

# THE CORPORATION OF THE TOWN OF MILTON

## BY-LAW NO. 086-2009

A BY-LAW TO REGULATE THE SIZE, USE, LOCATION AND MAINTENANCE OF SIGNS AND ADVERTISING DEVICES ON PRIVATE PROPERTY WITHIN THE CORPORATION OF THE TOWN OF MILTON, AND TO REPEAL BY-LAW NO. 146-2002 AND BY-LAW NO.162-2005.

**WHEREAS** Section 11(3)7 of the Municipal Act, S.O. 2001, c.25 as amended, provides that a municipality may pass by-laws respecting signs;

**AND WHEREAS** the Council of the Corporation of the Town of Milton adopted By-law No. 146-2002 on October 28, 2002 and amending By-law No. 162-2005 on December 19, 2005, and is now desirous of repealing said By-laws and replacing them with By-law No. 086-2009;

**NOW THEREFORE** the Council of the Corporation of the Town or Milton hereby enacts as follows:

### 1. TITLE

1.1 This By-law shall be cited as the "Milton Sign By-law".

### 2. INTERPRETATION

2.1 The provisions of this By-law shall apply to all lands within the municipal limits of the Town, save and except lands within road allowances.

2.2 This By-law shall be read with such changes of gender and number as the context may require.

### 3. INTENT

3.1 The purpose of this by-law is to regulate signs in the Town of Milton with the intent of authorizing signs that:

(a) are appropriate in size, number and location to the type of activity or use to which they pertain.

(b) provide reasonable and appropriate means for the public to locate and identify facilities, businesses and services without difficulty or confusion.

(c) Are compatible with their surroundings.

- (d) Protect and enhance the aesthetic and visual character of the Town of Milton.
- (e) Are consistent with the planning, urban design and heritage objectives of The Town of Milton.
- (f) Do not create a distraction or safety hazard for pedestrians or motorists.
- (g) Are regulated in a manner that balances the public's right to expression with the purpose of the By-law.

#### 4. DEFINITIONS

In this By-law:

- 4.1 ***“Advertising Device”*** means any device or object erected, located or displayed so as to attract public attention to any goods, services, facilities or events and includes flags, banners, pennants and lights.
- 4.2 ***“Agricultural related sales”*** means the sale of produce, trees or plants grown on the property.
- 4.3 ***“Alter”*** means, when used in reference to a Sign or Sign structure, to change any one or more external dimensions and/or construction material but shall not include the rearrangement of numerals, letters or copy applied directly to the face of the Sign and specifically designed and intended to be periodically rearranged; the replacement of a plastic face; the painting, repainting, cleaning or other normal maintenance and repair of a Sign not involving structural changes.
- 4.4 ***“Animated Sign”*** means a Sign which includes flashing, action or motion whether electronic action, mechanical action, colour or message change by way of a prearranged electronic or mechanical means.
- 4.5 ***“Awning”*** means an ornamental roof like structure that is either retractable or fixed to a building or structure, but not forming an integral part thereof and includes structures commonly known as a marquee or canopy.
- 4.6 ***“Banner”*** means a Sign composed of lightweight, flexible material such as cloth, plastic, canvas or other similar material and which is mounted so as to allow movement by atmospheric conditions.
- 4.7 ***“Billboard Sign”*** means an outdoor Sign maintained by a person engaged in the sale or rental of space on the sign to a client, upon which advertising of a business, activity, goods, products, services or facilities not located or offered on the premises.

- 4.8 **“Character Area”** means the lands outlined on Schedule “A” of this By-law.
- 4.9 **“Chief Building Official”** means the Chief Building Official for the Town of Milton or his designate.
- 4.10 **“Contractor’s Identification Sign”** means a Sign not permanently constructed at one place in the ground or affixed to any other Sign structure identifying the contractor involved in the renovation, construction or demolition of a building or structure on the same property.
- 4.11 **“Council”** means the Council of the Corporation of The Town of Milton.
- 4.12 **“Director”** means the Director of Planning and Development of the Town of Milton or his designate.
- 4.13 **“Election Sign”** means any Sign advertising or promoting the election of a political party or a candidate for public office in a federal, provincial or municipal election.
- 4.14 **“Erect”** includes the placing of, the installation of, or arranging for the placing or installation of, the renting of, or the leasing of a Sign.
- 4.15 **“Frontage”** means property line of the lot that abuts directly on a street or highway.
- 4.16 **“Gas bar canopy”** means any open and permanent roof structure, free standing or attached to a building, erected for the purpose of sheltering gasoline pumps.
- 4.17 **“Grade”** means the average elevation of the finished surface of the ground at the base of the building, Sign or Sign structure but does not include any embankment specifically installed for the Sign, planter box or other structure.
- 4.18 **“Ground Sign”** means a freestanding Sign directly supported by uprights or braces, which are embedded in the ground and is designed and intended not to be readily moved and which is not attached to any other building or structure.
- 4.19 **“Height”** means the vertical distance from grade to the highest point of the Sign including the border or frame. In the case of a Sign without a border or frame, it shall mean the vertical distance from grade to the highest point of a letter, symbol or insignia.

- 4.20 ***“Improved land”*** means a property on which buildings or structures are erected and includes private or public parking lots.
- 4.21 ***“Illumination”*** or ***“Illuminated”*** means a Sign illuminated or lit by any internal or external means.
- 4.22 ***“Incidental Sign”*** means a Sign of minor consequence that is accessory in nature to principle identification signage. Notwithstanding and without limiting the foregoing, Incidental Signs shall include any Sign which typically identifies the manufacturer of a piece of equipment or product, any Sign affixed to or painted on hoarding around a construction site, flags, garage sale signs, merchandise poster panels, bench advertising, masthead signage, public safety Sign, bus shelter advertising, corner stone, holiday decorations, and historical designation plaque.
- 4.23 ***“Lane”*** means a public thoroughfare which affords only secondary means of access to abutting lots and is not intended for general traffic circulation.
- 4.24 ***“Menu Board Sign”*** means a Sign erected in conjunction with a drive-through facility and used to display pricing of a service or product provided or sold from the business associated with the drive-through facility.
- 4.25 ***“Merchandise Poster Panel”*** means an advertising device that is generally made of cardboard, plastic, fibreboard, paper or similar flexible material designed to be attached to a building or light standard which is intended to market or promote products, services or merchandise offered or for sale on the premises.
- 4.26 ***“Motor vehicle service station”*** means a retail place of business where all activities are related or accessory to the prime function of selling automotive fuels and accessory products with or without facilities for minor mechanical or running repairs essential to the operation of a motor vehicle but shall not include a motor vehicle dealership or motor vehicle repair facility. Where permitted, this shall also include a convenience store, car wash or kiosk accessory thereto provided all fuel pump control equipment is located with the store or kiosk.
- 4.27 ***“Municipal Law Enforcement Officer”*** means a person appointed by Council as a Municipal Law Enforcement Officer and shall also include an officer of the Halton Regional Police Service.
- 4.28 ***“Mural”*** means a type of display or artistic endeavour that is applied as paint or film to any external wall or other part of a building or structure and which does not include any advertisement or any other promotional message or content including logos and trademarks.

- 4.29 **“Non-profit/Charitable organization”** means an organization constituted exclusively for charitable or benevolent purposes where no part of the income is payable to or otherwise available for the personal benefit of any proprietor, member or shareholder.
- 4.30 **“Person”** means an individual, partnership, limited partnership, corporation, firm or association.
- 4.31 **“Portable Sign”** means any Sign which is specifically designed or intended to be readily moved from one location to another and is not permanently attached to a building, ground or other structure. A portable Sign includes, but is not limited to, Signs commonly known as an “A – frame”, “Sandwich Board”, a vehicle or trailer mounted Sign or an “Inflatable” device tethered to any building, structure, vehicle or other anchor. For the purposes of this by-law a portable Sign shall not include: 1) a Sign painted on or attached to a vehicle where the principal sole function of the vehicle is the transportation of people, goods or other materials on a daily basis and 2) a sign requiring a permit from the Municipal Law Enforcement Officer.
- 4.32 **“Property line”** means the legal boundaries of a property.
- 4.33 **“Public art”** means a broad range of artworks in publicly accessible and visible locations such as parks, streets and private property. This may include but is not limited to artworks such as a mural, sculpture or fountains but does not include graffiti.
- 4.34 **“Public Information Sign”** means any of the following Signs:
- (a) Signs erected in parks, stadia or playgrounds used for park identification or regulatory Sign purposes subject to Corporate guidelines.
  - (b) Signs required by a public authority pursuant to a subdivision agreement, application for rezoning, committee of adjustment variance, land severance, or other similar application.
- 4.35 **“Public Property”** means land and buildings owned by government including the Town of Milton, Region of Halton, Provincial and Federal Governments or other public agency.
- 4.36 **“Read-o-graph”** means any part of a Sign which is designed so that any identification or advertisement affixed thereto is readily changed by means of interchangeable letters or symbols.

- 4.37 **“Residential”** means any lands zoned and/or used for residential purposes in compliance with the Town of Milton Zoning By-law.
- 4.38 **“Roof Sign”** means any Sign which is located entirely on or above a roof of a building or located entirely on the top of or above the parapet of a building.
- 4.39 **“Setback”** means the minimum (unless specified otherwise herein) horizontal distance measured perpendicular to a property line or another Sign.
- 4.40 **“Shopping centre, plaza or mall”** means a group of commercial and/or industrial establishments planned and developed as a single entity on the same site with or without off-street parking.
- 4.41 **“Sidewalk Sign”** means a Sign, intended for temporary use during business hours, constructed in a manner and of materials such that it can be placed or repositioned by an individual without mechanical aid and means. Such signage shall include Signs commonly referred to as “A” frame Sign, T-frame, sandwich boards.
- 4.42 **“Sign”** means any advertising device located outside of a building, including vacant land, which is used for the purpose of identifying, advertising or attracting attention to a business, enterprise, organization or project, product, service or cause by means of painting on or attaching bills, letters, numerals, pictorial matter or electronic or other devices in such a way as to be visible to the public. A Sign shall include all parts of such device including frames but does not include the supporting Sign structure members. A Sign includes any inflatable device tethered to any building, structure, vehicle or other anchor and an announcement, notice, directional matter, name, display, illustration or insignia.
- 4.43 **“Sign area”** means the area within the entire outer perimeter including frames and cut-outs if any. Includes all visible faces used for Sign purposes but not including the thickness of the Sign where thickness is 400mm (16in.) or less and is not used for message purposes. Where a Sign is not bounded or enclosed within a distinct area and or frame, the area shall be that of a rectangle, circle or other simple geometric shape that encloses the grouping of all letters, numerals or shapes.
- 4.44 **“Sign structure”** means the supports, uprights, bracing and/or framework of a Sign.
- 4.45 **“Street”** means a street, highway, road or other public right-of-way but does not include a private lane or unopened road allowance.

- 4.46 ***“Temporary Personal Sign”*** means a Sign located on a property used for residential use and which is used for a temporary personal announcement or congratulatory message.
- 4.47 ***“Town”*** means the Corporation of The Town of Milton.
- 4.48 ***“Town Clerk”*** means Town Clerk for the Town of Milton or his or her designate.
- 4.49 ***“Traffic Directional Sign”*** means a Sign confined to directing motor vehicle or pedestrian traffic and including such Signs indicating “entrance” and “exit” or motor vehicle “parking” signage.
- 4.50 ***“Unsafe”*** means a Sign or Sign structure which is structurally inadequate or faulty, or in a condition or location that could be hazardous to any person or property.
- 4.51 ***“Use”*** when used in conjunction with the words “residential, employment, industrial, commercial institutional, rural, greenlands, or future development”, shall mean such uses as may be permitted under the Zoning By-law of the Town of Milton.
- 4.52 ***“Vacant land”*** means a parcel of land separately assessed that has no building thereon, but does not include any Improved land.
- 4.53 ***“Vehicle”*** means any conveyance used in transporting passengers or things by land, water or air.
- 4.54 ***“Wall Sign”*** means a Sign attached to, marked or inscribed on, erected or placed against a wall forming part of a building, or supported by or through a wall of a building, including a painted wall sign, swinging sign, masthead sign, marquee sign and an awning sign. A Wall Sign shall not include any other sign defined in this By-law unless otherwise stated.
- 4.55 ***“Zone”*** means an area designated for a particular land use as established by the Town’s Zoning By-law, and/or any land use regulations as may be applicable in the Town.
- 4.56 ***“Zoning By-law”*** means the Zoning By-law for the Town of Milton, as amended from time to time.

## 5. ADMINISTRATION AND SCOPE

- 5.1 The Chief Building Official and the Town Clerk are responsible for the administration of this By-law.

- 5.2 Notwithstanding Section 7 of this By-law, no person shall erect or structurally alter any Sign in the Town without first obtaining a Sign permit from the Chief Building Official.
- 5.3 No person shall erect or permit to be erected, or allow to remain on lands or buildings owned, rented or leased or occupied by them, any Sign in the Town other than in accordance with the provisions of this By-law.
- 5.4 This By-law does not apply to a Sign lawfully erected or displayed on the day the By-law comes into force if the Sign is not removed, enlarged or substantially altered. The maintenance and repair of the Sign or a change in the message or contents displayed shall be deemed not in itself to constitute a substantial alteration.
- 5.5 Nothing in this By-law limits or prohibits any other Town department, public authority or government agency (eg. Niagara Escarpment Commission, Ministry of Transportation) from requiring a permit or approval for any Sign under other applicable legislation, regulation or by-law. In the case of a conflict between the provisions of this By-law and the provisions of another by-law or regulation, the most restrictive provision will apply.
- 5.6 The person to whom a Sign permit has been issued, or his agent, shall notify the Chief Building Official upon commencement of the erection of the Sign.
- 5.7 Any person erecting or maintaining any Sign or Sign structure or on whose property a Sign or Sign structure is located, shall be liable for such Sign or Sign structure. The Town is hereby indemnified from and against all manner of claims for damages, loss, expense or otherwise arising from the approval, erection, maintenance, removal or falling of such Sign, Sign structure or part thereof.
- 5.8 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 the property on which the Sign is located, from full responsibility for carrying out the erection in accordance with the provisions of this By-law.
- 5.9 The Chief Building Official, Municipal Law Enforcement Officer, Town staff or its agent may enter lands at any reasonable time without a warrant for the purpose of:

- (a) inspecting the site with respect of which a permit is issued or an application for a permit is made under this By-law,;
- (b) determining if a permit is required to be issued under this By-law; or
- (c) removing a Sign found to be in contravention of this by-law.

## **6. APPLICATION AND SIGN PERMIT**

- 6.1 Every applicant for a Sign permit shall complete an application provided by the Building Division of the Town's Planning and Development Department, submit all necessary plans and drawings, and pay all applicable fees upon application.
- 6.2 The application for a Sign permit, other than a Portable Sign permit, shall include the following:
  - (a) Two completed copies of the Sign permit application form as prescribed by the Chief Building Official.
  - (b) Two copies of a site plan showing: 1) the street property line and other boundaries of the property on which it is proposed to erect or alter the Sign; 2) the proposed location of the Sign upon the property in relation to all other Signs and structures existing or proposed on such property and 3) all other information as may be deemed necessary by the Chief Building Official. If required by the Chief Building Official, plans and/or information shall be certified by a registered Ontario Land Surveyor.
  - (c) Two copies of complete working drawings and specifications covering the construction and/or alteration of the Sign, including any supporting frame work. Where the Sign is proposed to be or is located on a building or other structure, sufficient data shall be shown to determine that such building or structure can safely carry the additional loads and stresses imposed thereon by the erection or alteration of such Sign. Where required by the Chief Building Official, such drawings shall include calculations bearing the stamp of a registered professional engineer or architect.
  - (d) Approval of the Ministry of Transportation of Ontario, the Niagara Escarpment Commission or other government or public agency, if required prior to issuance of a Sign permit.
  - (e) The fee payable upon application for a Sign permit for a permanently erected Sign shall be pursuant to the Town of Milton

Rates, Fees and Charges By-law as may be amended from time to time.

- 6.3 Where a request for a refund of a permit fee is made, a refund shall be made in accordance with Municipal By-law 74-2005 (Building By-law for The Town of Milton) as may be amended from time to time.
- 6.4 Expiry, renewal and revocation issues shall be determined in accordance with the processes set out in the Municipal By-law 74-2005 (Building By-law for The Town of Milton), as amended from time to time.

## **7. SIGNS NOT REQUIRING A PERMIT**

- 7.1 The following Signs do not require a permit but shall comply with all other requirements of this By-law unless otherwise noted:
- (a) Signs erected by or for any federal or provincial government agency located on its own lands and which are used solely for identification of that agency or other Signs erected within its mandate. Such Signs are not subject to this By-law;
  - (b) Public Information Sign (Refer to Section 4.34);
  - (c) Merchandise Poster Sign (Refer to Section 9.8);
  - (d) a Banner Sign with a maximum material dimension of 5m x 1m (16ft.x3ft.) erected by a Non-profit/Charitable organization which advertises a special event and is located with permission of the property owner on fencing adjacent to a street (Refer to Section 8.7);
  - (e) Election Sign;
  - (f) Incidental Sign. The provisions of this by-law shall not apply to these Signs save and except that such Signs shall not be located on public property without the necessary approvals (Refer to Section 4.22);
  - (g) Signs having a composite of plants, shrubbery or landscaping material deigned as a decorative feature;
  - (h) Contractor's Identification Sign (Refer to Section 9.10);
  - (i) Menu Board Sign having a maximum Sign area of not more than 3.0m<sup>2</sup> (32 sq.ft.) (Refer to Section 4.24);

- (j) Window Signs painted or posted on the interior surface of any window or door glass in any building, or the installation of any Sign or advertising device in the interior of a building;
- (k) Temporary Personal Sign (Refer to Section 9.11);
- (l) A wall Sign or Sign painted on the roof of an agricultural building in an Agricultural Zone identifying the name and/or proprietor of the farm operation;
- (m) A non illuminated Sign, not exceeding  $0.5\text{m}^2$  (5sq.ft.) in area per face indicating; no trespassing, private property, safety or hunting Signs, or other regulatory Signs;
- (n) A non-illuminated real estate point of sale Sign advertising the sale or lease of a building or property, provided such Sign does not exceed  $1.1\text{m}^2$  (12sq.ft.) in area per face and is actually located on such building or property;
- (o) Residential street numbering, home identification and mailbox Signs not exceeding  $0.3\text{m}^2$  (3.2sq.ft.) in area per face;
- (p) Traffic Directional Signs not exceeding  $0.74\text{m}^2$  (8sq.ft.) in area per face. (Refer to Section 9.7);
- (q) A Sign having a maximum Sign area of  $3.0\text{m}^2$  (32sq.ft.) per face advertising the sale of seasonal produce from the agricultural lands on which they were grown, during the appropriate growing season for the produce advertised;
- (r) Sign erected on a temporary sales office or trailer used for Non-profit/Charitable organization purposes. Such Sign, shall not be located on the roof of such office or trailer;
- (s) A Sign having a maximum Sign area of  $3.0\text{m}^2$  (32sq.ft.) per face advertising the seasonal sale of Christmas trees, on lands in compliance with land use regulations in effect in the Town;
- (t) A Sign advertising a home occupation or cottage industry conducted from a property used as a residence not exceeding  $0.2\text{m}^2$  (2sq.ft.) in area per face indicating the name and profession of a physician, dentist, chiropractor or other professional person having his office and residence on the lot on which the Sign is located, in any zone, provided such occupancy and land use is

permissible under the Zoning By-law and in compliance with other related land use regulations in effect in the Town.

- (u) A ground Sign in an Agricultural, Rural or Greenlands zone identifying the name and/or proprietor of the farm operation not exceeding  $3.0\text{m}^2$  (32sq.ft.) per face and subject to Section 9.43.
- (v) Public Art; Public Art as defined is not subject to the provisions of this By-law;
- (w) Signs or lettering applied directly or attached to the body of a car, bus, trailer, or other vehicle are exempt from the provisions of this By-law provided such vehicle has a valid and current registration, is utilized in the normal course of business or usual routine of activities, and such vehicle is not used primarily for display or advertising purposes or being stored at a location where a portable Sign would not be permitted;
- (x) Sidewalk Sign located not more than 1m (3.3 ft) from the face of a building or located within the Character Area;
- (y) Bed and Breakfast and Farm Vacation Home identification Sign provided there shall be a limit of one Sign having a maximum Sign area of  $0.2\text{m}^2$  (2sq.ft.) per face and the Sign shall be located on the same property as the subject use;
- (z) Home Industry Identification Sign having a maximum Sign area of  $2.2\text{m}^2$  (24sq.ft.) per face. Such Sign shall be erected in accordance with Section 9.4.3.

## **8. UNAUTHORIZED SIGNS**

- 8.1 No Sign or Sign structure shall be located so as to obstruct or impede any fire escape, fire exit, door, window, scuttle, skylight, flue or air intake or exhaust so as to prevent or impede the free access of emergency personnel to any part of a building including Siamese connections and/or fire hydrants.
- 8.2 No Sign or advertising device shall interfere or obstruct the view of any traffic control device or sign as regulated by the Highway Traffic Act, nor shall any Sign resemble any traffic Sign.
- 8.3 With exception of Section 9.2 (a) Roof Signs are not permitted.
- 8.4 No person shall allow a public information Sign of the type specified in Section 4.34(b), to remain on lands or buildings owned, rented, leased or

occupied by them after the application for rezoning, minor variance, severance or other similar application has been finally disposed of and after all relevant appeal periods have elapsed.

- 8.5 No Sign, light fixture or other device used for advertising purposes, including an awning, which projects more than 75mm (3in.) over a sidewalk or other pedestrian walkway is permitted unless it is located a minimum of 2.44m (8ft.) above the surface of the sidewalk or pedestrian walkway.
- 8.6 No person shall erect or maintain any Sign, awning or portion thereof which projects over a sidewalk on a street unless such Sign or awning has a minimum vertical clearance of 2.44m (8ft.) between the sidewalk grade and the underside of the Sign or awning, and an encroachment approval if necessary, has been provided by the Town.
- 8.7 No Sign shall be affixed to a fence on private property adjacent to any Town, Regional or any other public road. This regulation shall not apply to:
  - (a) Signs affixed or painted on hoarding erected around a construction site;
  - (b) Banners erected by Non-profit/Charitable organization as defined in Section 4.29.
- 8.8 No illuminated Sign being electrically animated or having moving parts or message change is permitted except:
  - (a) A rotating Sign not exceeding ten revolutions per minute;
  - (b) A repetitive message Sign;
  - (c) The flashing of a message on a Sign at less than five (5) second intervals.
- 8.9 No Sign or Sign structure shall be in a state of disrepair nor be located where it will interfere with the safe movement or visibility of any vehicle or pedestrian traffic or where it is a general hazard to public safety.
- 8.10 No person shall attach, affix or display a hot or cold air balloon or other inflatable Sign or advertising device to a building, motor vehicle, trailer or other permanent structure.
- 8.11 No person shall attach, affix or display a Sign to a motor vehicle or trailer which is parked or located for the primary purpose of displaying said Sign

except with respect to the sale, lease or rental of that motor vehicle or trailer.

8.12 Notwithstanding any other regulations in the By-law, the following provisions shall apply to Signs in the Milton Downtown Business Improvement Area and Character Area as shown on Schedule "A" and the Downtown Campbellville as shown on Schedule "C" of this By-law:

- (a) The following Signs are not permitted:
  - (i) internally illuminated box wall and awning type Signs
  - (ii) animated Signs
  - (iii) roof Signs
  - (iv) billboard Signs
  - (v) rotating Signs;
  - (vi) pennants, spinners, streamers and light strings; except light strings may be used on outdoor patios and for holiday purposes
- (b) No Sign shall obstruct a building's significant architectural features, including, but not limited to, windows, brackets, sills, decorative masonry and cornice;
- (c) When a new Sign is being erected in place of an existing Sign, the new Sign shall conform to the provisions of this By-law;
- (d) No illuminated window or exterior wall Sign shall be permitted above the second storey of any building;

8.13 No Sign, pennants, streamers or light strings shall be affixed to a tree, vent pipe, light standard or fence unless otherwise specifically permitted in this By-law.

## **9. REGULATIONS RESPECTING SIZE, TYPE AND LOCATION OF SIGNS**

9.1 Except as otherwise expressly permitted by the provisions of this By-law, signs are permitted only on lands permitting principal uses that are commercial, industrial or institutional, including commercial and industrial holding zones.

9.2 Notwithstanding subsection 9.1, the followings Signs shall be permitted subject to set back provisions noted in Section 9.4.3 of this By-law as applicable.

- (a) A wall Sign or Sign painted on the roof of an agricultural building in an Agricultural Zone identifying the name and/or proprietor of the farm operation;
- (b) A Sign having a maximum Sign area of  $3.0\text{m}^2$  (32sq.ft.) per face advertising the sale of seasonal produce from the agricultural lands on which they were grown, during the appropriate growing season for the produce advertised;
- (c) A Sign not exceeding  $0.2\text{m}^2$  (2sq.ft.) in area per face indicating the name and profession of a physician, dentist, chiropractor or other professional person having his/her office and residence on the lot on which the Sign is located, or any home occupation or cottage industry conducted from a property used as a residence, provided such occupancy and land use is permitted by the Zoning By-law or other regulatory agency;
- (d) A Sign in an Agricultural, Rural or Greenlands zone identifying the name and/or proprietor of the farm operation not exceeding  $3.0\text{m}^2$  (32sq.ft.) per face;
- (e) Bed and Breakfast and Farm Vacation Home identification Sign provided there shall be a limit of one Sign having a maximum Sign area of  $0.83\text{m}^2$  (9sq.ft.) per face and located on the same property as the use;
- (f) Home Industry identification Sign having a maximum Sign area of  $2.2\text{m}^2$  (24sq.ft.) per face.
- (g) Signs located on a property proposed or under development which advertises the name of the development, the owner/occupant, builder, consultant and/or real estate agent shall not exceed  $15.3\text{m}^2$  (165 sq.ft.) per face. Such Signs shall be removed within thirty (30) days of occupancy;
- (h) Election signs are permitted in any zone and shall be removed within forty-eight (48) hours of the close of the election for which the sign was erected.

9.3 In the case of a shopping centre, plaza or mall or any other multi-tenant user property, it is the responsibility of the owner and/or the owners agent,

if any, to allocate an appropriate Sign area for each store, office or other floor area.

## 9.4 GROUND SIGN

Unless specifically expressed elsewhere in this By-law, the following regulations shall apply to all ground Signs:

**9.4.1** The total area of all ground Signs on any property shall not exceed 70% of the frontage for the property. A 0.30m reserve shall be considered frontage for the purpose of this calculation.

**9.4.2** Not more than two (2) ground Signs shall be permitted on any one property and such Signs shall not be located closer than 45.7m (150ft.) to each other.

### 9.4.3 Ground Sign Size, Height and Setback Criteria:

Sign Area (sq. m.) per face	Maximum Height (m)	Minimum Setback (m) from		
		Property Line (street)	Property Line abutting Industrial, Commercial Zone	Property Line abutting any Other Zone
<b>OTHER THAN CENTRAL BUSINESS DISTRICT, BUSINESS IMPROVEMENT AREA AND CHARACTER AREA</b>				
Less than 3.0m <sup>2</sup> (32sq.ft.)	4.57m (15ft.)	1.0m (3ft.)	3.0m (10ft.)	6.0m (20ft.)
Equal to 3.0m <sup>2</sup> (32sq.ft.) and less than 7.4m <sup>2</sup> (80sq.ft.)	7.6m (25ft.)	3.0m (10ft.)	3.0m (10ft.)	6.0m (20ft.)
Equal to 7.4m <sup>2</sup> (80sq.ft.) and to <u>maximum</u> 15.3m <sup>2</sup> (165sq.ft.)	10.7m (35ft.)	3.0m (10ft.)	3.0m (10ft.)	6.0m (20ft.)
<b>CENTRAL BUSINESS DISTRICT (AS SHOWN ON SCHEDULE "A" OF THIS BY-LAW) OTHER THAN THE BUSINESS IMPROVEMENT AREA AND CHARACTER AREA</b>				
Less than 3.0m <sup>2</sup> (32sq.ft.)	3.0m (10ft.)	1.0m (3ft.)	1.0m (3ft.)	3.0m (10ft.)
Equal to 3.0m <sup>2</sup> (32sq.ft.) and to <u>maximum</u> 14.9m <sup>2</sup> (160sq.ft.)	7.6m (25ft.)	3.0m (10ft.)	1.0m (3ft.)	3.0m (10ft.)
<b>BUSINESS IMPROVEMENT AREA, CHARACTER AREA (AS SHOWN ON SCHEDULE "A" OF THIS BY-LAW) and DOWNTOWN CAMPBELLVILLE (AS SHOWN ON SCHEDULE "C") OF THIS BY-LAW</b>				
To a <u>maximum</u> of 4.6m <sup>2</sup> (50sq.ft.)	3.0m (10ft.)	1.0m (3ft.)	1.0m (3ft.)	3.0m (10ft.)

**9.4.4** Notwithstanding Section 9.4.3 herein, a legally existing Sign located on lands expropriated or acquired by the Town or the Regional Municipality of

Halton for the purpose of establishing, laying out, widening, altering or diverting any highway, or for the purpose of storm, sanitary or water services may be relocated with a setback from the abutting expropriation line or acquisition line, a minimum of 1.5m. (5ft.)

**9.4.5** For the purpose of applying a minimum setback from the street line a “V” shaped Sign having two (2) faces shall be considered as having one (1) face should the interior angle of the “V” exceed 90 degrees ( $90^{\circ}$ ). Should the interior angle exceed 90 degrees ( $90^{\circ}$ ) the setback will be determined by using the total Sign area of both faces of the Sign.

**9.4.6** Notwithstanding subsection 9.1, on-site development Signage within the Urban Expansion Area as shown in Schedule “B” of this By-law shall be permitted as follows:

- (a) The maximum height of any on-site advertising signage is 10.7m (35ft.) from grade to the top of the Sign or appurtenances of the Sign.
- (b) The total Sign area of all on site development advertising Signs is as follows:
  - i)  $60\text{m}^2$  (645sq.ft.) in total for sites having an area of more than 30 ha.(74ac.) of development area or;
  - ii)  $2\text{m}^2$  (22sq.ft.) per ha. for sites having an area of 30 ha (74ac.) or less of development area.
- (c) The maximum number of Signs per development shall be five (5).
- (d) “Development Area”, for the purposes of this By-law, refers to each parcel having a separate 24T draft plan number.
- (e) Sign(s) to be set back in accordance with Section 9.4.3 of this By-law.

**9.4.7** A non-illuminated, freestanding single faced Sign located on a decorative entrance wall, landscape feature or other like marker in front of any multi-tenant or multi-building commercial, industrial or residential development shall not exceed a total Sign area of  $1.9\text{m}^2$  (20sq.ft.) and shall carry no advertising other than the name, address and/or logo of the development or complex. Such Sign shall not exceed a height of 1.5m (5ft.) from grade and shall not be subject to setback requirements as set out in section 9.4.3 of this By-law.

- 9.4.8** Unless otherwise specified in this By-law, the Sign area per face in an agricultural/rural or greenlands zone shall not exceed  $3.0\text{m}^2$  (32sq.ft.) and shall be subject to setbacks as outlined in 9.4.3 and shall not exceed an overall height of 3.0m. (10ft.)
- 9.4.9** Notwithstanding Sections 9.4.3 and 9.4.7, the maximum Sign area of a ground Sign identifying an apartment, townhouse or other approved residential complex shall not exceed  $3.0\text{m}^2$  (32sq.ft.) per face including a portion designated as "apartment for rent".
- 9.4.10** Notwithstanding the provisions of Section 9.4.1, a real estate point of sale Sign shall:
- (a) not exceed a Sign area per face of  $8.9\text{m}^2$  (96 sq. ft.);
  - (b) be subject to the set back and height provisions in subsection 9.4.3.

## **9.5 WALL SIGN**

- 9.5.1** In a single occupancy development, the total Sign area of all wall Signs on any one architectural elevation shall not exceed 20 percent (20%) of the area of the architectural elevation on which they are erected. Roof structures as shown on architectural elevations are not included in the elevation area.
- 9.5.2** In a shopping centre, plaza or mall, the total Sign area of all wall Signs on any one architectural elevation of a single store or business shall not exceed 20 per cent (20%) of the area of that unit elevation.
- 9.5.3** No part of any wall Sign shall project more than 76cm (30in.) from the face of the wall except in the case of a Sign painted or affixed flat to the surface of an awning. Such awning shall be located at least 2.44m (8ft.) above the surface of the sidewalk or pedestrian walkway. In the case of an awning which extends a distance greater than 76cm. (30in.), such awning shall comply with setback regulations for the principle building as required in the Zoning By-law. In the case of a wall Sign projecting over a lane, the clearance between the lowest part of the Sign and the lane shall be a minimum of 4.27m (14ft.)
- 9.5.4** The maximum Sign area per face of a masthead or swinging wall mounted Sign shall be  $0.46\text{m}^2$  (5sq.ft.).
- 9.5.5** A swinging wall Sign is only permitted in the Business Improvement Area and Character Area.

**9.5.6** Mural as defined in this By-law shall not be subject to the provisions of this section of the By-law.

**9.5.7** An apartment identification Sign shall not exceed 4.64m<sup>2</sup> (50sq.ft.).

## **9.6 BILLBOARD SIGN**

**9.6.1** Billboard Signs are permitted only on Commercial and Industrial zoned lands and railway corridors.

**9.6.2** Notwithstanding any other regulation in this By-law, where a Billboard Sign is permitted, it shall:

- (a) if electrically animated, shall comply with Section 9.12
- (b) have a maximum Sign area of 18.58m<sup>2</sup> (200sq.ft.) per face with no one dimension greater than 7.3m. (24ft.);
- (c) not have more than two faces;
- (d) comply with Sections 9.4 and 9.5 and
- (e) not be erected on vacant land

**9.6.3** A Billboard Sign on a railway corridor is permitted subject to the following:

- (a) Shall be located where the corridor traverses the street at the following locations:
  - (i) the west side of Thompson Road, immediately north of Nipissing Road;
  - (ii) the Ontario Street railway overpass immediately north of Main Street;
- (b) Shall not be located closer than 10.7m (35ft.) to the intersecting street property line and not further than 45.7m (150ft.) from the intersecting street property line.
- (c) Shall not be located closer than 27.5m (90ft.) to any other billboard Sign situated in the corridor on the same side of the street.
- (d) Shall not be located closer than 3.0m (10ft.) to any other lot line.
- (e) Not more than two billboard Signs shall be erected on the corridor within the 45.7m (150ft.) distance on the same side of the street.

- (f) Written confirmation from the proprietor of the corridor shall be submitted to the Chief Building Official prior to issuance of a Sign permit.

## **9.7 TRAFFIC DIRECTIONAL SIGN**

- 9.7.1** There shall be no limit to the number of traffic directional Signs on a property. However, there shall not be more than two such Signs per point of ingress/egress of the property.
- 9.7.2** A traffic directional Sign shall be confined to directing motor vehicle or pedestrian traffic and shall include but be not limited to such Signs as “entrance”, “exit”, “parking” or “loading”.
- 9.7.3** No traffic directional Sign shall exceed an area of  $0.74\text{m}^2$  (8sq.ft.) per face.
- 9.7.4** A traffic directional Sign shall have a maximum height of 1.5m (5ft.).
- 9.7.5** No traffic directional Sign shall be located closer than 1.0m to the street property line.

## **9.8 MERCHANDISE POSTER PANEL**

- 9.8.1** The following regulations shall apply to Merchandise Poster Panels erected on a motor vehicle service station:

- (a) Merchandise Poster Panels erected on a building shall be erected in accordance with the following:
- (i) The Sign area of the Sign shall not be greater than  $0.84\text{m}^2$  (9sq.ft.) per face with no one dimension greater than 0.88m. (2ft.8in.);
  - (ii) Shall not be internally illuminated; and
  - (iii) Shall comply with Wall Sign regulations as set out in Section 9.5 of this by-law.
- (b) In addition to (a)(i)(ii) and (iii) of this section, one ground mounted Merchandise Poster Panel may be erected per property frontage on a motor vehicle service station or motor vehicle gas bar in accordance with the following:
- (i) Shall not have an area greater than  $1.9\text{m}^2$  (20.5sq.ft.) per face with no one dimension greater than 1.7m. (5.5ft.);

- (ii) Shall not be internally illuminated;
- (iii) Shall be constructed permanently at one place in the ground;
- (iv) Shall not exceed a maximum overall height of 1.75m (5'9") above grade;
- (v) Shall not be located closer to the street property line than 1m. (3ft.)

## **9.9 SIDEWALK SIGN**

**9.9.1** A sidewalk Sign shall comply with the following:

- (a) maximum Sign area per face -  $0.93\text{m}^2$  (10sq.ft.)
- (b) maximum height – 1.37m (4ft.6in.)
- (c) maximum length of Sign – 1.2m (4ft.)
- (d) maximum width of Sign – 0.76m (2ft.6.in.)
- (e) maximum one (1) Sign per business
- (f) located not more than 1m from the face of a building, except in the Character Area
- (g) maximum of two (2) faces per Sign.

## **9.10 CONTRACTOR'S IDENTIFICATION SIGN**

**9.10.1** A Contractor's identification Sign shall comply with the following:

- (a) maximum Sign area per face –  $1.1\text{m}^2$  (12sq.ft.)
- (b) maximum height – 1.24m (4ft.)
- (c) shall not be illuminated
- (d) shall be located upon the property where the work is being performed and only during the period of renovation, construction or demolition.

## **9.11 TEMPORARY PERSONAL SIGN**

**9.11.1** A Temporary personal Sign shall comply with the following:

- (a) maximum Sign area per face –  $3\text{m}^2$  (32sq.ft.)
- (b) maximum height – 2.44m (8ft.)
- (c) shall not be illuminated
- (d) shall be located upon the property for which the personal announcement or congratulatory message applies.
- (e) shall not be located on the property not longer than three (3) days
- (f) shall not be more that one (1) Sign of this type on property at the same time.

## **9.12 ANIMATED SIGN**

- 9.12.1 (a) if a wall sign; shall have a maximum sign area the lesser of 20% of the architectural elevation area or 6.9m<sup>2</sup>
- (b) if a ground sign; animated sign must be in combination with other existing signage on the same sign and shall have a maximum sign area equal to the lesser of 30% of the total sign area per face or 6.9m<sup>2</sup>
- (c) the maximum permitted number of animated signs offering third party advertising in the Town shall be twelve (12).
- (d) shall not have an audio component .

## **10. CONSTRUCTION DETAIL**

**10.1** All Signs shall be designed, constructed, erected and maintained in accordance with the requirements of the regulations made under the Ontario Building Code as amended from time to time.

**10.2** No Sign illuminated or operated electrically shall be erected, maintained or altered unless such electrical work is in conformity with all regulations of Ontario Hydro and all such electrical equipment bears the appropriate approval of the Canadian Standards Association.

**10.3** No Sign illuminated or electrically operated shall be erected, maintained or altered unless such electrical work is in conformity with all regulations of the Ontario Electrical Safety Code, as amended from time to time and all electrical equipment bears the appropriate approval of the Canadian Standards Association. Any equipment that has not been approved by CSA will require certification by the Special Inspections Department of the Electrical Safety Authority prior to the connection to an electrical supply source.

## **11. MAINTENANCE OF SIGNS**

**11.1** Any Sign or advertising device shall be maintained and kept in a proper and continuous state of repair so that such Sign or advertising device does not become unsafe, defective or unsightly. Such Sign shall be completely operative and serve the function of advertising or identifying at all times.

**11.2** Where any Sign or advertising device is deemed by the Municipal Law Enforcement Officer to be in a state of disrepair, defective, in an unsafe condition or in a dangerous location, the Municipal Law Enforcement Officer may, in his/her discretion, either serve written notice to the owner and/or tenant of the property on which or in front of which such Sign is located or to the erector of the Sign, to remove such Sign or make the same safe in a specified time frame, or without giving notice to the owner and tenant of the property on which Sign is located or erector of the Sign, cause such Sign or structure to be removed.

**11.3** The area around the base of any Sign shall be kept free and clear of any weeds, Sign material, debris, trash and other refuse.

## **12. ENFORCEMENT AND PENALTIES**

### **12.1 REMOVAL AND NOTICE TO REMOVE**

**12.1.1** A Municipal Law Enforcement Officer, the Chief Building Official or any person authorized by them is authorized to take down or remove any Sign or other advertising device or to arrange with an independent agent for the taking down or removal of any Sign or advertising device that is erected or displayed in contravention of this By-law or exists in an unsafe condition.

**12.1.2** A Municipal Law Enforcement Officer or the Chief Building Official may direct any person who:

- (a) has caused or arranged for a Sign or other advertising device to be erected, displayed, altered or repaired without first having obtained a permit under this By-law, to obtain such permit forthwith;
- (b) having obtained a permit, has caused a Sign or other advertising device to be erected, displayed, altered or repaired contrary to the approved permit plans in respect of which the permit was issued, to make such Sign or other advertising device comply with this By-law and/or the permit granted under this By-law or,

- (c) to remove such Sign or other advertising device within any period as directed;
- (d) has contravened this By-law, to rectify such contravention.

**12.1.3** Notice of contravention given under this By-law may be given by personal service or ordinary mail to the person making application for a permit to erect a Sign, or where such Sign is existing, by personal service or ordinary mail to the owner of the Sign or property or tenant according to the last revised assessment records pertaining to the Town.

**12.1.4** None of the forgoing shall limit the Town from enforcing the provisions of this By-law by any other action or remedy permitted at law.

## **12.2 RECOVERY OF COSTS**

**12.2.1** Where any person is directed or required to do any matter or thing, and is default of it being done by the person directed or required to do it, such matter or thing may be done at the said person's expense and the costs incurred may be recovered by action or in accordance with Section 398 of the *Municipal Act, 2001* as amended from time to time.

## **12.3 PENALTY FOR NON-COMPLIANCE**

**12.3.1** Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine not exceeding \$5,000.00, for each offence exclusive of costs. Each day such violation is committed, or permitted to continue, shall constitute a separate offence and may be punishable as such there under. Such fine shall be recoverable under the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended from time to time.

**12.3.2** Where a person has been convicted of an offence under this By-law the Court may, in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted, directed toward the continuation or repetition of the offence.

## **13. MINOR VARIANCE**

**13.1** The Council of the Town may grant minor variances to this By-law. Council has deemed it appropriate to delegate authority to grant such variances to the Director in accordance with subsections (a), (b) and (c) hereof.

- (a) An application for a variance to this By-law shall only be granted by the Director if the Director determines the variance

- (i) to be minor;
- (ii) to be within the general intent and purpose of this By-law.
- (b) The Council of the Corporation of the Town of Milton also hereby authorizes the Director to impose such reasonable conditions on the approval of the application for variance as the Director deems reasonable and appropriate, and to prepare and register any required agreement implementing the approval of an application for variance, and further authorizes the Mayor and Town Clerk to execute such agreements.
- (c) If there is any objection to the variance sought or the conditions that the Director seeks to impose upon the granting of the variance or the Director's decision not to grant the variance, the application for variance shall be referred to Council, or a Committee thereof, for a decision on the application.
- (d) The decision of Council in this regard is final.
- (e) Upon application to the Planning and Development Department a fee shall be paid pursuant to Town of Milton Rates, Fees and Charges By-law as may be amended from time to time.

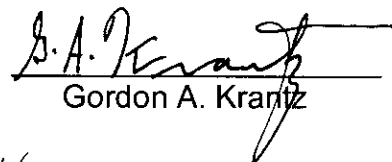
#### **14. SEVERABILITY**

**14.1** 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 any part thereof, other than the part declared to be invalid.

#### **15. REPEAL**

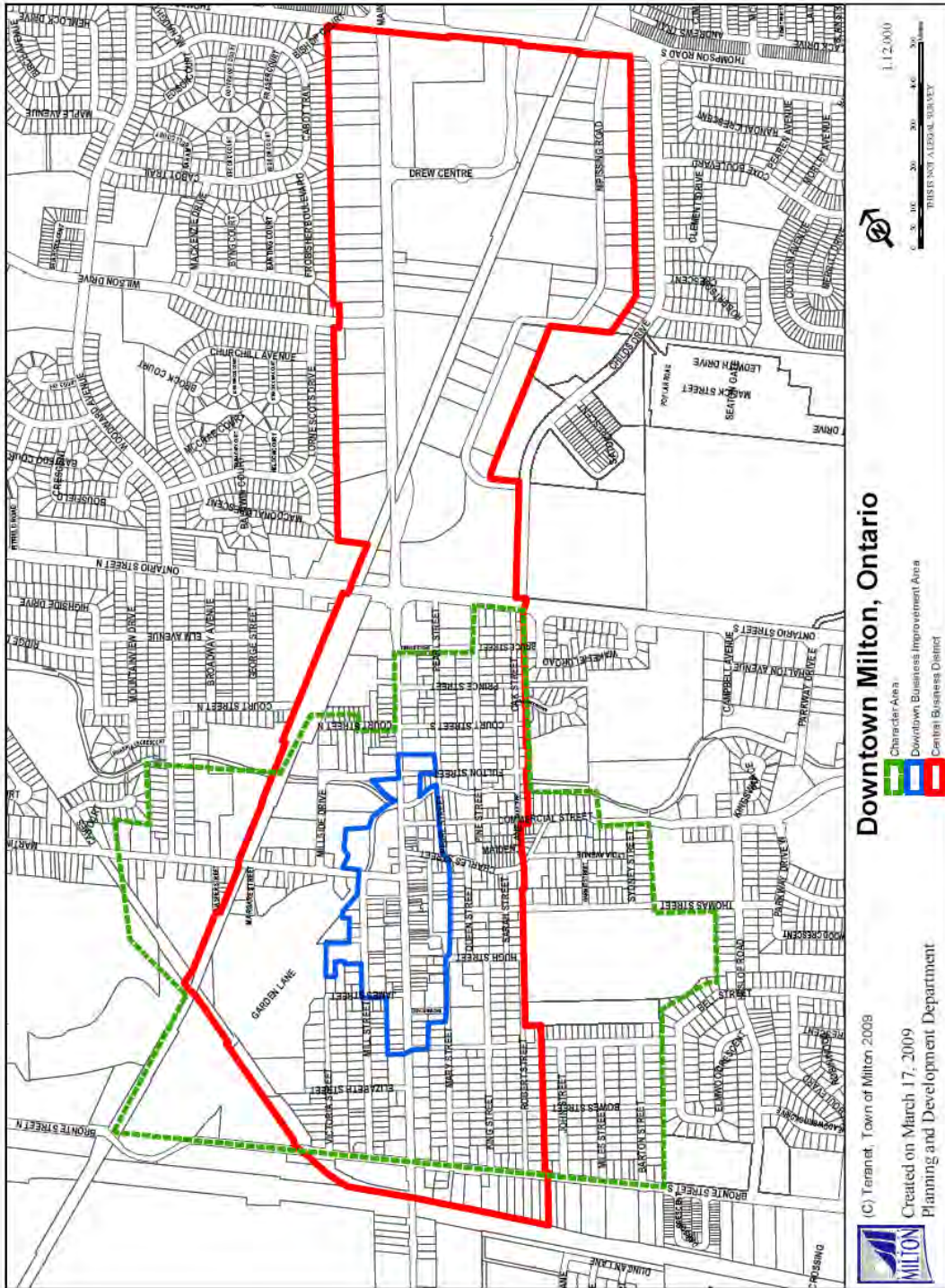
**15.1** THAT By-law No. 146-2002 and By-law No. 162-2005 are hereby repealed in their entirety.

**READ a FIRST , SECOND, and THIRD TIME and FINALLY PASSED** this 29th day of June, 2009.

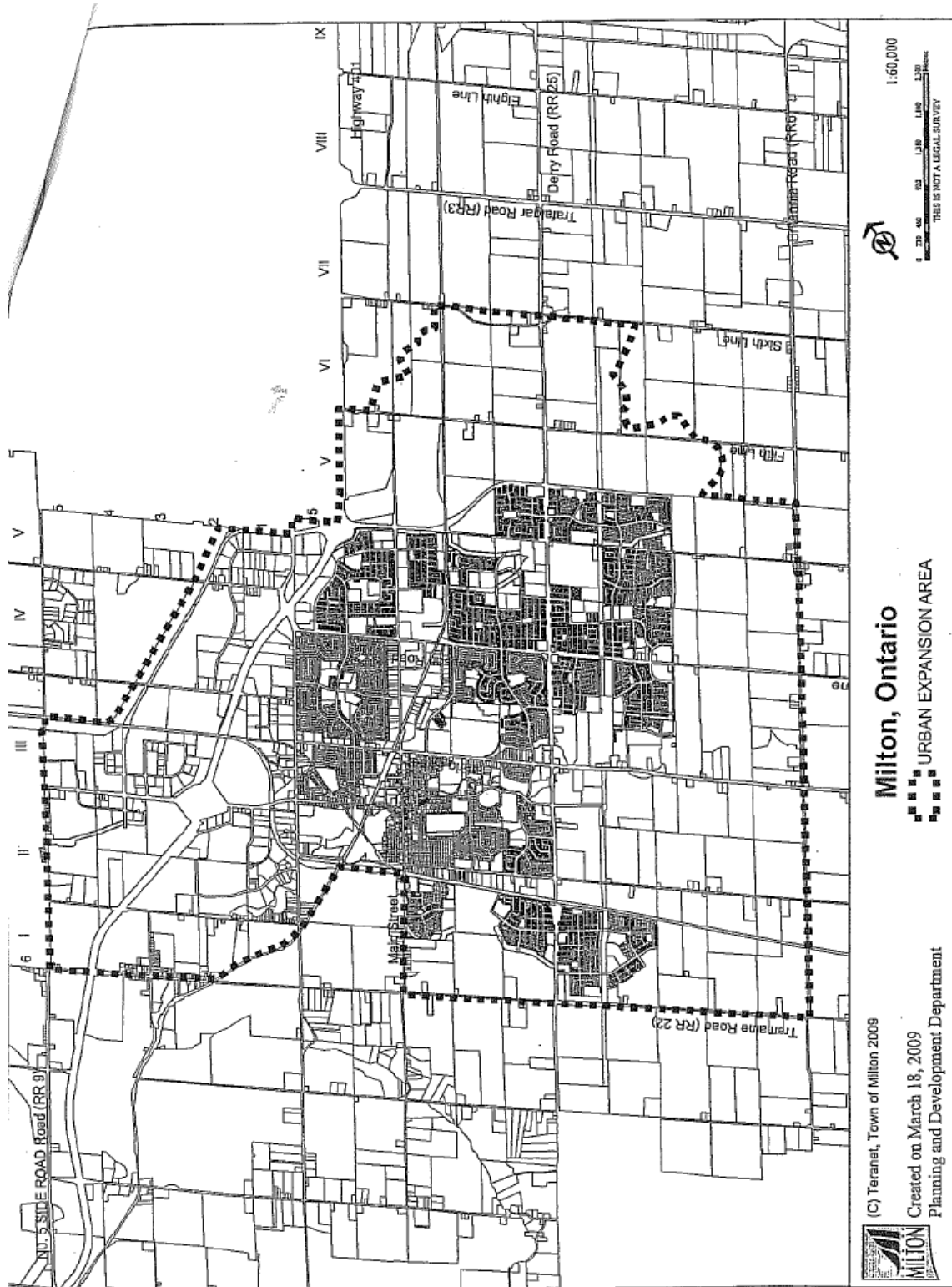
  
\_\_\_\_\_  
Gordon A. Krantz Mayor

  
\_\_\_\_\_  
Karyn Bennett Deputy Clerk

SCHEDULE A TO BY-LAW NO. 086-2009




SCHEDULE B TO BY-LAW NO. 086-2009



SCHEDULE C TO BY-LAW NO. 086-2009



 Downtown Campbellville



TOWN OF MILTON

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