road allowance includes a sidewalk adjacent to a roadway, on the portion of the road allowance between the sidewalk and the roadway.
  - (v) Where a road allowance includes two or more separate roadways, on the portion of the road allowance between each roadway.
- b) No person shall at any time nail or otherwise attach a campaign sign, or cause a campaign sign to be nailed or otherwise attached, to or upon anything located on a road allowance and this shall include utility pole, light pole, utility box, tree, planter, bench, waste receptacle, newspaper box, or mail box.

Public Property and Polling Places:

- a) No person shall erect, cause or permit to be erected a campaign sign, in any public park or on any property owned or occupied by the Corporation or any local board.
- b) No person shall at any time on any election voting day, including those days when advance election voting is held, erect, cause or permit to be erected a campaign sign on any grounds associated with any place being used as a polling place.
- c) No person shall at any time, on any election voting day, including those days when advance election voting is held, erect, cause or permit to be erected a campaign sign within 150.0 m of a polling place.

Erection and Removal Dates:

- a) No person shall erect, cause or permit to be erected a campaign sign prior to nomination day in a Municipal election year.

- b) Every candidate shall ensure that campaign signs associated with a Federal or Provincial election are erected or installed in accordance with related Federal or Provincial laws.
- c) Every candidate shall ensure that all campaign signs shall be removed no later than one week following the voting day of the election for which the sign was erected or installed.

Removal of Signs:

- a) When the Municipal Law Enforcement Officer has reasonable and probable grounds to believe that a campaign sign is on a road allowance or in any public park or on any property owned or occupied by the Corporation or is erected, nailed or otherwise attached contrary to any provision of this By-law or creates a hazard to vehicular traffic or pedestrians or is erected prior to the specified date or is not removed by the deadline date; the Municipal Law Enforcement Officer may cause the campaign sign to be removed.

**3.4** No sign is permitted to encroach on, partly on or over a street except for an official sign or a sign otherwise permitted by this By-law or authorized by the Town, County or Province.

**3.5** Any sign not expressly permitted by this By-law is prohibited and without limiting the generality of the foregoing, the following signs are specifically prohibited:

- a) Abandoned signs
- b) Roof signs
- c) Billboard signs
- d) Signs on top of a canopy.
- e) Flashing signs
- f) Posters affixed on or to public property.
- g) Signs so located in a sight triangle at the intersection of two streets or so located that they will obstruct the view of an authorized traffic sign, traffic signal, or official sign for any pedestrian or motor vehicle driver so as to cause an unsafe condition.
- h) Movement signs unless specifically permitted by amendment to the Signs By-law.
- i) Signs with fluorescent, luminous or reflective paint or similar products except for traffic control purposes.

**PART 4.0 GENERAL REGULATIONS APPLICABLE IN ALL ZONES**

**4.1 REGULATIONS**

**4.1.1** Illuminated, flashing or reflecting signs which by their shape or colour may possibly

create a conflict with traffic signals at an intersection shall not be erected within 30.0 m of the intersection.

- 4.1.2** Signs which by its shape or colour may possibly be confused with or be in conflict with flashing lights used by emergency service vehicles or traffic signals shall not be permitted until they have been approved by the Town Engineer.
- 4.1.3** Signs shall not be attached to or mounted on a fire escape or in front of a door that is used for public or private access.
- 4.1.4** Where a sign is illuminated by an internal or an external light source, the said light source shall be directed so that it does not cause an inconvenience to neighbouring properties or conflict with traffic signalling devices.
- 4.1.5** Signs shall not be erected on, attached to, or extended over public lands, unless permitted with an Encroachment Agreement duly authorized by Council, and if a sign is permitted, it shall not encroach onto or over a public or private roadway which creates a passageway less than 6.0 m in width and not less than 5.0 m in height. projecting signs are permitted providing they do not project out over a road allowance.
- 4.1.6** Construction standards for all signs shall meet the requirements of the Ontario Building Code.
- 4.1.7** All illuminated signs which utilize electrical equipment shall be approved and inspected in accordance with the rules defined in the Ontario Electrical Safety Code (OESC).
- 4.1.8** In the Downtown Core Zone, no fascia signs shall be permitted above the main storey of a building.
- 4.1.9** No person shall erect a sign in a location which may interfere with or damage any above or below ground municipal or public utility service which has been lawfully placed at the location.
- 4.1.10** No person shall attach, affix or display any sign or advertisement on a vehicle or trailer which is parked, stored or located on a site for the primary purpose of displaying said sign or advertisement.
- 4.1.11** All signs, illuminated or non-illuminated, shall face a street or public lane or walkway or parking lot and must be located on the property of the business it is promoting. Notwithstanding the foregoing, businesses operating from buildings located on multi building commercial site which may be on individual or contiguous lands, may post signs that face all of the parking lot areas and adjacent roads, public or private, but shall not face into yards that abut lands that are zoned for residential land uses. Additionally illuminated signs on commercial, industrial or institutional buildings shall not face into lands that are zoned for residential land uses unless those

residential lands are separated from the site by a street or public lane.

**4.1.12** Signs representing a religious, charitable or not for profit organizations may be permitted on properties not occupied by the said user group, provided that the property owner consents in writing to the placement of the sign.

**4.1.13** All development that is subject to Site Plan Approval under Section 41 of the *Planning Act*, R.S.O 1990, shall include in their submission the location of all proposed ground signs; the placement of such shall be determined so as not to interfere with sight lines, drainage or landscaped features.

## **4.2 APPLICATION FOR A SIGN PERMIT**

**4.2.1** The Chief Building Official and/or the Director of Planning and Development and/or the Town Engineer and/or the Municipal Law Enforcement Officer, and/or any other Official appointed by Council from time to time, shall be responsible for the administration and enforcement of this By-law.

**4.2.2** The Chief Building Official, or any other Official appointed by Council from time to time, shall perform the following functions:

- a) Receive and review all applications in conjunction with any Sign governed by this By-law.
- b) When the application conforms to the provisions of this By-law and all other By-laws of the Town, the Chief Building Official will sign the application, drawings and specifications; retain one (1) set for file purposes and issue a sign permit.
- c) Carry out such inspections as may be necessary to satisfy that all the works are in accordance with the approved plans.
- d) Issue the required order to comply whenever work is found not to be in conformity with the approved plans.

**4.2.3** Permits shall not be issued until an application has been filed with the Municipality accompanied by payment of the appropriate fee and the submission of the following documents in duplicate:

- a) The name and address of the landowner, applicant or authorized agent.
- b) Plans to scale showing the type, area, height and proposed location on a property survey of the sign and the existing number, type, area and location of signs.
- c) Any other plans or information deemed necessary to establish the conformity of the application to the By-law.

- d) A statement of the total estimated cost of the sign to be erected.
- f) A copy of the Ministry of Transportation or County permit, as applicable, if the property fronts onto a Provincial Highway or County Road.

**4.2.4** The fee payable upon the issuance of a sign permit shall be as prescribed by Council and directed by the Chief Building Official.

**4.2.5** A sign permit shall be obtained from the Chief Building Official of the Town.

### **4.3 MAINTENANCE OR DEFECTIVE SIGN**

#### **4.3.1 Maintenance**

The owner, lessee or agent of the lands or premises upon which any sign or advertising device is located, shall maintain, or cause such sign or advertising device to be maintained, in a proper state of repair, so that such sign or advertising device does not become unsafe, unsightly or dangerous and so that such sign shall be completely operative at all times.

#### **4.3.2 Defective Signs**

Where any sign or advertising device is defective, the Municipal Law Enforcement Officer shall notify the owner, lessee or agent of the premises upon which such sign or advertising device is located, to remove at once the sign or advertising device or place it in a proper state of repair.

Upon receipt of such notice from the Municipal Law Enforcement Officer, the owner, lessee or agent of such lands or premises shall at once proceed to repair or remove the sign or advertising device, provided that if the owner, lessee or agent of the lands or premises fails to repair or remove the sign or advertising device within 72 hours from the date of the notice, the Municipal Law Enforcement Officer may have the sign or advertising device removed or repairs made thereto as he deems necessary. The expense thereof, with costs, shall be recoverable by action or distress, and in the case of non-payment, similarly to Municipal taxes.

### **4.4 HEALTH AND PUBLIC SAFETY**

**4.4.1** Where any sign, advertising device or support member thereof threatens the health or public safety of any person, the Municipal Law Enforcement Officer or other Officer of the Town, upon their discretion, may remove, alter, cover, change or relocate at once the sign, advertising device or support member or place it in a proper state of repair.

### **PART 5.0 PERMITTED SIGNS AND REGULATIONS**

Signs shall not be erected, displayed or altered unless in accordance with the following regulations. When a sign cannot be clearly defined to a listed sign type,

the Chief Building Official shall decide on the sign type and the applicable controls.

Where the By-law is in conflict with this or any other By-law of the municipality, the most restrictive provisions shall apply.

## **5.1 'A' FRAME SIGN**

### **5.1.1 Permitted Land Use Zones**

An 'A' Frame Sign shall be permitted in the DC-F2, HC, NC, MC, M1, M2, I and RU Zones.

### **5.1.2 Regulations**

An 'A' Frame Sign shall not be erected, displayed or altered unless in accordance with the following regulations:

- a) Only one (1) 'A' Frame Sign is permitted per business entrance onto a public street.
- b) The following criteria shall apply to 'A' Frame Signs:
  1. The sign shall not have more than two (2) faces.
  2. The maximum Sign Height shall be 1.06 m measured from the apex of the sign to grade.
  3. The maximum width shall be 0.6 m.
  4. The sign shall be built of rigid material and secured with cross bracing.
- c) An 'A' Frame Sign shall be displayed only during normal business hours.
- d) An 'A' Frame Sign shall not be on display during snow storms, or during snow removal operations, placed on snow banks, planters and street furniture, or in any manner which may impede a Municipal maintenance program or cause danger to persons or property.
- e) An 'A' Frame Sign shall only be placed on a municipal sidewalk providing it does not impede the free flow of pedestrians on the sidewalk and shall not adversely affect the parking of vehicles or access to the parking meters.

**5.1.3****Setbacks:**

- i) All 'A' Frame Signs shall be set back a minimum of 1.0 m from the street curb and/or parking meter.
- ii) In the case of a corner lot, no 'A' Frame Sign shall be placed within 6.0 m of the intersection of two streets.
- iii) An 'A' Frame Sign shall not be erected within 3.0 metres of another 'A' Frame Sign or a driveway entrance.
- iv) Only one (1) 'A' Frame Sign may be placed for each business or one (1) 'A' Frame Sign for every 8.0 m of street frontage.

**5.1.4****Exceptions**

The following Exceptions shall have the same Regulations of Section 5.1.2, except as noted herein.

**5.2****AUTOMATIC CHANGING SIGN****5.2.1****Permitted Land Use Zones**

An Automatic Changing Sign shall be permitted in the DC-F2, HC, NC, MC, M1, M2, I and OS Zones.

**5.2.2****Regulations**

An Automatic Changing Sign shall not be erected, displayed or altered unless in accordance with the following regulations:

- a) The number of Automatic Changing Signs shall be limited to, if affixed to a structure, one (1) per building frontage or to one (1) per Pylon Sign.
- b) The maximum Sign Area of an Automatic Changing Sign shall be no greater than ten percent (10%) of the total area of the building face provided said sign is mounted on an exterior wall of a building.
- c) The Automatic Changing Sign shall project no greater than 0.4 m from the main wall of the building upon which it is mounted.
- d) Where an Automatic Changing Sign is part of a Pylon Sign, the area of the Automatic Changing Sign shall not be included in the calculations of the Pylon Sign, but the width of the Automatic Changing Sign shall not exceed the width of the Pylon Sign.

**5.2.3****Setbacks**

- i) No part of a sign shall project over a Municipal, County or Provincial road allowance unless specifically permitted by the affected government through an Encroachment Agreement.
- ii) Where an Automatic Changing Sign is part of a Pylon Sign, it shall be no closer to any property line than the Pylon Sign itself.

**5.2.4****Exceptions**

The following Exceptions shall have the same Regulations of Section 5.2.2, except as noted herein.

### **5.3 AWNING AND AWNING SIGN**

#### **5.3.1 Permitted Land Use Zones**

An Awning and Awning Sign shall be permitted in the RA, RO, DC-F2, HC, NC, MC, M1, M2, I and OS Zones.

#### **5.3.2 Regulations**

An Awning and Awning Sign shall not be erected, displayed or altered unless in accordance with the following regulations:

- a) The number of Awnings and Awning Signs shall be limited to one (1) per business entrance. In the case of a corner lot, an Awning and Awning Sign will be permitted on both frontages.
- b) In the case of a multi-occupancy building, one (1) Awning and Awning Sign per business unit shall be permitted on the building frontage.
- c) No Awning and Awning Sign shall project greater than 1.5 m from the main wall of the building upon which it is attached.
- d) No Awning and Awning Sign shall be permitted at a height greater than the ceiling height of the main floor of a building.

#### **5.3.3 Setbacks**

- i) No part of a sign shall project over a Municipal, County or Provincial road allowance unless specifically permitted by the affected government through an Encroachment Agreement.

#### **5.3.4 Exceptions**

The following Exceptions shall have the same Regulations of Section 5.3.2, except as noted herein.

### **5.4 BUILDING SIGN**

#### **5.4.1 Permitted Land Use Zones**

A Building Sign shall be permitted in the R1, R2, R3, R4, R5, RT, RA, RM, RO, DC-F2, NC, HC, MC, M1, M2, I, OS, RU and EP Zones.

#### **5.4.2 Regulations**

A Building Sign shall not be erected, displayed or altered unless in accordance with the following regulations:

- a) The number of Building Signs shall be limited to one (1) per building. In the case of a corner lot, a Building Sign will be permitted on both frontages.

- b) The maximum sign area of a Building Sign for a non-residential application shall be no greater than five percent (5%) of the total area of the building face upon which the sign is to be mounted, whereas all residential applications shall not exceed two (2%) percent of the total area of the building face upon which the sign is to be mounted.
- c) The Building Sign shall project no further than 0.4 m from the main wall of the building to which it is attached.
- d) The maximum height of a Building Sign shall not exceed the level of the ceiling of the main floor of the building.

#### **5.4.3 Setbacks**

- i) No part of a sign shall project over a Municipal, County or Provincial road allowance unless specifically permitted by the affected government through an Encroachment Agreement.

#### **5.4.4 Exceptions**

The following Exceptions shall have the same Regulations of Section 5.4.2, except as noted herein.

### **5.5 CANOPY SIGN**

#### **Permitted Land Use Zones**

**5.5.1** A Canopy Sign shall be permitted in the RA, DC-F2, HC, NC, MC, M1, M2, I and OS Zone.

#### **5.5.2 Regulations**

A Canopy Sign shall not be erected, displayed or altered unless in accordance with the following regulations:

- a) The number of Canopy Signs shall be limited by the number of businesses located within the building and shall be limited to the ground floor of the building only.
- b) Canopy Signs shall not project further than 0.4 m from the fascia of the canopy and shall not project above the roof line of the canopy.
- c) Canopy Signs shall be permitted on all exposed fascias of the structure.
- d) The maximum height of a Canopy Sign shall not exceed the level of the ceiling of the main floor of the building.

#### **5.5.3 Setbacks**

- i) No part of a sign shall project over a Municipal, County or Provincial road allowance unless specifically permitted by the affected government through

an Encroachment Agreement.

#### **5.5.4 Exceptions**

The following Exceptions shall have the same Regulations of Section 5.5.2, except as noted herein.

### **5.6 DIRECTIONAL AND DIRECTORY SIGN**

#### **5.6.1 Permitted Land Use Zones**

A Directional and Directory Sign shall be permitted in the RT, RA, RO, DC-F2, HC, NC, MC, M1, M2, I and OS Zones.

#### **5.6.2 Regulations**

A Directional and Directory Sign shall not be erected, displayed or altered unless in accordance with the following regulations:

- a) Directional Signs of a permanent nature shall be no larger than 0.3 m<sup>2</sup> in area and shall be compatible with the surrounding land uses.
- b) Directional Signs of a temporary nature shall be no larger than 0.55 m<sup>2</sup> in area.
- c) The maximum number of Directional Signs indicating the location of any destination shall be four (4).
- d) The location of a Directional Sign shall have no adverse effect on sight lines for pedestrian or vehicular traffic.

#### **5.6.3 Setbacks**

- i) No part of a sign shall project over a Municipal, County or Provincial road allowance unless specifically permitted by the affected government through an encroachment agreement.
- ii) Directional and Directory Signs located in a parking lot or at a driveway entrance shall be located, within a landscaped island protected with concrete curbs, a minimum of 2.0 metres from a property line. Directional Signs shall not exceed a maximum height of 1.4 metres. Directional Signs located within a parking lot shall be placed within a landscaped island protected with concrete curbs. Directory Signs shall not exceed a maximum height of 2.0 m and if located within a parking lot of a site shall be placed within a landscaped island protected with concrete curbs.
- iii) Directional and Directory Signs shall not be placed within a sight triangle of two intersecting roads.

#### **5.6.4 Exceptions**

The following Exceptions shall have the same Regulations of Section 5.6.2, except as noted herein.

## **5.7 FASCIA SIGN**

### **5.7.1 Permitted Land Use Zones**

A Fascia Sign shall be permitted in the DC-F2, HC, NC, MC, M1, M2, I and OS Zones.

### **5.7.2 Regulations**

A Fascia Sign shall not be erected, displayed or altered unless in accordance with the following regulations:

- a) The maximum number of Fascia Signs shall be limited to one (1) per business per Building Face. In the case of a corner lot, a Fascia Sign for a single business shall be permitted on each building face on each building frontage facing the street.
- b) Fascia Signs shall be permitted on all building faces except the building face that directly abuts land that is zoned Residential.
- c) The maximum sign area shall be calculated by determining the length of the building frontage and multiplying by a factor of three (3).
- d) A Fascia Sign shall not extend more than 0.5 m past the limits of the building face upon which the said sign is to be mounted.
- e) In a DC-F2 Zone, the maximum height of a Fascia Sign shall not exceed the level of the ceiling of the main floor of the building.
- f) In the RO Zone only one sign shall be permitted on a building having a maximum sign area of 0.37 m<sup>2</sup>.
- g) In the MC Zone where a Fascia Sign is erected facing the water, the said sign shall not have a sign face area in excess of forty percent (40%) of the area of the building face which can be viewed from the water. Where a Fascia Sign is erected in any other location, the sign face shall not exceed twenty percent (20%) of the area of the building face.

### **5.7.3 Setbacks**

- i) No part of a sign shall project over a Municipal, County or Provincial road allowance unless specifically permitted by the affected government through an Encroachment Agreement.

**5.7.4****Exceptions**

The following Exceptions shall have the same Regulations of Section 5.7.2, except as noted herein.

- a) Notwithstanding Section 5.7.2, b) and d), Regulations, a Fascia Sign measuring 2.4 m by 15.0 m, facing County Road 93 and a fascia sign measuring 2.4 m by 6.7 m, facing Golf Link Road, shall be permitted on the second storey of the building: 9620 County Road 93
- b) Notwithstanding Section 5.7.2, Regulations, illuminated Facia Signs shall not be permitted on the eastern face of any structure constructed on the lands described as Block 70. Plan 51M-848: 935 Yonge Street
- “c) Notwithstanding Sections 5.7.2 a) and b), Regulations, more than one Fascia Sign is permitted on the south and west Building Faces and that a Fascia Sign is permitted on the north and south Building Faces which directly abuts lands zoned Residential for the property know municipally as 159 Fourth Street.”

**5.8****GROUND STANDING SIGN****5.8.1****Permitted Land Use Zones**

A Ground Standing Sign shall be permitted in the RT, RA, DC-F2, HC, NC, MC, M1, M2, I, OS and RU Zones.

**5.8.2****Regulations**

A Ground Standing Sign shall not be erected, displayed or altered unless in accordance with the following regulations:

- a) The number of Ground Standing Signs shall be limited to one (1) per building frontage.
- b) Ground Standing Signs shall be no greater than 2.0 m in a Commercial Zone and 0.75 m<sup>2</sup> in any other Permitted Land Use Zone, with a maximum height of 1.22 m.
- c) In the RO Zone, Ground Standing Signs shall be restricted to one (1) per property with a maximum height of 1.06 metres and a Sign Face of 0.46 m<sup>2</sup>.
- d) A Ground Standing sign shall not be permitted within the Sight Triangle.

**5.8.3****Setbacks**

- i) No part of a sign shall project over a Municipal, County or Provincial road allowance unless specifically permitted by the affected government through an Encroachment Agreement.

**5.8.4****Exceptions**

The following Exceptions shall have the same Regulations of Section 5.8.2, except as noted herein.

a) Notwithstanding Section 5.8.2, a), Regulations, a Ground Standing Sign, having a sign face of 1.39 m<sup>2</sup>, shall be permitted on the west side of Little Lake Park Road at the Yonge Street entrance and on the south side of Little Lake Park Road at the King Street entrance.

“b) Notwithstanding Section 5.8.2 b), Regulations, A Ground Standing Sign shall be permitted having a maximum face area of 1.9 square metres and the maximum height of the sign shall be 2.44 metres, for the property at 169 Bay Street.”

## **5.9 HOME OCCUPATION SIGN**

### **5.9.1 Permitted Land Use Zones**

A Home Occupation Sign shall be permitted in the R1, R2, R3, R4, R5, RT, RA and RM Zones.

### **5.9.2 Regulations**

A Home Occupation Sign shall not be erected, displayed or altered unless in accordance with the following regulations:

- a) Only one Home Occupation Sign per Building shall be permitted.
- b) A Home Occupation Sign shall be no greater than 0.91 m in height and have a maximum Sign Area of 0.37 m<sup>2</sup>.
- c) The Home Occupation use must comply with the Permitted Uses of the respective zone in the Zoning By-law before a permit can be issued.
- d) A Home Occupation sign shall not be permitted within the Sight Triangle

### **5.9.3 Setbacks**

- i) No part of a sign shall project over a Municipal, County or Provincial road allowance unless specifically permitted by the affected government through an Encroachment Agreement.

### **5.9.4 Exceptions**

The following Exceptions shall have the same Regulations of Section 5.9.2, except as noted herein.

## **5.10 IDENTIFICATION SIGN**

### **5.10.1 Permitted Land Use Zones**

An Identification Sign shall be permitted in the R1, R2, R3, R4, R5, RT, RA, RM, RO, DC-F2, HC, NC, MC, M1, M2, I, OS, RU and EP Zones.

**5.10.2 Regulations**

An Identification Sign shall not be erected, displayed or altered unless in accordance with the following regulations:

- a) Only one (1) Identification Sign shall be permitted per Building. In the case of a corner lot, one (1) Identification Sign will be permitted on both Building Frontages.
- b) Identification Signs shall not have a sign area greater than 0.55 m<sup>2</sup> in the R1, R2, R3, R4, R5, RM and RO Zones, and shall be no greater than 0.92 m<sup>2</sup> in area in the RT and RA Zones, and no greater in area than 1.85 m<sup>2</sup> in the other permitted zones.

**5.10.3 Setbacks**

- i) No part of a sign shall project over a Municipal, County or Provincial road allowance unless specifically permitted by the affected government through an Encroachment Agreement.

**5.10.4 Exceptions**

The following Exceptions shall have the same Regulations of Section 5.10.2, except as noted herein.

**5.11 INDIVIDUAL LETTER SIGN****5.11.1 Permitted Land Use Zones**

An Individual Letter Sign shall be permitted in the DC-F2, HC, NC, MC, M1, M2 and I Zones.

**5.11.2 Regulations**

An Individual Letter Sign shall not be erected, displayed or altered unless in accordance with the following regulations:

- a) The sum of the area of the smallest rectangle which will enclose each letter or figures shall not exceed a maximum of 3.0 m<sup>2</sup> per letter or figure.
- b) In the M1 and M2 Zones the sum of the area of the smallest rectangle which encloses each letter or figure shall not exceed a maximum of 4.18 m<sup>2</sup> per letter or figure.
- c) The maximum height of an Individual Letter Sign shall not exceed the level of the ceiling of the second storey of the building.
- d) An Individual Letter Sign shall not project further than 0.4 m from the Building Face.

**5.11.3 Setbacks**

- i) No part of a sign shall project over a Municipal, County or Provincial road

allowance unless specifically permitted by the affected government through an encroachment agreement.

#### **5.11.4 Exceptions**

The following Exceptions shall have the same Regulations of Section 5.11.2, except as noted herein.

### **5.12 NEW HOME DEVELOPMENT SIGN**

#### **5.12.1 Permitted Land Use Zones**

A New Home Development Sign shall be permitted in the R1, R2, R3, R4, R5, RT, RA, HC, NC, M1, M2, and RU Zones.

#### **5.12.2 Regulations**

A New Home Development Sign shall not be erected, displayed or altered unless in accordance with the following regulations:

- a) New Home Development Sign (Billboard Sign) shall be permitted on third party sites providing they comply with all the regulations contain in this By-law.
- b) No more than one (1) New Home Development Sign (Billboard) per development shall be permitted except where a development fronts onto more than one street; one (1) sign shall be permitted per street frontage.
- c) New Home Development Sign (Billboard Sign) shall not exceed a maximum Height of 6.4 m when fronting onto Highway 12 and/or County Road 93. For all other locations the Maximum Height shall not exceed a Maximum Height of 4.3 m.
- d) New Home Development Sign (Billboard Sign) Display Area shall not be greater than 24.0 m<sup>2</sup> per Display Area.
- e) New Home Development Sign (Billboard Sign) shall not exceed 5.0 m in width.
- f) Signs are permitted on all exterior walls of a residential sales centres or sales pavilions.

#### **5.12.3 Setbacks**

- i) No part of a New Home Development Sign shall project over a Municipal, County or Provincial road allowance unless specifically permitted by the governing authority through an encroachment agreement.
- ii) New Home Development Sign ('A' Frame Sign and/or portable sign and/or temporary sign) shall not be placed on any municipal lands or road allowances.

**5.12.4****Exceptions**

The following Exceptions shall have the same Regulations of Section 5.12.2, except as noted herein.

**5.13****NON-ELECTRIC NAME PLATE SIGN****5.13.1****Permitted Land Use Zones**

Non-Electric Name Plate Signs shall be permitted in the RO, DC-F2, HC, NC, MC, M1, M2 and I Zones.

**5.13.2****Regulations**

A Non-Electric Name Plate Sign shall not be erected, displayed or altered unless in accordance with the following regulations:

- a) The maximum number of Non-Electric Name Plate Signs shall be one (1) per Building Frontage.
- b) In the Commercial or Institutional Zones, the maximum number of Non-Electric Professional Name Plate Signs shall be limited to one (1) per occupancy. In the case of multi-occupancy in a building, individual signs will be combined into one (1) Non-Electric Name Plate Sign. Further, Non-Electric Name Plate Signs shall not be greater than 0.23 m<sup>2</sup> in area. In the case of multi-occupancy in a building, a combined Non-Electric Name Plate Sign shall not be greater than 1.0 m<sup>2</sup> in area.
- c) In the Industrial Zones, the maximum number of Non-Electric Name Plate Signs shall be limited to one (1) per occupancy. In the case of multi-occupancy in a building, individual signs will be combined into one (1) Non-Electric Name Plate Sign. Further, Non-Electric Name Plate Signs shall not be greater than 0.30 m<sup>2</sup> in area. In the case of multi-occupancy in a building, a combined Non-Electric Name Plate Sign shall be no greater than 3.0 m<sup>2</sup> in area.
- d) A Non-Electric Name Plate Sign shall not be greater than 0.18 m<sup>2</sup> in area.

**5.13.3****Setbacks**

- i) No part of a sign shall project over a Municipal, County or Provincial road allowance unless specifically permitted by the affected government through an encroachment agreement.

**5.13.4****Exceptions**

The following Exceptions shall have the same Regulations of Section 5.13.2, except as noted herein.

**5.14****OFFICIAL SIGN**

**5.14.1 Permitted Land Use Zones**

An Official Sign shall be permitted in all Zones within the Municipality.

**5.14.2 Regulations**

Where an Official Sign as defined by this By-law is required, there shall be no requirements other than those of the appropriate government agency.

**5.14.3 Setbacks**

- i) No part of a sign shall project over a Municipal, County or Provincial road allowance unless specifically permitted by the affected government through an Encroachment Agreement.

**5.14.4 Exceptions**

The following Exceptions shall have the same Regulations of Section 5.14.2, except as noted herein.

**5.15 PORTABLE SIGN****5.15.1 Permitted Land Use Zones**

A Portable Sign shall be permitted in the DC-F2, HC, NC, MC, M1, M2, I and OS Zones. A Portable Sign is also permitted on those properties wherein a Zoning By-law Exception permits a business operation as the primary use of the building.

**5.15.2 Regulations**

A Portable Sign shall not be placed on a property except in accordance with the following regulations:

- a) All Portable Signs shall have building permit clearly posted on the said sign for the specified time of display. Further a Portable Sign must bear evidence of Ontario Electrical Safety Code approval, if applicable, and all electrical connections shall comply with the requirements of the Ontario Electrical Safety Code and the Ontario Building Code.
- b) A Portable Sign may be placed in a front yard or side yard of a lot provided that the Portable sign is place a minimum of 6.0 m from the driveway entrance and further the Portable Sign location shall not interfere with the line of vision of pedestrian or vehicular traffic entering or leaving the lot.
- c) A Portable Sign shall be placed only on private property and not on any Provincial, County or Municipal road allowance.
- d) A Portable Sign shall not be placed any closer than 20.0 m from another Portable Sign on the same property.

- e) In a multi-occupancy building not more than one (1) Portable Sign shall be permitted per occupant per annum.
- f) A Portable Sign shall not exceed a Sign Area of 4.2 m<sup>2</sup> nor shall the top of any Height of Sign exceed 1.8 m above ground level.
- g) A Portable Sign shall not be placed any closer than 12.0 m to any Traffic Signal.
- h) No 'third party' Portable Sign is permitted on any lands.
- i) Notwithstanding any other provision of this By-law, the maximum time limit for the placement of any Portable Sign shall be a maximum of thirty (30) days per three month quarter in any calendar year and this may include Portable Signs placed up to an aggregate of sixty (60) days over two (2) consecutive quarters.
- j) Notwithstanding Part 10.0, Violations, Sub-section 10.1, a Portable Sign that is erected or displayed in contravention of the provisions of this By-law may be removed by the Municipality at the expense of the owner of the Portable Sign 24 hours after the Municipality has issued a notice of violation, in writing, to remove the said sign.
- k) A Portable sign shall not be permitted within the Sight Triangle.

### **5.15.3 Setbacks**

- i) No part of a sign shall project over a Municipal, County or Provincial road allowance unless specifically permitted by the affected government through an encroachment agreement.
- ii) A Portable Sign shall not be located within the Sight Triangle.
- iii) All Portable Signs shall be setback from a property line a minimum of 2.0 m and from a driveway entrance a minimum of 2.0 m.

### **5.15.4 Exceptions**

The following Exceptions shall have the same Regulations of Section 5.15.2, except as noted herein.

- a) Notwithstanding Part 5.15.1, Permitted Land Use Zones, Portable Signs shall be permitted where a commercial business is lawfully permitted in a Rural Zone or is a Permitted Use as an Exception to the Rural Zone, as identified in Zoning By-law 2004-90, as amended.

## **5.16 PYLON SIGN**

### **5.16.1 Permitted Land Use Zones**

A Pylon Sign shall be permitted in the HC, NC, MC, M1, M2, I and OS Zones

### **5.16.2 Regulations**

A Pylon Sign shall not be erected, displayed or altered unless in accordance with the following regulations:

- a) Only one (1) Pylon Sign per lot shall be permitted.
- b) The maximum Sign Height of a Pylon Sign shall be limited to 7.62 m measured from grade to the upper most extent of said sign with a maximum Sign Area of 10.0 m<sup>2</sup>.

### **5.16.3 Setbacks**

- i) No part of a sign shall project over a Municipal, County or Provincial road allowance unless specifically permitted by the affected government through an encroachment agreement.
- ii) A Pylon Sign shall not be located within the sight triangle.
- iii) A Pylon sign shall be incorporated into a landscaped island protected by a concrete curbs near the property entrance or along a property line fronting onto a street and shall not be free standing in a parking lot area.
- iv) The maximum Sign Area of a Pylon Sign in the M1, M2 and RU Zones shall not exceed 12.0 m<sup>2</sup>.
- v) In the MC Zone, a Pylon Sign shall not exceed 10.0 m in height or a maximum Sign Area of 14.0 m<sup>2</sup> if facing water, if not, the maximum Sign Height shall be 7.62 m and the maximum Sign Area shall be 10.0 m<sup>2</sup>.

### **5.16.4 Exceptions**

The following Exceptions shall have the same Regulations of Section 5.16.2, except as noted herein.

- a) Notwithstanding Section 5.16.2, Regulations, one (1) Pylon Sign with a maximum Sign Height of 8.07 m and a maximum Sign Face of 7.72 m<sup>2</sup> shall be permitted on the property: 472 Hugel Avenue
- b) Notwithstanding Section 5.16.2, Regulations, one (1) Pylon Sign with a maximum Sign Height of 10.7 m and a maximum Sign Area of 42.0 m<sup>2</sup> and having a rotating head and non-pulsating lights shall be permitted on the property: 9226 County Road 93
- c) Notwithstanding Section 5.16.2, Regulations, one (1) Pylon Sign with a

maximum Sign Height of 12.2 m, and a maximum Sign Area of 32.5 m<sup>2</sup> shall be permitted on the property located on the north side of 16775 Highway 12: Jones Road

- d) Notwithstanding Section 5.16.2, Regulations, no illuminated Pylon sign will be permitted on the easterly 30.0 m of the Yonge Street frontage of the lands described as Block 70, Plan 51M-848: 935 Yonge Street

## **5.17** **TEMPORARY SIGN**

### **5.17.1 Permitted Land Use Zones**

A Temporary Sign shall be permitted in all Zones.

### **5.17.2 Regulations**

A Temporary Sign shall not be erected, displayed or altered unless in accordance with the following regulations:

- a) The maximum number of Temporary Signs shall be one (1) per building or dwelling unit, whichever is less.
- b) A Temporary Sign shall not have a sign face greater than 2.7 m<sup>2</sup>.
- c) A Temporary Sign shall not be located in such an area which would impede either pedestrian or vehicular traffic.
- d) A Temporary Sign shall not be used for a period exceeding sixty (30) days.
- e) A Temporary Sign shall not be located in such a manner so as to obstruct the use of any fire escape, window, or doorway on any building or structure.
- f) A Temporary Sign shall be removed on or before the date specified in the application for sign permit.
- g) Temporary Identification Signs used for the purpose of indicating the names of contractors, developers or builders, not in excess of 12.0 m<sup>2</sup> in area are also permitted, provided that only a maximum of two (2) signs per development are used. Signs of this nature must be removed within thirty (30) days of the completion of construction.
- h) Inflatable Signs shall be deemed to be temporary signs and shall be anchored to the ground or a structure in a manner approved by the Chief Building Official.
- i) A Temporary Sign shall not be located within the sight triangle.

### **5.17.3 Setbacks**

- i) No part of a sign shall project over or located on a Municipal, County or

Provincial road allowance unless specifically permitted by the governing authority through an encroachment agreement.

#### **5.17.4 Exceptions**

The following Exceptions shall have the same Regulations of Section 5.17.2, except as noted herein.

### **PART 6.0 BILLBOARD SIGN**

#### **6.1 Billboard Sign**

It shall be the policy of Council that the erection of Billboard Signs shall be prohibited on any lands fronting onto a municipal street commencing on the effective date of this By-law.

A Billboard Sign in existence on the effective date of this By-law may remain in place with the sign face being changed, but the sign shall not be rebuilt or relocated on the same property.

A Billboard Sign may be permitted at the Council's discretion and by way of Exception to this By-law in any Zone providing the sign is located on lands which front onto a Provincial highway or a County road.

#### **6.1.2 Regulation**

A Billboard Sign shall not be erected, displayed or altered unless in accordance with the following regulations:

- a) A Billboard Sign shall not be established at a location on a street within 200.0 m of a property which is used for Public Parks, Schools, Church, Courthouse, or public facility having frontage on the same street.
- b) A Billboard Sign shall not be established closer to the street than the building setback line of the particular Zone in which the sign is located.
- c) The maximum sign face area shall be 22 m<sup>2</sup> including border and trim, but excluding the base or apron, supports or other structural members.
- d) Signs which are illuminated by any flashing, intermittent, or moving lights are prohibited.
- e) Signs shall not be illuminated so that they interfere with the effectiveness, conflict or obscure an official traffic signal and/or traffic sign.
- f) A Billboard Sign shall not be located within the sight triangle

#### **6.1.3 Exceptions**

The following Exceptions shall have the same Regulations of Section 6.1.2., except as noted herein.

- a) The following properties have Billboard Signs:
- |                     |              |
|---------------------|--------------|
| 650 Vindin Street   | 4 sign faces |
| 8772 CR 93          | 2 sign faces |
| 8797 CR 93          | 1 sign face  |
| 9023 CR 93          | 1 sign face  |
| 9073 CR 93          | 1 sign face  |
| 9225 CR 93          | 2 sign faces |
| 9762 CR 93          | 1 sign face  |
| 9787 CR 93          | 1 sign face  |
| 8550 Highway 93     | 2 sign faces |
| 8567 Highway 93     | 1 sign face  |
| 8709 Highway 93     | 2 signs      |
| 600 Balm Beach Road | 1 sign face  |

## **PART 7.0 FEDERAL PROVINCIAL, COUNTY OR AGENCY INTERESTS**

**7.1** Where the erection or display of any sign or advertising device requires proper authorization from one or more Federal, Provincial, County agency, the onus of responsibility shall remain entirely upon the owner of the sign to ensure compliance with all such regulations.

**7.2 Ministry of Transportation/County of Simcoe Requirements**  
Notwithstanding any other section of this By-law, in all cases where permitted signs are to be erected on lands or buildings abutting a Ministry of Transportation or County of Simcoe controlled road, then the requirements of the said Ministry or the County shall prevail with respect to the requirements of all signs. A copy of the Ministry of Transportation Ontario or County of Simcoe sign permit shall accompany any sign application to the Municipality.

## **PART 8.0 EXISTING SIGNS**

This By-law does not apply to any permanent sign or permanent advertising device that is lawfully erected or displayed on the day this By-law comes into force, if the sign or advertising device is not substantially altered. The maintenance and repair of the sign or advertising device or a change in the message displayed shall not be deemed in itself to constitute an alteration.

## **PART 9.0 LEGAL NON-CONFORMING SIGNS**

### **Determination of Legal Non-conformity:**

Existing signs which do not conform to the specific provisions of this by-law may be eligible for the designation “legal non-conforming” provided that:

- (a) The Chief Building Official determines such signs are properly maintained

and do not in any way endanger the public.

- (b) The sign was installed in conformance with a valid permit or variance, or complied with all applicable laws on the date of adoption of this By-law.

### **9.1 Loss of Legal Non-conforming Status:**

A legal non-conforming sign may lose this designation if:

- (a) The sign is relocated or replaced.
- (b) The structure or the size of the sign is altered in any way except towards conformity with this By-law. This does not refer to a change of copy or normal maintenance.

### **9.2 Maintenance and Repair of Legal Non-conforming Signs:**

- (a) The legal non-conforming sign is subject to all requirements of this By-law regarding safety, maintenance, and repair. However, if the sign suffers more than 50% damage or deterioration, as based on appraisal, it must be brought into conformance with this By-law or removed.

## **PART 10.0 VIOLATIONS**

**10.1** When, in the opinion of the Chief Building Official or Municipal Law Enforcement Officer, a violation of the By-law exists, the Chief Building Official or Municipal Law Enforcement Officer shall issue a written compliance notice to the alleged violator. The notice shall specify those sections of the By-law which the violator is in violation of and shall state that the violator has 24 hours from the delivery of the notice in which to correct the alleged violation.

If upon inspection the Chief Building Official or Municipal Law Enforcement Officer finds that a sign is abandoned or structurally, materially, or electrically defective, or in any way endangers the public, the Chief Building Official or Municipal Law Enforcement Officer shall issue a written order to the owner of the sign and/or occupant of the premises stating the nature of the violation and requiring the sign to be repaired or removed within 72 hours of the date of that order.

In cases of emergency, the Chief Building Official or Municipal Law Enforcement Officer may cause the immediate removal of a dangerous or defective sign without notice. Signs removed in this manner must present a hazard to public safety. Service of any notice under this section shall be carried out by personal service or by prepaid registered mail upon the violator by the Chief Building Official or Municipal Law Enforcement Officer.

## **PART 11.0 COMPLIANCE**

**11.1** Any person who 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 having obtained a permit has caused a sign or other advertising device to be erected, displayed, altered or repaired contrary to the approved plans in respect of which the permit was issued, shall make such sign or other advertising device comply with the provisions of this By-law and/or remove such sign within 48 hours of receiving written Notice of Violation.

All notices shall be sent by prepaid registered mail and construed to have been accepted two (2) days after mailing.

Any Sign or other advertising device that on the day the By-law comes into force and effect does not comply with this By-law, shall be;

- a) Made to comply with this By-law, or
- b) Allowed to remain, however, if the copy on the sign area is changed, then that Sign must conform to the Sign By-law.

## **PART 12.0 PENALTY FOR NON-COMPLIANCE**

- 12.1** Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for in the Set Fines By-law. Each day such violation is committed, or permitted to continue, shall constitute a separate offense and may be punishable as such there under.

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 such sign, tenant 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.

## **PART 13.0 REMOVAL OF ILLEGAL SIGNS**

- 13.1** When a sign is erected or displayed in contravention of any provision of the By-law, said sign may be removed immediately by the Chief Building Official or Municipal Law Enforcement Officer without notice, if located on, over, partly on, or partly over, property owned by or under the jurisdiction of the Town.
- 13.2** If a sign is located on property other than property owned by or under the jurisdiction of the Town, the Chief Building Official or a Municipal Law Enforcement Officer may forward a notice, by personal service on the violator requiring that the sign be permanently removed within 24 hours of the Notice and thereafter not replaced with any sign in contravention of this By-law.
- 13.3** If the notice is not complied with, the Chief Building Official or a Municipal Law Enforcement Officer may require that the municipality, its employees, or an independent contractor enter upon the land and remove said sign.

**13.4** Signs so removed shall be stored by the Municipality for a period of time of not more than ten (10) days, during which time the owner or his agent may be entitled to redeem said sign.

**13.5** Where a sign has been removed by the Municipality and stored for a period of ten (10) days and has not been redeemed, such sign may be forthwith destroyed or otherwise disposed of by the Town on authority and direction from the Chief Building Officer or Municipal Law Enforcement, and the owner of the sign shall be liable to pay to the Town the cost of removal and storage of the sign as provided herein.

**PART 14.0 VALIDITY**

**14.1** If a Court of competent jurisdiction declares any Section or part of a Section of this By-law invalid, it is the intention of Council that the remainder of the By-law shall continue to be in force.

**PART 15.0 CONFLICT**

**15.1** If any portion of this By-law is found to be in conflict with any other provision of any zoning, building, fire, safety, or other By-law of the Town, the provision which establishes the higher standard shall prevail.

**PART 16.0 LIABILITY FOR DAMAGES**

**16.1** The provisions of this By-law shall not be construed as relieving or limiting the responsibility or liability of any person erecting or owning any sign or display from personal injury or property damage resulting from the placing of such sign or resulting from the negligence or wilful acts of such person, his agents or employees, in the construction, erection, maintenance, repair or removal of any sign erected in accordance with a permit issued hereunder. Further, the provisions of this By-law cannot be construed as imposing upon the Town or its Officers or Employees any responsibility or liability by reason of the approval of any signs, materials or devices under the provisions of this By-law.

**PART 17.0 INTERPRETATION**

**17.1** In case of conflict between the provisions in the By-law or the provisions of other By-laws or regulations, the most restrictive provision shall apply.

In this By-law the word 'may' is construed as permissive and the word 'shall' is construed as imperative.

**PART 18.0 VARIANCES AND AMENDMENTS TO SIGN BY-LAW**

**18.1** Any person may apply for a variance from the provisions of this By-law or any provision thereof.

- 18.2** All applications for variances to this By-law shall be referred to the Sign Variance Committee for approval. The Sign Variance Committee may upon application of any person, authorize variances from the By-law if in the opinion of the Committee the general intent and purpose of the By-law is maintained.
- 18.3** All applications for amendment to this By-law shall be referred to Council for approval. Council may upon application of any person, authorize amendments to the By-law if in the opinion of Council the general intent and purpose of the By-law is maintained.
- 18.4** All requested changes to this By-law shall be submitted on the appropriate Sign Variance or Sign Amendment application and submitted to Town.
- 18.5** That the appropriate forms be submitted with the required application fee as prescribed under the Town's Composite Fee By-law in current force and effect.

**PART 19.0 SIGN VARIANCE COMMITTEE**

- 19.1** The Sign Variance Committee of the Town of Midland is hereby appointed for the purpose of approval, refusal, or deferral of any applications for variances from the provisions of this by-law.
- 19.2** That the Sign Variance Committee shall be composed of five (5) members appointed by the Council of the Corporation of the Town of Midland and shall hold office until the expiry of their term of office.
- 19.3** Members of the Committee shall hold office until their successors are appointed, and are eligible for reappointment, and where a member ceases to be a member before the expiration of their term, the Council shall appoint another eligible person for the unexpired portion of the term.
- 19.4** Three (3) members of the Committee shall constitute a quorum.
- 19.5** The members of the Committee shall elect one of themselves as Chair and Vice Chair, and where the Chair is absent the Vice Chair will act as Chair.
- 19.6** The hearing of every application shall be held in public, and the Committee shall hear the applicant and every other person who desires to be heard in favour of or against the application and the Committee may defer the application or reserve its decision.
- 19.7** No decision of the Committee on an application is valid unless it is concurred in by the majority of the members of the Committee that heard the application and the decision of the Committee, whether granting or refusing of the application, shall be in writing and shall set out the reasons for the decision and shall be signed by the members who concur in the decision.

**PART 20.0 SEVERABILITY**

- 20.1** Should any section, clause or provision 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 declared to be invalid.