

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2006-143

BEING A BY-LAW TO RESTRICT AND REGULATE SIGNS AND OTHER ADVERTISING DEVICES, INCLUDING POSTING OF NOTICES ON PUBLIC PROPERTY WITHIN THE CITY OF NORTH BAY (AND TO REPEAL BY-LAW NO. 25-97)

WHEREAS Section 99 of the *Municipal Act*, 2001, subsections 1 to 5, authorizes the Council to pass By-laws regulating signs and other advertising devices;

AND WHEREAS to further this objective Council passed By-law 25-97 being a By-law to regulate signs and other devices;

AND WHEREAS Council deems it desirable to pass a By-law regulating signs for the purpose of avoiding traffic hazards, unsightly appearance and maintaining aesthetic and architectural integration of all City streetscapes and abutting properties;

AND WHEREAS Council deems it desirable to pass a By-law regulating posters, and in so regulating seeks to balance a reasonable opportunity for expression through posters with the public interest in maintaining safety, litter control, and preventing visual blight in relation to the placement of posters;

AND WHEREAS Council deems it desirable to pass a By-law to facilitate such reasonable opportunities for the placement of posters within the Downtown Improvement Area of the City are in concert with the City's objective of providing a safe, attractive and litter-free Downtown Improvement Area;

AND WHEREAS Notice of the Public Meeting in the matter of the Sign By-law was given by way of advertisement in the North Bay Nugget on the 28th day of February, 2006 and on the 4th day of March, 2006;

AND WHEREAS a Public Meeting under the *Municipal Act* in the matter of the Sign By-law was held on the 20th day of March, 2006;

AND WHEREAS Council approved the Sign By-law pursuant to Community Services Committee Report No. 2006-16 passed on the 19th day of June, 2006;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:

SHORT TITLE:

This By-law shall be known and cited as the "City Sign By-law".

DEFINITIONS

1.0 In this By-law:

- 1.1 "**Abandoned Sign**" means a sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity, or for which no legal owner can be found.
- 1.2 "**Advertising Device**" means any device or object erected or located so as to attract public attention to any goods or services or facilities or events and includes flags, banners, pennants and lights.
- 1.3 "**Alter**" means any alteration to the supports or structure of a sign, but does not include any alteration to the message advertisement or emblem thereon, provided that such alteration does not comprise an alteration to the structure or support of said sign.

- 1.4 **“Animated Sign”** means a sign that, whether by mechanical and/or electrical means, is set in motion or appears to be set in motion, which fixture is an integral part of the construction of said sign, and shall include signs that project any moving or changing image.
- 1.5 **“Area”** means the area of a sign computed by multiplying the maximum width of a sign by the maximum length of that sign.
- 1.6 **“Awning/Canopies”** means a retractable or fixed rooflike cover of canvas or other suitable material extending over a doorway or window on which a sign may be placed.
- 1.7 **“Banner”** means a sign composed of lightweight material so as to allow movement which is caused by atmospheric conditions but does not include flags.
- 1.8 **“Billboard”** means a sign that advertises or identifies a product or service available, or a business not conducted on the property where the sign is located.
- 1.9 **“Building Street Frontage”** is defined as the linear measurement of the building face that runs parallel to a public street.
- 1.10 **“City”** means the Corporation of the City of North Bay.
- 1.11 **“Council”** means the Council of the Corporation of the City of North Bay.
- 1.12 **“Daylight Corner”** means a corner lot located at the intersection of two streets where no visual obstruction will be permitted such that it will obstruct the vision of any motorist.
- 1.13 **“Directional Sign”** shall mean a sign which is affixed to a utility pole usually located at an intersection and which identifies an institution or public area, and in some cases, a business.
- 1.14 **“Director”** means the Managing Director of Community Services of the City or such a person as he may designate from time to time.
- 1.15 **“Election Sign”** means a temporary sign used to advertise a name involved in the current political Municipal, Provincial or Federal election.
- 1.16 **“Facia Sign”** shall mean a sign which is in any manner affixed to any exterior wall of a building or structure, and which does not project from the building or structure wall and does not extend above the parapet, eaves or building facade of the building on which it is located.
- 1.17 **“Freestanding Sign”** means a sign which is supported by one or more columns, uprights or braces in or upon the ground and does not include ground signs. It is primarily used to advertise goods or services which may or may not be available on the premises.
- 1.18 **“Ground Sign”** means a sign supported by uprights or braces in or upon the ground or structural base, which is not attached to any part of the building and which, because of its design nature may not be moved, and is primarily used to identify the name and/or location of the building on the property on which the sign is located, and does not include a freestanding sign.
- 1.19 **“Identification Sign”** means an incidental sign used to identify the name and address of a building, institution or person and/or the activity or occupation being identified.
- 1.20 **“Illuminated Sign”** means a sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

- 1.21 **“Incidental Sign”** means a sign less than 1 square metre in size whose use is incidental to another use and which, therefore, does not require detailed regulation by this By-law.

Without limiting the generality of the foregoing, incidental signs normally include numerical street numbers, nameplates, signs advertising products for sale on the same property, direction or identification signs and shall not include ground signs.

- 1.22 **“Inflatable Sign”** means any temporary sign that is inflated.
- 1.23 **“Lot Frontage”** means the horizontal distance between the side lot lines measured along the front lot line, except that:
- (i) where the front lot line is not perpendicular to the side lot line, which are parallel, lot frontage means the horizontal perpendicular distance between the side lot lines, and
 - (ii) where the front lot line is not a straight line and the side lot lines are not parallel, the lot frontage is to be measured by a line six (6) metres back from and parallel to the chord of the lot frontage, and for the purpose of this paragraph, the chord of the lot frontage is a straight line joining the two points where the side lot lines intersect the front lot line.
- 1.24 **“Mobile Sign”** means any sign not securely anchored to a permanent foundation or to a building or which, because of its design nature, may be moved and shall include a sign located on a vehicle or trailer or variation thereof, other than a sign printed or painted on or attached to the side identifying ownership of a commercial vehicle. Sandwich Board Signs or V-Signs shall not be deemed as “Mobile Signs”.
- 1.25 **“Nameplate”** means an on-premise identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.
- 1.26 **“Overhanging Sign”** means any sign permanently anchored to the vertical face of a building and which projects horizontally. Overhanging signs generally identify the businesses located within a building or products or services offered.
- 1.27 **“Park or Recreation Facility Sign”** means a permanent sign which identifies a public park property, neighbourhood or district park, or recreational facility to the general public. Information on the sign may also advise the public regarding programs or events occurring at the site.
- 1.28 **“Person”** means an individual, business, firm, corporation, association or partnership.
- 1.29 **“Poster”** means any bill, notice, or sign which contains direction, information, identification or advertisement, but does not include any material related to a court order or court process.
- 1.30 **“Public Property”** shall mean property, lands, or buildings, owned by the Corporation of the City of North Bay, or a local board as defined in the Municipal Act, 2001, as amended, or owned by the Federal or Provincial governments, and includes, but is not limited to, beaches, parking lots, public parks, road allowances, Community Bulletin Boards, and/or right-of-ways.
- 1.31 **“Real Estate Sign”** means a temporary sign used exclusively to advertise the sale, lease or rent of the property on which the sign is located.
- 1.32 **“Rooftop Sign”** means a sign supported from and erected upon the rooftop of a building.

- 1.33 **“Sandwich Board Sign or V Sign”** means any sign not permanently attached to or affixed into the ground, to a building or structure, which is hinged or otherwise attached at the top or side enabling the two sign faces to be extended into an inverted V-shape so as to support the said sign in an upright position, on its side or in any other manner.
- 1.34 **“Sign”** means any device, structure, fixture or placard using graphics, symbols, and/or written copy for the primary purpose of identifying, providing directions or advertising any establishment, product, goods or services, with the exception of window displays, interior signs, national flags and painting of exterior building walls. For the purpose of removal of signs, this definition may also include all sign structures as well as any inflatable advertising devices.
- 1.35 **“Special Area”** means the area of the Downtown Improvement Area as set out in By-law No. 144-77 and amendments thereto.
- 1.36 **“Temporary Sign”** means a sign not constructed or intended for long-term use. It is primarily used to advertise special events, grand openings or holidays and can include real estate signs. For the purpose of this By-law, a mobile sign shall not be considered a temporary sign.
- 1.37 **“Trailer Sign”** means a sign transportable by, or painted on, a tractor trailer vehicle depicting an advertisement to attract business to, or for a specific location.
- 1.38 **“Window Sign”** means a sign installed inside a window and intended to be viewed from the outside.
- 1.39 **“Zone”** means a zone designation contained in the North Bay Zoning By-law, as amended.

GENERAL PROVISIONS:

- 2.0 No person shall erect, display or maintain:
- a) abandoned signs
 - b) banners, except in the Downtown Improvement Area (as indicated on Schedule “C”).
 - c) signs imitating or resembling official traffic or government signs or signals
 - d) rooftop signs, except by variance to this By-law.
- 2.1 No person shall construct, erect or alter or cause construction, erection or alteration of a sign without first having obtained a permit from the City as set out in Schedule “B” hereto.
- 2.2 The owners of any sign, including signs or advertising devices listed in Section 2.4., erected, constructed or altered in the City shall conform to the provisions of this By-law and to any applicable requirements of the Ontario Building Code and any Order issued under this By-law.
- 2.3 A permit is not required for the following signs or advertising devices:
- i) incidental signs not exceeding 1 square meter and not illuminated;
 - ii) temporary signs;
 - iii) adding Universal Access/Information Symbols for the visually impaired or the illiterate on existing billboards, directional or fascia signs;

- iv) maintenance, repair or replacement of sign faces using materials similar to the materials of the component being maintained or repaired;
- v) signs used by schools, places of worship, civic organizations or for those uses referenced in Section 12.0 (Public Uses Permitted);
- vi) construction signs, directional/information signs;
- vii) holiday or special events decorations;
- viii) nameplates of 0.2 square metres or less;
- ix) election signs;
- x) public signs or notices, or any sign relating to an emergency;
- xi) real estate signs limited to property listing signs and open house directional signs;
- xii) window signs, displays, interior signs, handbills or window posters.
- xiii) Flags bearing the emblems or logos of a Nation, Province, Municipality, Organization and those not bearing a logo or message of a commercial nature.
- xiv) posters located on Community Bulletin Boards.

2.4 No person shall erect, display, affix, attach, fasten, or alter any sign on public property, including road allowances.

2.5 No person shall erect, display, affix, attach, fasten, or alter any sign within a daylight corner.

2.6 All signs or advertising devices erected or displayed shall be non-offensive to the public.

2.7 Notwithstanding any other section of this By-law, no person shall construct, affix, attach, fasten, alter, display or continue to display any sign which obstructs the sight of or access to any of the following:

- i) fire hydrant;
- ii) sprinkler connection;
- iii) fire alarm box;
- iv) police call box;
- v) traffic signal box;
- vi) traffic signal light;
- vii) street light;
- viii) traffic sign;
- ix) manhole;
- x) catchbasin;
- xi) waterworks;
- xii) valve chamber;
- xiii) fire escape;
- xiv) emergency exit from a building

or any other property designated by the Director where he determines on reasonable grounds that public or occupational safety would be at risk if unobstructed sight of such property is obstructed.

2.8 Notwithstanding any other section of this By-law, no person shall construct, affix, attach, fasten, alter, display or continue to display any sign which obstructs free and immediate access to any of the items listed in Section 2.7 above or to utility poles, road allowances, or any other property where the public or occupational safety would be at risk if free and immediate access to or on such property is obstructed.

APPLICATION FOR SIGN PERMIT:

- 3.0 No person shall erect or display a sign unless the application form as set out in Schedule "B" has been filed, signed by the approval authority, signed by the applicant (with written consent by the owner if required) and approved by the City of North Bay.
- 3.1 An application for a sign shall only be approved where it is in compliance with this By-law.
- 3.2 All plans and drawings accompanying a sign permit application for a permanent sign shall be provided in duplicate and shall contain the following information:
- (a) a key plan showing the general location of the land on which the proposed sign is to be located and the nearest major intersection;
 - (b) the municipal address and legal description of the property;
 - (c) the existing or proposed use of the premises drawn to scale and indicating all setbacks;
 - (d) the location and dimensions of the frontage and all boundaries of the premises on which the sign is proposed to be erected;
 - (e) the location of the proposed sign on the premises, drawn to scale and indicating all setbacks;
 - (f) details of sign drawn to scale, including dimensions, sign area and any other information as may be required to determine compliance with this By-law; and
 - (g) authorization of the owner of the premises on which the sign is to be erected or displayed.

HAZARDOUS SIGNS

- 4.0 No person shall erect, display or allow the erection or display of any sign which constitutes a danger to the public by reason of:
- a) faulty support, or
 - b) inadequate construction, or
 - c) dangerous distraction to vehicular traffic.
- 4.1 Where a sign is erected or displayed contrary to Section 4.0, the Director shall forward a notice, by personal service or regular post, to the lessee or owner of the sign or their agents, or if there is no lessee, or the lessee, owner or agent thereof cannot be determined with certainty, to the person or agent thereof having the use or major benefit of the sign, or if such person is unknown, to the registered owner of the land on which the sign is situated, requiring that the illegal sign be removed, or in a proper case, be made to comply with this By-law forthwith of the date of the notice, it may be pulled down and removed by the City.
- 4.2 Failure to comply with the Notice, as given pursuant to Section 4.1, allows the City to pull down and remove the sign at the expense of the owner, agent or lessee of the sign.
- 4.3 In cases of emergency, the Director may cause the immediate removal of a dangerous or hazardous sign, as outlined in Section 4.0, without notice.

LEGAL NON CONFORMING SIGNS

5.0 Determination of Legal Nonconforming Status

Existing signs which do not conform to the specific provisions of the By-law may be eligible for the designation "legal nonconforming" provided that the sign was installed in conformity with a valid permit or variance, or complied with all applicable laws on the date of adoption of this By-law.

5.1 Loss of Legal Nonconforming Status

A legal nonconforming sign may lose this designation if:

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

5.2 Maintenance and Repair of Legal Nonconforming Signs

- a) Any person who maintains a legal nonconforming sign is subject to all requirements of this by-law regarding safety, maintenance and repair.
- b) If the sign suffers more than fifty (50) percent damage or deterioration, based on an appraisal, the owner shall bring the sign into conformity with this By-law or be removed.

PULLING DOWN AND REMOVAL OF UNLAWFUL SIGNS

- 6.0 Where a sign is erected or displayed in contravention of this By-law, such sign may be pulled down or removed by the City in the manner stated in this section.
- 6.1 Where a sign is erected or displayed contrary to this By-law, the Director shall forward a notice, by personal service or regular mail, to the lessee or owner of the sign or their agents, or if there is no lessee, or the lessee, owner or agent thereof cannot be determined with certainty, to the person or agent thereof having the use or major benefit of the sign, or if such person is unknown, to the registered owner of the land on which the sign is situated, requiring that the illegal sign be removed, or in a proper case, be made to comply with this By-law within two business days of the giving of the notice.
- 6.2 A notice which is mailed pursuant to Section 6.1 shall be deemed to be received on the seventh day following the day on which the notice was mailed.
- 6.3 If the notice given, pursuant to Section 6.1 is not complied with, the Director shall instruct City forces or an independent contractor to enter upon the land to pull down and remove the sign between the hours of 8:00 a.m. and 6:00 p.m., but no such entry shall be made into a building for this purpose.
- 6.4 Signs so removed shall be stored by the City for a period of not less than thirty (30) days, during which time the owner, or his agent, may be entitled to redeem the sign upon receipt of payment to the City:
 - a) the sum of \$400.00, being the cost of removing the sign;
 - b) a storage charge of \$25.00 per day;
 - c) a signed acknowledgement and release on a prescribed form;
 - d) where the sign is so large as erected that the cost of pulling down and removing exceeds \$400.00, then the cost to redeem shall be the actual cost accrued by the City.

6.4.1 The expense of such removal may be recovered from the owner or occupant of the building or premises upon or to which it is attached by action at law which may include an assessment or lien to be collected in like manner of realty taxes. Nothing contained herein shall diminish or affect the liability of any person to any penalty imposed for a breach of the By-law.

6.5 Where a sign has been removed by the City and stored for a period of thirty (30) days and such sign has not been redeemed, such signs may be forthwith destroyed or otherwise disposed of by the City.

6.6 Where a sign has been located on, over, partly on, or partly over, a highway or any other public property under the jurisdiction of the City of North Bay, that sign or signs may be removed by the City immediately without notice.

6.7 A copy of an invoice for any charges for removal of unlawful signs, together with a certificate by the Chief Financial Officer that:

- a) an invoice has been sent to the persons liable to pay the same;
- b) no payment or insufficient payment has been received for the invoice; and
- c) payment of the invoice is overdue;

shall be sufficient authority to enter the amount of the unpaid balance of the invoice on the Collector's Roll. Should the offending person not be a registered owner of property, said invoice shall be forwarded to the City Solicitor for legal action without further notice.

6.8 Unlawful utility pole poster signs and signs on public property, including road allowances, may be disposed of immediately without any notice.

6.9 Revocation of Permit

A permit may be revoked by the City of North Bay under the following circumstances:

- a) where the sign does not conform with the provisions of this By-law and amendments thereto, or
- b) where the sign does not conform with any legal requirements of any governmental authority having jurisdiction over the area where the sign is situated, or
- c) where the permit has been issued as the result of false or misleading statements, or undertakings in the application, or
- d) where the permit has been issued in error by the City, or
- e) where insufficient funds are indicated by a recognized financial institution.

CONFLICT WITH ONTARIO BUILDING CODE

7.0 In the event of any conflict between the provisions of this By-law and the provisions of the Ontario Building Code, the provisions of the Ontario Building Code shall prevail.

7.1 Any sign requiring a building permit shall not be required to pay the applicable fee for the sign permit, however, a sign permit must still be applied for and obtained prior to the erection, alteration or construction of any sign, in accordance with this By-law.

REGULATIONS BY ZONE

8.0 Signs Permitted In All Zones

The following signs are permitted in all zones as defined in the City's current Zoning By-law:

- a) All signs not requiring permits (Section 2.4)
- b) Temporary special events sign(s) per property as allowed by the Director for special events, grand openings, or holidays. Such signs may be erected forty-five (45) days prior to a special event or holiday and shall be removed five (5) days following the event or holiday.

8.1 Posters

Posters are permitted provided that:

- a) Maximum size of poster on private property is 91 cm x 61 cm.
- b) Maximum of one poster per property on private residential property.
- c) Notwithstanding any other provisions of this By-law, no person shall attach, erect or display any posters on utility poles.

8.2 Signs permitted in Residential Zones

Signs are allowed as follows in residential zones as defined in the City's current Zoning By-law:

- a) All signs permitted in Section 8.1;
- b) In the case of Residential Multiple Second Density (RM2) to Residential Multiple Sixth Density (RM6) zones located along any Ministry of Transportation controlled corridors, the Ministry of Transportation Sign Regulations shall prevail.

8.2.1 Ground Signs

Ground signs are permitted provided that:

- a) such signs are located in the RM2 to RM6 zones only;
- c) the maximum number of signs per building is one;
- d) the maximum area of the ground sign is 1 square metre;
- e) the maximum height (including supports) is 1.8 metre; and
- f) the minimum setback from the front and side property lines is 1.5 metres. The setback from the exterior side yards is 3 metres.

8.2.1.1 Illumination of the ground sign is permitted.

8.3 Signs Permitted in Rural Zones

Signs are permitted as follows in rural zones as defined in the City's current Zoning By-law:

- a) All signs permitted in Sections 8.1 and 8.2; and

- b) In the case of the rural zones located along any Ministry of Transportation controlled corridors, the Ministry of Transportation Sign Regulations shall prevail.

8.3.1 Billboards

Billboards are permitted provided that:

- a) maximum height of billboards is restricted to 8 metres above the finished grade at ground level;
- b) maximum area of billboard sign is 20.5 square metres;
- c) minimum distance billboards located from any residential use in a rural zone where the principal use is residential is restricted to 50 metres;
- d) minimum distance between billboards in any rural zone is 50 metres unless contiguous with each other; and
- e) maximum of two signs on any property.

8.3.1.1 Illumination and animation of the billboard sign is permitted.

8.4 Signs Permitted In Commercial And Industrial Zones

The following designated signs are permitted in commercial and industrial zones, as defined in the City's current Zoning By-law:

- a) As permitted in Sections 8.1 and 8.2; and
- b) In the case of commercial or industrial zones located along any Ministry of Transportation controlled corridors, subject to compliance with the Ministry of Transportation Sign Regulations; and
- c) As set out with the designated signs in 8.4.1 to 8.4.9

8.4.1 Awnings/Canopies

Awnings/Canopies are permitted provided that:

- a) minimum height to the frame of the canopy is 2.5 metres above the finished grade at ground level;
- b) maximum projection from the wall (building face) is 1 metre; and
- c) the sign area of the advertised message is to be included in the total area calculation for facia sign area.

8.4.2 Facia Signs

Facia Signs are permitted on building faces only provided that:

- a) in the case of a corner lot, the maximum area of facia signs is 25% of the front building face for both front and flankage sign. The maximum flankage face area sign shall not exceed the sign area of the frontage;
- b) in the case of an interior lot, the maximum area of facia sign is 30% of the front building face;
- c) maximum projection of .5 metres from building face;
- d) minimum height is restricted to 2.5 metres from grade to any part of the sign;

- e) facia signs must not extend above the eaves of the building;
- f) facia signs are prohibited on public property unless approved by way of an encroachment agreement; and
- g) facia signs must advertise the business or service conducted on the property where the sign is located.

8.4.2.1 Illumination and animation on facia signs is permitted.

8.4.3 Freestanding Signs

Freestanding signs are permitted provided that:

- a) maximum area of sign is 12 square metres;
- b) maximum height above grade is 8 metres;
- c) minimum height of 2.5 metres above grade intended for pedestrian traffic;
- d) minimum height of 4.5 metres above grade intended for vehicular traffic;
- e) maximum of one sign per building with the exception of properties with five or more businesses in a plaza allows for one additional sign; and
- f) freestanding signs may or may not advertise or identify a product or service available, or a business not conducted on the property where the sign is located.

8.4.3.1 Illumination and animation on freestanding signs is permitted.

8.4.4 Mobile Signs

Mobile signs are permitted provided that:

- a) maximum of one sign per lot;
- b) where there is more than one business located on a lot, one additional sign is permitted;
- c) one additional sign is permitted on the flankage side of a corner lot; daylight corner provisions must be met as indicated in the City's current Zoning By-law;
- d) notwithstanding Section 2.5, mobiles signs must have a minimum setback of 1.2m from the front or side property lines.
- e) the lot frontage is more than 12 metres;
- f) each mobile sign permit be provided with one (1) tag which said tag must be visibly displayed on the mobile sign at all times; and
- g) mobile signs shall not exceed 6.5 square metres in total face area, including head frame.

8.4.4.1 Mobile signs are not permitted in residential zones or on any vacant lot in any zone.

8.4.4.2 Mobile signs shall only contain an advertising message for the business or service located on that property.

8.4.4.3 Notwithstanding Section 8.4.8, charitable or not-for-profit organizations may be permitted to advertise a community event on mobile signs. These mobile signs containing a charitable or not-for-profit event message must be removed from the site no later than the next business day following the community event.

8.4.5 Sandwich Boards Signs or V Signs

Sandwich board signs or V signs shall be permitted in any commercial or industrial zone and located on the same lot to which the business is located, provided that:

- a) the maximum height permitted is 1.5 metres;
- b) the maximum width permitted is 1 metre;
- c) sandwich board signs shall be located in such a manner so as to provide clear and free pedestrian movement at all times, and shall be placed in a position whereby they abut the building adjacent to the sidewalk, or, where there is a widened area of sidewalk, sandwich board signs shall be placed as close to the curb as possible.

8.4.5.1 Any person who places an authorized sandwich board sign on public property shall remove such sign at the close of business hours for the abutting business.

8.4.5.2 Sandwich board signs shall be prohibited in residential zones.

8.4.6 Billboard Signs

Billboards are permitted provided that:

- a) maximum height of billboards is restricted to 8 metres above the finished grade at ground level;
- b) maximum area of billboard sign is 20.5 square metres. The sign may be constructed with separate sign faces but must be one structure;
- c) minimum distance billboards located from any residential use in a zone where the principal use is residential is restricted to 30 metres;
- d) minimum distance between billboards in any commercial or industrial zone is 30 metres unless contiguous with each other;
- e) maximum of one sign on any commercial or industrial property;
- f) any part of the billboard sign must be setback 3 metres from the front property line.
- g) the sign must be kept in good condition and maintained at all times, which includes the messages or the advertisement; and
- h) if the sign is not in use, the face area of the billboard sign must not be left in an untidy state.

8.4.6.1 Illumination and animation of billboard signs is permitted.

8.4.7 Overhanging Signs

Overhanging signs are permitted provided that:

- a) minimum height above the finished grade shall be 2.5 metres measured from the nearest point of the sign;
- b) maximum projection from the main wall of the building shall be 1.8m, including any part of the sign; and
- c) maximum sign face area shall be 1.25m²;

8.4.7.1 Illumination or animation shall be permitted.

8.4.7.2 Overhanging signs projecting over municipal property shall require the entering into and execution of an Encroachment Agreement between the owner and the City of North Bay.

8.4.7.3 Certain overhanging signs may require a building permit under Section 3.14 of the Ontario Building Code 1997, as amended.

8.4.7.4 Overhanging signs shall be permitted only in the Downtown Improvement Area as indicated on Schedule "C". All other locations shall be considered by City Council by way of a variance to the Sign By-law.

8.4.8 Rooftop Signs

- a) Rooftop signs shall only be permitted by variance to this By-law.

8.4.9 Trailer Signs

- a) Trailer signs shall only be permitted by variance to this By-law.

PROHIBITION IN DOWNTOWN IMPROVEMENT AREA

9.0 No person shall attach any advertising devices to any public property or utility pole within the area described as the "special area" of the North Bay Downtown Improvement Area Board by By-law No. 144-77 and amendments thereto, unless in accordance with Section 2.1 and Section 10.

USE OF COMMUNITY BULLETIN BOARDS

10.0 Designation

- a) The Community Bulletin Boards shall be maintained in designated locations for the use of any member of the public. For the purposes of this Section, each side of a two-sided Community Bulletin Board shall constitute a separate community bulletin board.
- b) The Community Bulletin Boards, located within the Downtown Improvement Area, as indicated in Schedule 'C' attached hereto, are maintained by the Downtown Improvement Area, and therefore, priority for advertising will be given to any member business within the Downtown Improvement Area.

10.1 Dimensions – Poster

The Downtown Improvement Area will have sole discretion to limit the size of a poster to be attached to any Community Bulletin Board.

10.2 Person Attaching – Date

No person shall attach to a Community Bulletin Board a poster which does not clearly indicate the date upon which the poster is attached.

10.3 Person Attaching – Fastening Devices

No person shall use, in order to attach a poster to the inside face of a Community Bulletin Board, any staples, tacks, nails, paste, glue or any metal or other sharp or rigid fastening device. A poster may be attached only with masking tape or some similar easily removable tape.

10.4 Person Attaching – Not More Than One Poster

No person shall attach more than one poster to a Community Bulletin Board containing the same direction, information, identification or advertisement.

10.5 Duration of Attachment of Poster

- a) No person shall, having attached a poster to a Community Bulletin Board, permit the poster to remain attached to the board after the later of:
 - (i) the completion of the advertised event, if any, or
 - (ii) the expiration of seven (7) days from the date upon which the poster is attached.
- b) Where an advertised event has expired, the Director may permit the removal of such poster with no notice to the originator of the event.

10.6 Covering of Posters

- a) No person shall attach a poster which completely covers any portion of the message of a poster which is attached to a Community Bulletin Board in conformity with this Section.

10.7 Removal of Posters

- a) After the first day of every month the City's agents or employees may remove signs howsoever attached to public property throughout the City, including but not limited to signs attached pursuant to this By-law on Community Bulletin Boards, and the City's agents and employees may dispose of all such signs in a like manner as garbage or as they otherwise see fit.

SIGNS IN WATERFRONT REDEVELOPMENT AREA & PUBLIC PARKS SITES

11.0 No person shall construct, or alter or cause a construction or alteration of a sign on public property within the park areas adjacent to Memorial Drive, and known as the Waterfront Redevelopment Area in the Official Plan, unless otherwise approved by City Council.

11.1 No person shall construct, alter or cause a construction or alteration of a sign on a municipally-owned park area, playfield site or recreational facility, except on Park Bulletin Boards and in accordance with the following regulations:

- a) District Park Signs
 - (i) maximum sign face area of four and six-tenths (4.6) square metres;
 - (ii) maximum height above grade of two and five-tenths (2.5) metres;
 - (iii) minimum ground clearance of three-tenths (0.3) of a metre; and

- (iv) maximum of one (1) sign per street frontage or pedestrian access point.
- b) Recreational Facility Signs
- (i) maximum sign face area is three times the square measure of the building street frontage;
 - (ii) signs may be illuminated;
 - (iii) signs may be fascia mounted or part of a ground level landscaping feature.
- c) Recreational Facility Field Advertising Signs
- Field advertising signs are exempt from By-law regulations provided that all signs face toward the centre of the playfield.

PUBLIC USES PERMITTED

- 12.0 The provisions of this By-law shall not apply to any signs constructed or altered, or cause to be constructed by the City and any of its Boards and Commissions, and/or any department of the Government of Canada or the Province of Ontario and/or Crown Corporation provided that all setbacks are complied with.
- 12.1 Applications for private signs on any other City-owned property or buildings will be considered by specific request to City Council.

ENFORCEMENT

- 13.0 Any police officer, provincial offences officer or employee of the City, whose duties include the enforcement of this by-law, is authorized
- a) to request any person believed by such officer or employee to be contravening or who has contravened any provision of this by-law to desist from the activity constituting or contributing to such contravention; and
 - b) to enforce this by-law pursuant to the provisions hereof and of the *Provincial Offences Act*, R.S.O. 1990, c.P.33, as amended, or any successor thereof, and of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended or any successor thereof.

PENALTY

- 14.0 Any person who:
- a) contravenes or fails to comply with any provisions of this By-law or any permit issued hereunder; and/or
 - b) erects or places a sign in contravention of this by-law; and/or
 - c) obstructs or hinders any person in the performance of his/her duties under this by-law; and/or
 - d) fails to comply with any order of the Director

is guilty of an offence and on conviction is liable to a fine, penalty or order as provided for in the *Provincial Offences Act*, R.S.O. 1990, c.P.33, as amended, or any successor thereof, or in the *Municipal Act, 2001*, S.O. 2001, c.25, as amended or any successor thereof.

15.0 By-law No. 25-97 is hereby repealed.

READ A FIRST TIME IN OPEN COUNCIL THE 5TH DAY OF SEPTEMBER, 2006.

READ A SECOND TIME IN OPEN COUNCIL THE 5TH DAY OF SEPTEMBER, 2006.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 5TH DAY OF SEPTEMBER, 2006.



MAYOR VIC FEDELI



DEPUTY CLERK TERRY RINGLER

SCHEDULE "A" TO BY-LAW NO. 2006-143

SIGN PERMIT FEES

Type of Sign	Permit Fee
1) Ground Signs, Billboard Signs, Awning or Canopy Signs, Facia Signs, Freestanding Signs	\$100.00
2) Mobile Signs renewable each year commencing Jan. 1 st (Tags to be provided for each Mobile Sign)	\$100.00/sign
3) Variance to the Sign By-law	in accordance with Planning Services User Fees

Schedule 'B' of Sign By-law 2006-143

APPLICATION FOR SIGN PERMIT

Applicant's Name _____ Address _____

Property
Owner's Name _____ Address _____

Contractor _____ Address _____

Description of Type of Sign & Mounting _____

To: Erect Alter Add Renovate

Located On: _____ Street _____ Plan: _____
(for mobile signs, please provide on a separate sheet, locations where all mobile signs will be located. Any amendments will require **immediate** written notification to the Zoning Administrator.)

Dimension of Sign: _____ Sign Area: _____

Estimated Value Including Supports: _____

Application submitted on the _____ day of _____, _____.

CONDITIONS OF APPROVAL

- 1) Each application shall be accompanied by the applicable fee as indicated on Schedule 'A' of Sign By-law 2006-143.
- 2) Each application shall be accompanied by a plan to scale which indicates all of the true dimensions of the proposed sign, including the proposed height above grade, and further indicating the type of materials involved in the construction, lighting and support of the proposed sign.
- 3) I/we also agree to comply with the applicable Sign By-law and Zoning By-law to the Corporation of the City of North Bay, and to the Ontario Building Code, and any amendments thereto.
- 4) I/we also agree with the applicable provisions of the Construction Safety Act.
- 5) The Managing Director of Community Services may require the application to produce a block plan showing the street lines, boundaries, dimensions and setbacks of the land on which the sign is to be constructed, repaired or erected, and showing also the location of the sign to any existing structures on the land and adjoining lands.

I hereby signify that I will comply with the instructions on this Permit to the full satisfaction of the Corporation and its agents.

Signature of Owner or Applicant

Date Approved: _____, _____

Zoning Administrator

**Schedule 'C' of Sign By-law 2006-143
(Downtown Improvement Area)**

