



OFFICE CONSOLIDATION
BY-LAW NUMBER 2005-21,
AS AMENDED
THE SIGN BY-LAW

FEBRUARY 20, 2018

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THE CORPORATION OF THE CITY OF WELLAND

BY-LAW NUMBER 2005-21

BEING A BY-LAW FOR PROHIBITING AND REGULATING THE
ERECTION OF SIGNS AND OTHER ADVERTISING DEVICES
AND TO REPEAL BY-LAW 994, 1003, 1623, 1711, 1797, 2016,
2446, 2789, 2790, 2845 AND 2890

WHEREAS Section 11.(2) of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended, provides that by-laws may be passed by a lower-tier municipality for structures including fences and signs;

AND WHEREAS Section 9 of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended, provides for the interpretation and scope of by-law making powers, including providing for a system of licenses, permits, approvals or registrations for the regulated matter;

AND WHEREAS Section 128 of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended, provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are, or could become, or cause public nuisances;

AND WHEREAS Section 130 of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended, provides that a municipality may regulate matters not specifically provided for by the Municipal Act or any other Act for purposes related to the health, safety and well-being of the inhabitants of the municipality;

AND WHEREAS Section 99 of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended, provides that a municipality has specific powers to regulate signs and advertising devices;

AND WHEREAS Section 427 of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended, provides that where a municipality has the authority by by-law to direct or require that a matter or thing be done, the municipality may, in the same or another by-law, direct that, in default of it being done by the person directed or required to do so, such matter or thing shall be done at the person's expense and the municipality may recover the costs by action or by adding the costs to the tax roll and collecting them in the same manner as taxes;

AND WHEREAS it is the desire of the Council of The Corporation of the City of Welland to regulate signs and advertising devices with a view to ensuring the safety of the public with respect to the erection, location, size and occurrence of such signs and advertising devices;

AND WHEREAS temporary signs and advertising devices, including posters on public utility poles, mobile signs, portable signs and other such temporary advertising devices, which were erected or displayed on the day this by-law comes into force, and which do not comply with the provisions

of this by-law, are, in the opinion of the Council of The Corporation of the City of Welland, deemed nuisances and safety matters requiring regulation;

AND WHEREAS all signs and advertising devices which were erected or displayed on the day this by-law comes into force without the benefit of a Sign Permit issued at the time of erection, where such permit was required, are unlawful and must comply with this by-law.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF WELLAND ENACTS AS FOLLOWS:

SECTION 1 SHORT TITLE

1.1. This by-law may be cited as "The *SIGN* By-law".

SECTION 2 SCOPE

2.1. The provisions of this by-law shall regulate the erection, location, re-location, construction, substantial alteration, and the re-sizing or replacement of the *SIGN* or *SIGN STRUCTURE* for *SIGNS* and *ADVERTISING DEVICES* within the limits of the Corporation of the *CITY* of Welland. (By-law 2018-16)

2.2. A change in the message displayed, except for *ADULT ENTERTAINMENT SIGNS*, or the regular maintenance and repair of *SIGNS* or *ADVERTISING DEVICES* does not in itself constitute an alteration.

2.3. Where this by-law limits the number and spacing of a type of *SIGN* on a *LOT*, the limit shall include all existing *SIGNS* of such type on the *LOT*, including those erected on the day this by-law comes into force, when consideration is given to erecting a new *SIGN*.

2.4. By-law Exemptions

2.4.1. Notwithstanding Subsection 2.1 of this by-law, this by-law does not apply to a *PERMANENT SIGN* that was lawfully erected or displayed prior to the passing of this by-law, if the *SIGN* is not substantially altered. This exemption does not apply to a *TEMPORARY SIGN*.

2.4.2. *SIGNS* erected with direct relevance to their public mandate, by or for the Federal Government of Canada, the Province of Ontario, the Regional Municipality of Niagara, the *CITY* of Welland, any school board or college identified in the Zoning By-laws of the *CITY*, the Niagara Health Services, or any local board as defined in the Municipal Act are exempt from this by-law, however such *SIGNS* requiring professional design by the Building Code shall require a *PERMIT* and must comply with the Building Code.

- 2.4.3. Notwithstanding Clause 2.4.2 of this by-law, *TEMPORARY SIGNS* erected on lands owned or leased by an entity defined therein shall comply with this by-law.
- 2.4.4. Picket *SIGNS* and other *SIGNS* carried or displayed on one's *PERSON* are exempt from this by-law.
- 2.4.5. A *SIGN* painted on, or that appears to be painted on, a plated vehicle having a valid vehicle permit and actually used as a vehicle is exempt from this by-law, with the exception of an *ADULT ENTERTAINMENT SIGN*, which is not permitted on a vehicle. (By-law 2006-161, 2007-13, 2018-16)
- 2.4.6. Nothing in this by-law shall regulate the display of the Canadian Flag, the Ontario Flag, or the municipal flags.
- 2.4.7. A *SIGN* on a *CITY* bus shelter and a bench *SIGN* authorized by agreement or contract with the *CITY* is exempt from this by-law.
- 2.4.8. Except for a *WINDOW SIGN* and an *ADULT ENTERTAINMENT SIGN*, a *SIGN* located within the interior of a building is exempt from this by-law. (By-law 2006-161)
- 2.4.9. Notwithstanding Clauses 2.4.1. and 2.4.2. of this by-law, *SIGNS* erected wholly or partly on *CITY PROPERTY* may be required to comply with this by-law, if the City Manager, the *GENERAL MANAGER* of Engineering, Public Works/Transportation Services, the *GENERAL MANAGER* of Parks/Recreation, or *COUNCIL* determines such compliance is in the best interest of the municipality. (By-law 2006-161)
- 2.4.10. The 3.66 metre (12') by 3.66 metre (12') located at 200 Buchner Road is exempt from this by-law. (By-law 2018-44)
- 2.5. Other Authorities
- 2.5.1. Nothing in this by-law shall limit the validity and effect of The Regional Municipality of Niagara *SIGN* By-law and the regulations of the Ministry of Transportation.
- 2.5.2.** Deleted in its entirety. (By-law 2018-16)
- 2.5.3. SECTION 3 DEFINITIONS**
- 3.1. In this by-law,
- 3.1.1. "1" denotes a Section of this by-law.
- 3.1.2. "1.1." denotes a Subsection of this by-law.
- 3.1.3. "1.1.1." denotes a Clause of this by-law.
- 3.1.4. "(a)" denotes a Subclause of this by-law.

- 3.2. Definitions in the Zoning By-laws of the *CITY* shall be used with respect to matters pertaining to land and land use and which are undefined in this by-law.
- 3.3. Definitions in the Building Code Act and the Building Code shall be used with respect to matters pertaining to buildings and signs which are undefined in this by-law.
- 3.4. "Abandoned or Obsolete Sign" means a *SIGN* located on property which becomes vacant and unoccupied for a period of ninety (90) days or more, or any *SIGN* which pertains to a time, event or purpose which no longer applies.
- 3.5. "Address Sign" means a *SIGN* depicting no other information except for the *STREET* number, *STREET* name, *OWNER'S* name, and/or common name of the property on which the *SIGN* is located.
- 3.6. "Adult Entertainment Sign" means a *SIGN* that promotes or advertises goods, entertainment, or services that are designed to appeal to erotic or sexual inclinations.
- 3.7. "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.
- 3.8. "Applicant" means the *APPLICANT* for a *PERMIT* to *ERECT* a *SIGN*.
- 3.9. "Banner" means a *FABRIC SIGN* which may be predominately one dimensional and may be erected across a *STREET*, highway, road, or other place.
- 3.10. "Billboard Sign" means a Third Party outdoor *SIGN* erected and maintained by a *PERSON* engaged in the sale or rental of the space on the *SIGN* to a clientele, upon which space is displayed copy that advertises goods, products, or services not necessarily sold or offered on the property where the *SIGN* is located, and the *SIGN* is either single faced or double faced.
- 3.11. "Boulevard Directional Sign" means a *SIGN* on the *CITY* boulevard giving directions to motorists and may be associated with a church or place of worship, but shall not be used for a business, commercial or industrial purpose.
- 3.12. "Canopy Sign" means a retractable or non-retractable building *PERMANENT SIGN* which may be designed to provide shelter from sun, wind, rain, or other elements includes a *SIGN* on a canopy, awning or marquee, which may or may not be supported by posts.
- 3.13. "Chief Building Official" means the *CHIEF BUILDING OFFICIAL* appointed by the *CITY* pursuant to the Building Code Act.
- 3.14. "City" means The Corporation of the *CITY* of Welland.

- 3.15. "City Property" means any property owned by the *CITY* including parkland, buildings and lands, vacant land, pathways, *STREETS*, opened and unopened road allowances.
- 3.16. "Community Bulletin Board or Kiosk" means a facility located on *CITY*, *PUBLIC PROPERTY*, or private property and designated in Schedule "B" of this by-law upon which *SIGNS* and *POSTERS* may be placed by members of the public.
- 3.17. "Community Group" means a non-profit community group which meets the requirements of the City Parks and Recreation Affiliation Policy.
- 3.18. "Community Poster Sleeve" means a *POSTER* sleeve attached to a utility pole, light standard or other pole or post on *CITY* or *PUBLIC PROPERTY* and designated in Schedule "B" of this by-law upon which *POSTERS* may be placed by members of the public.
- 3.19. "Construction Site Sign" means a *TEMPORARY SIGN* which identifies or provides information relating to or advertising the construction or alteration of a building in progress on the premises for which the *SIGN* is erected, until such time as the work has been finished or abandoned.
- 3.20. "Council" means The Council of the Corporation of the *CITY* of Welland.
- 3.21. "Development" has a meaning as defined in the Planning Act, as amended.
- 3.22. "Directory Sign" means a *SIGN* listing the tenants of a multi-tenant building containing at least two (2) distinct tenant units which *SIGN* includes only the municipal address and a list of tenants or occupancies for identification purposes.
- 3.23. "Election Sign" means a *SIGN* advertising, supporting or promoting the election of a candidate or a political party for public office, or a question on a ballot with respect to a federal, provincial, school or municipal election.
- 3.24. "Erect" means anything done in the installation, placement, affixing, displaying or re-location of a *SIGN*, and includes a substantial alteration such as the re-sizing or replacement of the *SIGN* or *SIGN STRUCTURE*, but does not include regular maintenance or a change in the message content, except where adult entertainment is the subject matter. For purposes of this by-law, erect shall also mean to cause to erect.
- 3.25. "Fabric Sign" means an *ADVERTISING DEVICE* which is a *TEMPORARY SIGN* constructed of flexible material and which may be subject to movement caused by atmospheric conditions, and includes canvas, film plastic, polyethylene, cloth or similar lightweight non-rigid material, but does not include a *PERMANENT SIGN* constructed of a flexible material supported by a rigid frame in a manner that the material is not subject to movement.

- 3.26. "ft" means feet and "sqft" means square feet.
- 3.27. "Facade" means the entire exterior building wall facing one direction including a parapet.
- 3.28. "Face" means the plane of the *SIGN* upon, against or through which the message of the *SIGN* is exhibited.
- 3.29. "Farm Sign" means a *SIGN* associated with and located on land devoted to the practice of farming.
- 3.30. "Frontage" means the length of *STREET LINE* abutting a legally accessible *STREET*. For *LOTS* with *FRONTAGE* on more than one (1) *STREET*, and for corner lots, *SIGN* calculations may be allocated on a *SIGN* per *STREET* basis.
- 3.31. "Garage/Yard Sale Directional Sign" means a *TEMPORARY SIGN* advertising the sale of personal merchandise associated with a private dwelling and offered for sale on the premises of the private dwelling and includes any directional signage thereto.
- 3.32. "General Manager" means the *GENERAL MANAGER* of a Department of the *CITY*, the City Solicitor, or any *PERSON* reporting directly to the City Manager;
- 3.33. "Grade" means the average elevation of the finished surface of the ground adjacent to the *SIGN* but shall not include any artificial embankment or vegetation.
- 3.34. "Ground Sign" means a *PERMANENT SIGN* directly supported from the ground by one or more uprights, poles, braces, or located on structural base or foundation placed in or upon the ground, which *SIGN* may include the name(s) of the *OWNER(S)* and/or tenant(s) and address and may advertise goods, products, services or events that are sold, offered, or provided on the premises on which the *SIGN* is located, and does not include any other *SIGN* defined in this By-law.
- 3.35. "Height" means the vertical distance from *GRADE* to the highest point of the *SIGN* and includes any support structure or ornamental feature.
- 3.36. "Inflatable Sign" means a *FABRIC SIGN* or *ADVERTISING DEVICE* filled with air or gas and designed to be airborne and tethered to the ground, a vehicle or structure and shall include balloons and any other inflatable *ADVERTISING DEVICE*.
- 3.37. "Information Sign" means a *SIGN* for public safety or convenience regulating on-premise traffic, parking or other functional subdivision of premises or a *SIGN* denoting sections of a building and bearing no commercial advertising.
- 3.38. "Interior Sign" means a *SIGN* not visible or intended to be seen from off the premises upon which the *SIGN* is located.

- 3.39. "Intersection" means the area embraced within the prolongation or connection of the lateral curb lines or, if none, then of the lateral boundary lines of the pavement of two or more highways that join one another at an angle, whether or not one highway crosses the other.
- 3.40. "Lot" has a meaning as defined in the Zoning By-law(s) of the *CITY*. A lot shall also mean a parcel of land identified in a registered lease agreement as a separate entity related to a separate and distinct building on the lands.
- 3.41. "Lot Line" means any boundary of a *LOT*.
- 3.42. "m" means metres and "sqm" means square metres.
- 3.43. "Menu Board Sign" means a *SIGN* used in conjunction with a drive-through facility and used to display and order products and services available at the drive-through business.
- 3.44. "Mixed Use Lands" means a *LOT* legally used for residential and non-residential uses.
- 3.45. "Mobile Sign" means a *TEMPORARY SIGN* with a *SIGN AREA* greater than 1.2 *SQM* which is designed, intended or capable of being readily moved from one location to another, is usually built on a trailer or other solid framework and which does not rely on a building or fixed foundation for its structural support but does not include a *PORTABLE SIGN*.
- 3.46. "Municipal Law Enforcement Officer" means a Law Enforcement Officer appointed by the *CITY* for enforcement of its regulatory by-laws or the *CHIEF BUILDING OFFICIAL* or an Inspector or Officer appointed under the Building Code Act;
- 3.47. "Official Sign" means a *SIGN* erected by an entity identified in Clause 2.4.2 of this by-law or privately by an *OWNER* who is required to *ERECT* such *SIGN* by an entity described in Clause 2.4.2 of this by-law.
- 3.48. "On-Site Directional Sign" means any on-premises *SIGN* which give directions or instructions for the control of vehicular or pedestrian traffic and shall include an entry and exit *SIGN*.
- 3.49. "Open House Directional Sign" means a *TEMPORARY PORTABLE SIGN* intended to direct traffic to a residence for sale or lease, but shall not include a *SUBDIVISION DEVELOPMENT SIGN*.
- 3.50. "Owner" means the *SIGN OWNER*, building or property *OWNER* or other *PERSON* in control of the *SIGN*, building or property upon which the subject *SIGN* is erected.
- 3.51. "Permanent Sign" means a *SIGN* designed and erected in a manner that it may remain fixed in the same location throughout the life of its structure, is not capable of being

readily moved and does not include a *MOBILE SIGN*, *PORTABLE SIGN*, *POSTER* or other *TEMPORARY SIGNS*. A *PERMANENT SIGN* is attached to a building with screws or fasteners or to the ground with foundations or significant depth in a manner that its removal requires special tools and effort.

- 3.52. "Permit" means written permission or written authorization from the City Engineer or his/her designate to *ERECT* a *SIGN* in accordance with this by-law. (By-law 2009-130)
- 3.53. "Person" means an individual, business, firm, corporation, association, partnership or entity.
- 3.54. "Portable Sign" means a *TEMPORARY SIGN* with a *SIGN AREA* less than or equal to 1.2 *SQM* (12.9 *SQFT*) which is designed to rest temporarily on the ground or on an object and is not affixed or attached thereto, and which can be moved from place to place, and shall include *SIGNS* commonly referred to as sandwich board, A-frame, T-frame, and *MENU BOARD* but does not include a *MOBILE SIGN*.
- 3.55. "Poster or Poster Sign" means a *TEMPORARY SIGN* which is a printed notice generally made of cardboard, plastic, fibreboard, paper or similar flexible material, conveying information intended to be displayed for a short period of time and includes, but is not limited to a bill, handbill, leaflet, notice or placard.
- 3.56. "Pre-Menu Board" means a *SIGN* erected as part of a drive-through facility and used only to display products and services available at the drive-through business.
- 3.57. "Projecting Sign" means a *SIGN* which is supported by a building and projects out horizontally from the building at an angle.
- 3.57.1. "Property Management Sign" means a *SIGN* that advertises a building, property or premises is under the care and control of a particular company responsible for the daily operations and oversight where the property owner does not reside. (By-law 2016-174)
- 3.58. "Public Property" means property owned or leased by an entity described in Clause 2.4.2 of this by-law.
- 3.59. "Pump Island Sign" means a *SIGN* on top of gasoline service pumps or on the columns of a gas bar canopy, on guard posts or freestanding on a gasoline pump apron.
- 3.60. "Readograph" means that part of a *PERMANENT SIGN* composed of changeable letters intended to convey a *TEMPORARY* message and which is designed or constructed so that the message on the *SIGN* may be easily changed and rearranged mechanically or as part of an *ELECTRONIC MESSAGE DISPLAY*.

- 3.61. "Real Estate Sign" means a *TEMPORARY SIGN* that advertises a building, property or premises for sale, lease or rent, but shall not include an *OPEN HOUSE DIRECTIONAL SIGN*.
- 3.62. "Residential Only Lands" means a *LOT* legally used for residential use(s) only, but excluding a *LOT* with mixed residential uses such as farmland with an associated dwelling unit. (By-law 2008-51)
- 3.63. "Roof Sign" means any *SIGN* which is supported entirely or partly by the roof of a building or structure and which *SIGN* projects above the roof, eave or parapet of the building.
- 3.64. "Shopping Centre" has a meaning as defined in the Zoning By-law(s).
- 3.65. "Sign" means any surface, structure and other component parts, which is used, or is capable of being used, as a visual medium or display to attract attention to a specific subject matter or matters, other than itself, for identification, information, or advertising purposes, and includes an *ADVERTISING DEVICE* or notice.
- 3.66. "Sign Area" means the entire area of the surface of a *SIGN FACE* including the border and frame and where a *SIGN* is not bounded or enclosed within a distinct area or frame, or the *SIGN* is composed of individually installed letters, numerals or shapes, the area shall be that of the smallest polygon containing a maximum of eight (8) right angle sides that encloses the grouping of letters, numerals, or shapes.
- 3.67. "Sign Owner" means the *OWNER* or lessee of a *SIGN*, or his agent. Where there is no *OWNER*, lessee or agent for a *SIGN* or such *PERSON* cannot be determined with certainty, the *SIGN OWNER* shall be deemed to be the *PERSON* or business having the use or major benefit of the *SIGN*, or if such *PERSON* or business is unknown, the *SIGN OWNER* shall be deemed to be the registered *OWNER* of the land upon which the *SIGN* is situated.
- 3.68. "Sign Structure" means the supports, uprights, bracing and framework of a *SIGN* which is resting on, or attached to, the ground, building or structure.
- 3.68.1. "Sight Triangle" means an area on a corner *LOT*, and abutting a corner *LOT*, within the triangular space formed by the two (2) adjacent curb lines and a line drawn from a point in one curb line to a point in the other curb line, each such point being a distance of 'X' metres measured along the curb line from the point of *INTERSECTION* of the curb lines. The distance 'X' shall be 12.5 M for local roads, 15.0 M for collector roads, and 17.5 M for arterial roads. If no curbs exist the edges of the traveled portions of the *STREETS* shall be considered as curbs. (By-law 2006-161)

- 3.69. "Special Event Sign" means a *TEMPORARY SIGN* promoting a public festival or charitable event, or *COMMUNITY GROUP* and includes all ancillary *SIGNS* related thereto such as directional *SIGNS*.
- 3.70. "Special Occasion Sign" means a *TEMPORARY SIGN* erected for not more than two (2) days to acknowledge or celebrate a special day such as a birthday or anniversary and may include an *ADVERTISING DEVICE*.
- 3.71. "Street" means a highway, road, or other public right-of-way as defined by "The Highway Traffic Act" and "The Municipal Act" but does not include a private lane or an unopened road allowance.
- 3.72. "Street Line" means the boundary line that divides a *LOT* from a *STREET*.
- 3.73. "Subdivision Development Sign" means a *TEMPORARY SIGN* that advertises only the subdivision, condominium or other development in which the *SIGN* is located and not the sale of *LOTS* or units elsewhere or the realtor's, developer's or landowner's business in general. (By-law 2006-161)
- 3.74. "Subdivision Identification Sign" means a *PERMANENT SIGN* that identifies the name only of the subdivision in which it is erected.
- 3.75. "Temporary Sign" means a *SIGN* which is not a *PERMANENT SIGN* and includes *MOBILE SIGNS*, *PORTABLE SIGNS*, *POSTERS*, *SIGNS* anchored in shallow ground without foundation, and *SIGNS* which are capable of being easily moved or re-located.
- 3.76. "Third Party Sign" means a *SIGN* describing in any manner whatsoever one or more products, services or things which are not made, provided, produced, assembled, sold or stored on the *LOT* upon which the *SIGN* is erected.
- 3.77. "Traffic and Parking Operations Manager" means the *PERSON* so designated by the *CITY*.
- 3.78. "Unsafe" means a condition which is structurally inadequate or faulty, or could be hazardous to a pedestrian or motorist.
- 3.79. Repealed by By-law 2006-161
- 3.80. "Wall Sign" means a *PERMANENT SIGN* which is supported by a building exterior wall or fascia and projects outwardly to a plane approximately parallel to the plane of the wall and may include a *CANOPY SIGN*.
- 3.81. "Window Sign" means a *SIGN* posted, painted, placed or affixed in or on a window, and shall include a *SIGN* located in the interior of a building that faces a window and located within 1 M (3.3 FT) of a window.

SECTION 4 GENERAL PROVISIONS

4.1. General Regulations Applicable to All SIGNS

- 4.1.1. Except as permitted in Subsection 2.4 of this by-law, no *PERSON* shall *ERECT* or cause to be erected a *SIGN* except in accordance with this by-law.
- 4.1.2. Except as provided in Section 8 of this by-law, no *PERSON* shall *ERECT* or cause to be erected a *SIGN* wholly or partly located on *CITY PROPERTY* or a *STREET*.
- 4.1.3. Except as permitted in Section 5 of this by-law, no *PERSON* shall *ERECT* or cause to be erected a *SIGN* without *PERMIT*.
- 4.1.4. Every *OWNER* shall ensure the provisions of this by-law are complied with.
- 4.1.5. Except for permitted Third Party and *BILLBOARD SIGNS*, no *PERSON* shall *ERECT* or cause to be erected a *SIGN* unless the use of the *SIGN* is incidental and accessory to the principal lawful use of the property.
- 4.1.6. All *SIGNS* must comply with the Ontario Building Code requirements for *SIGNS* including the requirements for structural design, professional design, plastic *SIGN* facing materials and location restrictions specified therein.
- 4.1.7. All *SIGNS* shall comply with this by-law in its entirety unless provided otherwise.

4.2. General Prohibition of SIGNS

- 4.2.1. No *PERSON* shall *ERECT* or cause to be erected any of the following *SIGNS* which are hereby prohibited:
- (a) A *SIGN* not specifically described in this by-law.
 - (b) A flashing or animated *SIGN* with a period of time of illumination or a period of non-illumination of any part of the *SIGN* of less than 15 (fifteen) seconds, and includes images or messages in motion, but does not include alpha-numeric text moving horizontally in a right to left direction at constant speed. (By-law 2006-161)
 - (c) A *SIGN* which makes use of a word such as “Stop”, “Look”, “Yield”, or any similar word, phrase, symbol or character in such a manner as to tend to interfere with, mislead or confuse a motorist and which is not erected by a public Road Authority.
 - (d) An *ABANDONED OR OBSOLETE SIGN*.
 - (e) A *SIGN* on a vehicle or trailer when the vehicle or trailer is used primarily as a *SIGN*, and not as a vehicle or trailer.

- (f) A *ROOF SIGN*.
- (g) A *SIGN* which is *UNSAFE*.
- (h) A *SIGN* on a tree, bush or shrub.
- (i) Repealed by By-law 2006-161
- (j) A *SIGN* painted on a building wall, door or roof.
- (k) A *SIGN* on *CITY PROPERTY*, except as provided in Section 8 of this by-law.
- (l) A *SIGN*, erected on a fence or sound attenuation wall, except an *ON-SITE DIRECTIONAL SIGN, INFORMATION SIGN, OFFICIAL SIGN* or *REAL ESTATE SIGN*. (By-law 2006-161, 2018-16)
- (m) A *SIGN* which conveys indecent images or words.
- (n) A *SIGN* which displays the *CITY* of Welland logo unless approved in writing by the *CITY*. (By-law 2007-13)

4.3. General Location Restrictions for Public Health and Safety

4.3.1. No *PERSON* shall *ERECT* or cause to be erected a *SIGN* as follows:

- (a) A moving, or revolving *SIGN*, greater than 0.5 *SQM* (5.4 *SQFT*) and located within 15 *M* (49.2 *FT*) of a *STREET*.
- (b) A *BANNER SIGN* over a *STREET* unless the public Road Authority or *COUNCIL* has given prior approval.
- (c) A *SIGN* horizontally painted, marked or inscribed on pavement.
- (d) A *SIGN* which impairs the visibility or safety of a pedestrian using a sidewalk at a driveway, laneway or *INTERSECTION* crossing.
- (e) A *SIGN* which impairs the visibility of a motorist entering or leaving a property at a vehicle access location.
- (f) A *SIGN*, which, in the opinion of the *TRAFFIC AND PARKING OPERATIONS MANAGER*, may, by reason of size, location, content, colouring or manner of illumination, obstruct or interfere with the visibility, safety or effectiveness of any motorist or pedestrian.
- (g) A *SIGN* obstructing or interfering with the intended operation of any public utility, traffic control, fire route, or building system.
- (h) A *SIGN* interfering with or obstructing the view of an *OFFICIAL SIGN*.

- (i) A *SIGN* greater than 0.9 M (3.0 FT) in *HEIGHT* above the elevation of the *STREET* traffic lane nearest the *SIGN*, and which *SIGN* is located within a *SIGHT TRIANGLE*, unless such *SIGN* is supported by not more than two (2) slender columns with the largest cross-sectional dimension not exceeding 0.3 M, and the bottom of the *SIGN* face is located at least 3.65 M (12.0 FT) above the elevation of the *STREET* traffic lane nearest the *SIGN*. (By-law 2006-161)
- (j) An exterior *SIGN* erected over any part of a sidewalk or walkway unless the vertical distance, measured from the bottom of the overhanging portion of the *SIGN* to the travelled surface is at least 2.4 M (7.9 FT).

4.4. General Restrictions for Reducing Public Nuisance

4.4.1. No *PERSON* shall *ERECT* or cause to be erected a *SIGN* as follows:

- (a) A *SIGN* with an illuminating light source not shielded so that the light source is visible from off the property on which the *SIGN* is located.
- (b) An *INFLATABLE SIGN* erected for more than three (3) days.
- (c) A *SIGN* erected within, or partially within, a parking space required by a Zoning By-law of the *CITY*.
- (d) A *SIGN* erected within, or partially within, a parking space designated for accessibility purposes.
- (e) A *SIGN* erected in such a manner as to limit the intended use of a pedestrian walkway or barrier-free path of travel or which reduces the effective width of a sidewalk to less than 1.5 M (4.92 FT).
- (f) A *SIGN* on the ground located less than 1.0 M (3.3 FT) from a *LOT LINE*, *STREET LINE*, or road curb unless permitted otherwise, or unless necessary for purposes of an *INFORMATION SIGN* or *OFFICIAL SIGN*. (By-law 2006-161)

SECTION 5 PERMITS AND FEES

5.1. PERMIT Requirements

5.1.1. The *APPLICANT* for a *PERMIT* shall submit to the office of the City Engineer or his/her designate a written and signed application for each *SIGN* proposed along with two (2) copies of a plot/site location plan and two (2) sets of scale drawings of the *SIGN* showing, in detail, the kind and character of *SIGN* proposed to be erected and maintained together with the actual dimensions and weight thereof and the manner in which it is proposed to be erected. Every application shall be signed by the *OWNER* of the property upon which the *SIGN* is proposed to be erected or by the *OWNER'S* authorized agent. The City

Engineer or his/her designate may require additional information where it is deemed necessary. Upon the requirements of this by-law and any other applicable law under consideration being complied with, and upon payment of the fees hereinafter imposed, the City Engineer or his/her designate shall grant the necessary *PERMIT*. (By-law 2009-130)

- 5.1.2. Where the City Engineer or his/her designate is satisfied there is compliance with this by-law and other by-laws of the *CITY*, he/she may issue a *PERMIT* subject to compliance with other applicable laws outside the jurisdiction of the *CITY*, provided the *OWNER* can provide documentation the other applicable agency has been notified. (By-law 2009-130)
- 5.1.3. The *PERMIT* may be issued subject to such terms and conditions as the *CITY* deems necessary to ensure compliance with this by-law and the health and safety of the public.
- 5.1.4. The City Engineer or his/her designate may, if deemed necessary, require that the *SIGN* and its supporting structure be designed by an Architect or Professional Engineer registered in Ontario and the erection of any such *SIGN* must be reviewed during construction by the Architect or Professional Engineer and certified as being erected in compliance with the design drawings and specifications. The following *SIGNS*, in all instances, must be designed by an Architect or Professional Engineer registered in Ontario and the erection of any such *SIGN* must be reviewed during construction by the Architect or Professional Engineer and certified as being erected in compliance with the design drawings and specifications: (By-law 2009-130)
- (a) a *GROUND SIGN* exceeding 7.5 M (24.6 FT) in *HEIGHT*
 - (b) a *PROJECTING SIGN* weighing more than 115 kg (254 lb).
 - (c) a *PROJECTING SIGN* attached to a parapet.
- 5.1.5. Plans of, and such other information with respect to, any building or structure upon which a *SIGN* is proposed to be erected, may be required by the City Engineer or his/her designate in order to determine whether the structure or building will safely carry the additional loads and stresses imposed by the erection of such *SIGN*. (By-law 2009-130)
- 5.1.6. Every *SIGN* for which a *PERMIT* is required may be inspected by a Municipal Enforcement Officer or an Inspector. The *OWNER* shall notify the Office of the City Engineer or his/her designate in advance of completion of the stages of construction specified in the Building Code and when such *SIGN* is completely erected. (By-law 2009-130)
- 5.1.7. Any *PERMIT* may be revoked by the City Engineer or his/her designate serving reasonable notice upon the *OWNER* where such *OWNER* fails to comply with the

requirements of this by-law or where the *PERMIT* was issued on false information, or was issued in error. (By-law 2009-130)

5.1.8. Every *PERMIT* issued under this by-law shall automatically expire and become null and void;

- (a) if the *SIGN* authorized by such *PERMIT* is not erected within six (6) months of the date of issue of such *PERMIT*,
- (b) if the *SIGN* is erected in contravention of the conditions of the *PERMIT* or of any applicable provisions of this by-law, or
- (c) if the erection or display of the subject *SIGN* is contrary to the provisions of any other applicable law.

5.1.9. The issuance of a *PERMIT* under this by-law in no way constitutes absolute permission to *ERECT* a *SIGN*. Other prohibitory regulations may exist outside of the jurisdiction of the *CITY*, and it is the responsibility of the *OWNER* and *SIGN* erector to ensure all applicable laws are complied with prior to installation.

5.2. PERMIT Fees

5.2.1. No application for *PERMIT* shall be considered until the fee described in Schedule "A" attached hereto has been paid to the *CITY*.

5.2.2. In the case of withdrawal of an application or the abandonment of all or a portion of the work or the non-commencement of any project, the City Engineer or his/her designate shall determine the amount of paid *PERMIT* application fees that may be returned to the *APPLICANT*, if any, in accordance with Schedule "A" attached hereto, and forming part of this by-law. (By-law 2009-130)

5.2.3. No construction shall commence until the required *PERMIT* has been issued. Notwithstanding Clause 5.2.1 of this by-law, the application fees prescribed in Schedule "A" shall be increased by \$100.00 where construction has commenced prior to the issuance of a *PERMIT*.

5.3. PERMIT Exemptions

5.3.1. No *PERMIT* shall be required for the following *SIGNS* provided such *SIGNS* comply with all other provisions of this by-law:

- (a) A *PERMANENT SIGN* not more than 1.2 *SQM* (12.9 *SQFT*) in *SIGN AREA* and not more than 2.5 *M* (8.2 *FT*) in *HEIGHT*
- (b) A *TEMPORARY SIGN* not more than 6.0 *SQM* (64.5 *SQFT*) in *SIGN AREA* and not more than 2.5 *M* (8.2 *FT*) in *HEIGHT*

(c) A *SPECIAL EVENT SIGN* (By-law 2006-161)

5.3.2. Notwithstanding Clause 5.3.1 of this by-law, a *PERMIT* is required for certain *SIGNS* on *CITY PROPERTY* specified in Section 8 of this by-law.

5.3.3. Notwithstanding Clause 5.3.1 of this by-law, a *PERMIT* is required for all *ADULT ENTERTAINMENT SIGNS*.

SECTION 6 SIGNS ON RESIDENTIAL LANDS

6.1. SIGNS on RESIDENTIAL ONLY LANDS

6.1.1. Except for an *ADDRESS SIGN*, a *CONSTRUCTION SITE SIGN*, a *REAL ESTATE SIGN*, an *ON-SITE DIRECTIONAL SIGN*, a *GARAGE/YARD SALE SIGN*, a *SPECIAL OCCASION SIGN*, an *OFFICIAL SIGN*, a *SUBDIVISION DEVELOPMENT SIGN*, and a *SUBDIVISION IDENTIFICATION SIGN*, no *PERSON* shall *ERECT* a *SIGN* on *RESIDENTIAL ONLY LANDS*. (By-law 2018-16)

6.1.2. No *WINDOW SIGN* shall be displayed from *RESIDENTIAL ONLY LANDS*, *except for a PROPERTY MANAGEMENT SIGN and REAL ESTATE SIGN*. (By-law 2016-174)

6.1.3. Except for a *SPECIAL OCCASION SIGN*, *RESIDENTIAL ONLY LANDS* with 20 M (65.6 FT) or less of *FRONTAGE* and containing not more than six (6) residential units shall have no *SIGN* over 0.8 SQM (8.6 SQFT) in *SIGN AREA* or over 2.0 M (6.6 FT) in *HEIGHT*.

6.1.4. *RESIDENTIAL ONLY LANDS* shall not have more than one (1) of each type of permitted *SIGN* per *LOT*, for each *STREET FRONTAGE*.

6.1.5. A *SIGN* for a home occupation shall not be erected or displayed.

6.1.6. The maximum *SIGN AREA* of an *ADDRESS SIGN* on *RESIDENTIAL ONLY LANDS* containing not more than six (6) residential units shall be 0.2 SQM (2.2 SQFT).

6.1.7. The maximum *SIGN AREA* of an *ADDRESS SIGN* on *RESIDENTIAL ONLY LANDS* containing more than six (6) residential units shall be 1.5 SQM (16.1 SQFT) with a maximum *HEIGHT* of 2.0 M (6.6 FT), if erected on the ground.

6.1.8. A *SIGN* erected on the ground on *RESIDENTIAL ONLY LANDS* shall be located not less than 1.0 M (3.3 FT) from a *LOT LINE* and a *STREET LINE*.

6.1.9. Notwithstanding Clause 6.1.1., a *SIGN* not exceeding 1.2 SQM (12.9 SQFT) in *SIGN AREA*, identifying the premises as a bed and breakfast, may be *ERECTED* on a property lawfully used as a bed and breakfast. (By-law 2007-13)

- 6.1.10. The maximum *SIGN AREA* of a *PROPERTY MANAGEMENT SIGN* on *RESIDENTIAL ONLY LANDS* shall be a 0.8 SQM (8.6 SQFT) and the *SIGN* shall be affixed to the building or placed in a window. (By-law 2016-174)
- 6.1.11. The *PROPERTY MANAGEMENT SIGN* shall include a valid telephone number at all times. (By-law 2016-174)
- 6.1.12. *RESIDENTIAL ONLY LANDS* shall not have more than one (1) *PROPERTY MANAGEMENT SIGN*. By-law 2016-174)
- 6.2. *SIGNS on MIXED USE LANDS*
- 6.2.1. The requirements of Subsection 6.1 of this by-law shall apply to the portion of the building and the portion of the *LOT* used for residential purposes.

SECTION 7 PROVISIONS FOR TYPES OF SIGNS

- 7.1. *SIGN* definitions in Subsection 3.1 of this by-law, pertain to type of *SIGN STRUCTURE* and type of use. A *SIGN* may be described in this by-law according to its structure, its use or both as shown in Schedule "C" attached hereto.
- 7.2. Where a *SIGN* may be described by several types in this by-law, the *SIGN* must meet the applicable specific provisions for each type of *SIGN*.

Specific Provisions for SIGNS Described as Permanent

- 7.3. *GROUND SIGNS*
- 7.3.1. A *GROUND SIGN* shall be located on the same *STREET FRONTAGE* used to determine the maximum *SIGN AREA* and *HEIGHT* of *SIGN*.
- 7.3.2. A *GROUND SIGN* shall not exceed 4.0 M (13.1 FT) in *HEIGHT* for *LOTS* with 20 M (65.6 FT) or less of *FRONTAGE* and 7.5 M (24.6 FT) in *HEIGHT* for *LOTS* with more than 20 M (65.6 FT) of *FRONTAGE*.
- 7.3.3. A *GROUND SIGN* shall not exceed 4.0 SQM (43.1 SQFT) in *SIGN AREA* for *LOTS* with 20 M (65.6 FT) or less of *FRONTAGE*, 6.0 SQM (64.5 SQFT) in *SIGN AREA* for *LOTS* with more than 20 M (65.6 FT) of *FRONTAGE* but not greater than 40 M (131.2 FT) of *FRONTAGE*, 8.0 SQM (86.1 SQFT) in *SIGN AREA* for *LOTS* with more than 40 M (131.2 FT) of *FRONTAGE* but not greater than 60 M (196.9 FT) of *FRONTAGE*, and 10.0 SQM (107.6 SQFT) in *SIGN AREA* for *LOTS* with more than 60 M (196.9 FT) of *FRONTAGE*. (By-law 2006-161)
- 7.3.4. *SHOPPING CENTRES* with a *LOT* area of 1.0 ha (2.47 ac) to 4.0 ha (9.88 ac) may have the *SIGN AREA* increased to 10.0 SQM (107.6 SQFT).

- 7.3.5. *SHOPPING CENTRES* with a *LOT* area of over 4.0 ha (9.88 ac) may have the *SIGN AREA* increased to 20.0 *SQM* (215.3 *SQFT*) and the *SIGN HEIGHT* increased to 9.0 *M* (29.5*FT*).
- 7.3.6. The maximum total *SIGN AREA* for a *GROUND SIGN* that is double faced or a multi-faced *SIGN* shall be double the *SIGN AREA* permitted for one (1) *SIGN FACE*.
- 7.3.7. The *SIGN FACE* of a *GROUND SIGN* may allocate not more than 50% of the *SIGN FACE* to a *READOGRAPH* or *ELECTRONIC MESSAGE DISPLAY*.
- 7.3.8. A *GROUND SIGN* in a commercial or industrial zone shall display the municipal address number in numerals that are a minimum *HEIGHT* of 150 mm (5.9 inches).
- 7.3.9. A *GROUND SIGN* shall not be erected within 1.0 *M* (3.3 *FT*) of a *LOT LINE* or *STREET LINE* or municipal sidewalk.
- 7.3.10. A *GROUND SIGN* shall not be erected within 3.0 *M* (9.8 *FT*) of a driveway entrance or road curb when the *SIGN* is located a distance less than the *HEIGHT* of the *SIGN* from the *STREET LINE*.
- 7.3.11. A *GROUND SIGN* shall not be erected within 3.0 *M* (9.8 *FT*) of a traffic signal standard. (By-law 2008-51)
- 7.3.12. More than one (1) *GROUND SIGN* per *STREET* is not permitted on a *LOT*, except, on *LOTS* with greater than 100 *M* (328.1 *FT*) of *FRONTAGE*, one (1) *GROUND SIGN* is permitted on each *STREET* for every 100 *M* (328.1 *FT*) of *FRONTAGE*, or part thereof, to a maximum of two (2) *SIGNS* per *STREET*.
- 7.3.13. Where this by-law permits more than one (1) *GROUND SIGN* along a *STREET FRONTAGE*, no *GROUND SIGN* shall be erected along the *STREET LINE* in which it serves within 45 *M* (147.6 *FT*) of any *GROUND SIGN* on the same property.
- 7.3.14. Professional Engineering design is required for all *GROUND SIGNS* over 7.5 *M* (24.6 *FT*) in *HEIGHT* as specified in Clause 5.1.4 of this by-law. *GROUND SIGNS* over 3.0 *M* (9.84 *FT*) in *HEIGHT* with moment resisting foundations such as pole type *SIGNS* must be designed by a *PERSON* qualified in calculating the overturning forces and soil resistance, unless permitted otherwise by the City Engineer or his/her designate. (By-law 2009-130)
- 7.4. *WALL and CANOPY SIGNS*
- 7.4.1. No *WALL* or *CANOPY SIGN* shall extend beyond the extremity of the wall *FACADE* or fascia on which it is mounted.
- 7.4.2. No *WALL* or *CANOPY SIGN* shall extend above the roof line of a building.

- 7.4.3. No *WALL SIGN* shall project more than 0.5 M (1.6 FT) from the wall or fascia to which it is attached.
- 7.4.4. A *CANOPY SIGN*, and its anchorage system, must be designed to withstand the snow and rain loads specified in Part 4 of the Ontario Building Code.
- 7.4.5. A *WALL SIGN* and a *CANOPY SIGN* shall be parallel to the wall or fascia which it is attached.
- 7.4.6. A *WALL SIGN* and a *CANOPY SIGN* shall be mounted on the same building façade used to calculate the maximum *SIGN AREA*.
- 7.4.7. No *WALL* or *CANOPY SIGN* shall be greater in *SIGN AREA* than 50% (fifty percent), of the area of the exterior wall facing one direction upon which it is installed, with a maximum individual *SIGN AREA* of 35.0 SQM (376.7 SQFT). (By-law 2006-161)
- 7.4.8. *WALL* and *CANOPY SIGNS* may have to meet the Zoning By-law requirements for setbacks from *LOT LINES* and the Ontario Building Code requirements for structural design, non-combustibility and flame resistance.
- 7.4.9. A property *OWNER* may *ERECT* a free-standing architectural feature to accommodate signage in-lieu of a *WALL* or *CANOPY SIGN*, subject to the following provisions:
- (a) The free-standing architectural feature is erected no farther than 4.0 M (13.1 FT) from the main building to which the signage applies.
 - (b) The maximum *SIGN AREA* is equal to that permitted for a *WALL* or *CANOPY SIGN* under this by-law.
 - (c) No portion of the free-standing architectural feature or attached *SIGN* shall be less than 2.5 M (8.2 FT) above *GRADE*, except for structures required to support the architectural feature.
 - (d) The structural supports of the free-standing architectural feature shall be designed in such a manner not to interfere with the safety of a pedestrian with a vision disability.
 - (e) No portion of the free-standing architectural feature shall exceed a maximum *HEIGHT* of 4.5 M (14.7 FT).
 - (f) The free-standing architectural feature must also meet the size and location requirements for a main building in the relevant Zoning By-law of the *CITY*.
- 7.5. *PROJECTING SIGNS*
- 7.5.1. No *PROJECTING SIGN* shall be erected with a *SIGN AREA* of more than 2.0 SQM (21.5 SQFT).

- 7.5.2. *PROJECTING SIGNS* may have to meet the Zoning By-law requirements for setbacks from *LOT LINES* and the Ontario Building Code requirements for structural design, non-combustibility and flame resistance.
- 7.5.3. Professional Engineering design is required for certain *PROJECTING SIGNS* specified in Clause 5.1.4 of this by-law.
- 7.6. *BILLBOARD SIGN*
- 7.6.1. More than one (1) *BILLBOARD SIGN* is not permitted on a *LOT*.
- 7.6.2. A *BILLBOARD SIGN* shall be erected not closer than 6.0 M (19.7 FT) from the *STREET LINE* and not closer than 8.0 M (26.2 FT) from all other *LOT LINES*.
- 7.6.3. A *BILLBOARD SIGN* shall not be erected on a *LOT* with less than 75 M (246.1 FT) of *FRONTAGE*.
- 7.6.4. A *BILLBOARD SIGN* shall not be erected in, or less than 100 M (328.1 FT) from, a residential zone designated in the Zoning By-law of the *CITY*.
- 7.6.5. A *BILLBOARD SIGN* shall not be erected in a rural agricultural, agricultural, or open space zone designated in the Zoning By-law of the *CITY*.
- 7.6.6. A *BILLBOARD SIGN* shall not be erected less than 400 M (1312.3 FT) from any other *BILLBOARD SIGN*.
- 7.6.7. A *BILLBOARD SIGN* shall not exceed 20.0 SQM (215.3 SQFT) in *SIGN AREA*.
- 7.6.8. A *BILLBOARD SIGN* shall not exceed 8.0 M (26.2 FT) in *HEIGHT*.

Specific Provisions for SIGNS Described as TEMPORARY

- 7.7. *MOBILE SIGNS*
- 7.7.1. A *MOBILE SIGN* is not permitted on *CITY PROPERTY*, except in accordance with Subsection 8.7, but is permitted on private property.
- 7.7.2. More than one (1) *MOBILE SIGN* per *STREET* is not permitted on a *LOT*, except, on *LOTS* with greater than 100 M (328.1 FT) of *FRONTAGE*, one (1) *MOBILE SIGN* is permitted on each *STREET* for every 100 M (328.1 FT) of *FRONTAGE*, or part thereof, to a maximum of two (2) *SIGNS* per *STREET*.
- 7.7.3. A *MOBILE SIGN* shall not exceed 6.0 SQM (64.6 SQFT) in *SIGN AREA* and shall contain no more than two (2) *SIGN FACES*.
- 7.7.4. A *MOBILE SIGN* shall not exceed 2.5 M (8.2 FT) in *HEIGHT*.

- 7.7.5. A *MOBILE SIGN* is not permitted within 1.0 M (3.3 FT) of a *LOT LINE* or *STREET LINE*, or road curb.
- 7.7.6. A *MOBILE SIGN* is not permitted within 3.0 M (9.84 FT) of a driveway or road curb when the *SIGN* is located a distance less than the *HEIGHT* of the *SIGN* from the *STREET LINE*.
- 7.7.7. A *MOBILE SIGN* is not permitted within 45 M (147.6 FT) of another *MOBILE SIGN* on the same *LOT*.
- 7.7.8. Every *MOBILE SIGN* shall have the name and telephone number of the *SIGN* company affixed to it in a clearly visible location.
- 7.7.9. A *MOBILE SIGN* shall not be erected within, or partially within, a parking space required by a Zoning By-law of the *CITY*, nor shall it be erected within or partially within any parking space designated for accessibility purposes.
- 7.7.10. A *MOBILE SIGN* erected or displayed on private property on the day this by-law comes into force, and which does not meet the provisions of this by-law, shall comply with this by-law within one (1) year of the day this by-law comes into force.
- 7.8. *PORTABLE SIGNS*
- 7.8.1. A *PORTABLE SIGN* is not permitted on *CITY PROPERTY*, except as provided in Section 8 of this by-law, but is permitted on private property.
- 7.8.2. Every business suite is entitled to one (1) *PORTABLE SIGN* which must be placed on the *LOT* in accordance with this by-law.
- 7.8.3. A *PORTABLE SIGN* shall not exceed 0.6 *SQM* (6.5 *SQFT*) in *SIGN AREA* if single faced or 1.2 *SQM* (12.9 *SQFT*) in *SIGN AREA* if double faced, and shall not contain more than two (2) *SIGN FACES*.
- 7.8.4. A *PORTABLE SIGN* shall not exceed 0.9 M (3.0 FT) in *HEIGHT*.
- 7.8.5. A *PORTABLE SIGN* is not permitted within 10 M (32.8 FT) of a *MOBILE SIGN* or another *PORTABLE SIGN* on the same *LOT*, unless it is placed directly in front of the business storefront.
- 7.8.6. A *PORTABLE SIGN* shall be removed and stored indoors each evening at business close.
- 7.8.7. A *PORTABLE SIGN* erected or displayed on private property on the day this by-law comes into force, and which does not meet the provisions of this by-law, shall comply with this by-law within thirty (30) days of the day this by-law comes into force.
- 7.9. *SIGNS Anchored in Shallow Ground Without Foundation*

- 7.9.1. A *SIGN* shall not be erected in shallow ground without foundation unless the *SIGN* is intended to be a *TEMPORARY SIGN* and otherwise permitted by specific use type in this by-law.
- 7.9.2. A *SIGN* erected in shallow ground without foundation and which is permitted in this by-law shall comply with the size, number and location requirements for the use type of *SIGN* in this by-law but in any case shall not be erected less than 1.0 M (3.3 FT) from a *LOT LINE* or *STREET LINE* unless specifically permitted otherwise in this by-law.
- 7.9.3. A *SIGN* anchored in shallow ground without foundation, erected or displayed on private property on the day this by-law comes into force, and which does not meet the provisions of this by-law, shall comply with this by-law within one (1) year of the day this by-law comes into force.
- 7.10. *FABRIC SIGNS*
- 7.10.1. For the purposes of this by-law, *FABRIC SIGNS* shall consist of *TEMPORARY SIGNS* such as the *BANNER* type, the inflatable type, and the flag type.
- 7.10.2. More than two (2) *FABRIC SIGNS* are not permitted on a building.
- 7.10.3. A *BANNER* shall not exceed 6.0 SQM (64.6 SQFT) in *SIGN AREA*
- 7.10.4. Except for a *BANNER* over a *CITY* road allowance permitted in Section 8 of this by-law, a *BANNER* shall only be hung on the exterior wall of a building.
- 7.10.5. An *INFLATABLE SIGN* erected for not more than three (3) days on a *LOT* shall not be erected again on the same *LOT* unless a period of one (1) year has passed without an *INFLATABLE SIGN* on the *LOT*.
- 7.10.6. A *FABRIC SIGN* erected or displayed on private property on the day this by-law comes into force, and which does not meet the provisions of this by-law, shall comply with this by-law within sixty (60) days of the day this by-law comes into force
- 7.11. *POSTER*
- 7.11.1. A *POSTER* is not permitted on *CITY* or *PUBLIC PROPERTY* except in accordance with Section 8 of this by-law.
- 7.11.2. A *POSTER* is not permitted on private property within 15.0 M (49.2 FT) of a road allowance, except at a *COMMUNITY BULLETIN BOARD OR KIOSK* or a *COMMUNITY POSTER SLEEVE* designated in Schedule "B" of this by-law and only if the poster conforms to Clauses 8.2.2. to 8.2.4. of this by-law.

- 7.11.3. A *POSTER* erected on private property, and which is greater than 15.0 *M* (49.2 *FT*) from the road allowance, may be considered an *INTERIOR SIGN* if it is not readable from the *STREET*.
- 7.11.4. A *POSTER* erected on private property must conform to the shape of the surface on which it is affixed.
- 7.11.5. No *PERSON* shall affix or place a *POSTER*, if the *POSTER* conveys a message with respect to an Adult Entertainment business or an unlawful activity or an activity which a Peace Officer or a *MUNICIPAL LAW ENFORCEMENT OFFICER* has reason to believe is unlawful.
- 7.11.6. A *POSTER* erected or displayed on private property on the day this by-law comes into force, and which does not meet the provisions of this by-law, shall comply with this by-law within thirty (30) days of the day this by-law comes into force.
- 7.12. Other *TEMPORARY SIGNS*
- 7.12.1. Other *TEMPORARY SIGNS* shall not be erected unless the *SIGN* is permitted by specific use type in this by-law.
- 7.12.2. A *TEMPORARY SIGN* which is permitted in this by-law shall comply with the size, number and location requirements for the use type of *SIGN* in this by-law, but in any case shall not be erected less than 1.0 *M* (3.3 *FT*) from a *LOT LINE* or *STREET LINE* unless specifically permitted otherwise in this by-law.
- 7.12.3. A *TEMPORARY SIGN*, erected or displayed on private property on the day this by-law comes into force, and which does not meet the provisions of this by-law, shall comply with this by-law within one (1) year of the day this by-law comes into force.

Specific Provisions for *SIGNS* Described by Use

- 7.13. *SUBDIVISION DEVELOPMENT SIGNS*
- 7.13.1. A *SUBDIVISION DEVELOPMENT SIGN* shall not be erected for a subdivision with less than six (6) *LOTS*.
- 7.13.2. A *SUBDIVISION DEVELOPMENT SIGN* shall not be erected until the subdivision or development lands are zoned and subdivided for the use being advertised, unless the City has accepted applications for Rezoning, Subdivision, Condominium, or other Planning Approval, which, if approved would permit the use of the lands for the purpose advertised. (By-law 2006-161)
- 7.13.3. A *SUBDIVISION DEVELOPMENT SIGN* shall be located within the subdivision or development it advertises. (By-law 2006-161)

- 7.13.4. More than one (1) *SUBDIVISION DEVELOPMENT SIGN* per *STREET* upon which the subdivision or development fronts is not permitted. (By-law 2006-161)
- 7.13.5. More than one (1) *SIGN* shall not be mounted on a *SIGN STRUCTURE*.
- 7.13.6. A *SUBDIVISION DEVELOPMENT SIGN* shall not be located within 3.0 M (9.8 FT) of a *LOT LINE* or a *STREET LINE*.
- 7.13.7. A *SUBDIVISION DEVELOPMENT SIGN* shall not be located less than 8.0 M (26.2 FT) from the boundary of the subdivision or development which is not a *STREET LINE*. (By-law 2006-161)
- 7.13.8. A *SUBDIVISION DEVELOPMENT SIGN* shall not exceed a *SIGN AREA* of 12 SQM (129.2 SQFT).
- 7.13.9. A *SUBDIVISION DEVELOPMENT SIGN* shall not exceed a *HEIGHT* of 4.0 M (13.1 FT).
- 7.14. *SUBDIVISION IDENTIFICATION SIGN*
- 7.14.1. A *SUBDIVISION IDENTIFICATION SIGN* shall not be erected for a subdivision with less than six (6) *LOTS*.
- 7.14.2. A *SUBDIVISION IDENTIFICATION SIGN* shall be located within the subdivision it identifies, and shall not be located on the road allowance.
- 7.14.3. More than one (1) *SUBDIVISION IDENTIFICATION SIGN* per *STREET* upon which the subdivision fronts is not permitted.
- 7.14.4. A *SUBDIVISION IDENTIFICATION SIGN* shall not be located within 1.0 M (3.3 FT) of a *LOT LINE*, except that it may be located adjacent to a *STREET LINE*.
- 7.14.5. A *SUBDIVISION IDENTIFICATION SIGN* shall not exceed an *SIGN AREA* of 2.0 SQM (21.5 SQFT).
- 7.14.6. A *SUBDIVISION IDENTIFICATION SIGN* shall not exceed a *HEIGHT* of 2.0 M (6.6 FT).
- 7.14.7. A *SUBDIVISION IDENTIFICATION SIGN* on a corner *LOT* is not permitted greater than 0.9 M (3.0 FT) in *HEIGHT* above the elevation of the *STREET* traffic lane nearest the *SIGN*, within a *VISIBILITY TRIANGLE*.
- 7.15. *REAL ESTATE SIGNS*
- 7.15.1. A *REAL ESTATE SIGN* is permitted to be erected only on the property that is for sale or lease.
- 7.15.2. Not more than one (1) *REAL ESTATE SIGN* per *STREET* shall be permitted on a *LOT*, except on *LOTS* with more than 150 M (492 FT) *FRONTAGE*, one (1) *SIGN* is permitted on each *STREET* for every 150 M (492 FT) of *FRONTAGE* or part thereof.

- 7.15.3. A *REAL ESTATE SIGN* erected on the ground shall be located not less than 1.0 M (3.3 FT) from a *LOT LINE* and a *STREET LINE*.
- 7.15.4. A *REAL ESTATE SIGN* shall comply with Sections 4 and 6 of this by-law.
- 7.15.5. Notwithstanding Clause 4.2.1 of this by-law, one *REAL ESTATE SIGN* not exceeding 0.8 SQM (8.6 SQFT) may be erected on a fence located on a *LOT*.
- 7.15.6. An *OPEN HOUSE DIRECTIONAL SIGN* shall comply with Subsection 8.3 of this by-law.
- 7.15.7. A *REAL ESTATE SIGN* located on *RESIDENTIAL ONLY LANDS* shall not exceed:
- (a) 0.8 SQM (8.6 SQFT) in *SIGN AREA* for *LOTS* with 20 M (65.6 FT) or less of *FRONTAGE*, and
 - (b) the lesser of 4.0 SQM (43.1 SQFT) or 0.04 SQM of *SIGN AREA* per linear metre (0.131 SQFT per linear foot) of *FRONTAGE* for *LOTS* with more than 20 M (65.6 FT) of *FRONTAGE*.
- 7.15.8. A *REAL ESTATE SIGN* located on *MIXED USE* or non-residential lands shall not exceed:
- (a) 1.2 SQM (12.9 SQFT) in *SIGN AREA* for *LOTS* with 20 M (65.6 FT) or less of *FRONTAGE*, and
 - (b) the lesser of 6.0 SQM (64.5 SQFT) or 0.06 SQM of *SIGN AREA* per linear metre (0.197 SQFT per linear foot) of *FRONTAGE* for *LOTS* with more than 20 M (65.6 FT) of *FRONTAGE*.
- 7.15.9. *REAL ESTATE SIGNS* shall be removed within thirty (30) days after the date of the acceptance of an offer of purchase or lease of the premises.
- 7.15.10. A *REAL ESTATE SIGN* shall only be erected if the property is marketed for a use that is in conformance with the applicable Zoning By-law of the *CITY*.
- 7.15.11. A *REAL ESTATE SIGN* may be erected as a *WINDOW SIGN* within a suite of commercial or industrial use.
- 7.15.12. A *REAL ESTATE SIGN* shall use the words "For Sale", "Lease" or "Rent". (By-law 2016-174)
- 7.16. *ELECTION SIGNS*
- 7.16.1. This By-law does not apply to election signs. (By-law 2018-16)
- 7.16.2. Deleted in its entirety. (By-law 2018-16)
- 7.16.3. Deleted in its entirety. (By-law 2018-16)
- 7.16.4. Deleted in its entirety. (By-law 2018-16)

- 7.16.5. Deleted in its entirety. (By-law 2018-16)
- 7.16.6. Deleted in its entirety. (By-law 2018-16)
- 7.16.7. Deleted in its entirety. (By-law 2018-16)
- 7.16.8. Deleted in its entirety. (By-law 2018-16)
- 7.16.9. Deleted in its entirety. (By-law 2018-16)
- 7.16.10. Deleted in its entirety. (By-law 2018-16)
- 7.16.11. Deleted in its entirety. (By-law 2018-16)
- 7.16.12. Deleted in its entirety. (By-law 2018-16)
- 7.16.13. Deleted in its entirety. (By-law 2018-16)
- 7.16.14. Deleted in its entirety. (By-law 2018-16)
- 7.16.15. Deleted in its entirety. (By-law 2018-16)
- 7.16.16. Deleted in its entirety. (By-law 2018-16)

7.17. CONSTRUCTION SITE SIGNS

- 7.17.1. A *CONSTRUCTION SITE SIGN* is permitted to be erected only on the property that relates to the advertised or displayed construction.
- 7.17.2. More than one (1) *SIGN* shall be not be mounted on a *SIGN STRUCTURE*
- 7.17.3. A *CONSTRUCTION SITE SIGN* erected on non-*RESIDENTIAL ONLY LANDS* shall be non-illuminated with a *SIGN AREA* not exceeding 15 *SQM* (161.5 *SQFT*) and shall be removed from the construction site within thirty (30) days of first occupancy of the project.
- 7.17.4. A *CONSTRUCTION SITE SIGN* erected on *RESIDENTIAL ONLY LANDS* shall be non-illuminated with a *SIGN AREA* not exceeding 4 *SQM* (43.1 *SQFT*) and shall be removed from the construction site within thirty (30) days of first occupancy of the project.
- 7.17.5. A *CONSTRUCTION SITE SIGN* erected on *RESIDENTIAL ONLY LANDS* and containing at least one (1) but not more than six (6) residential units shall be non-illuminated with a *SIGN AREA* not exceeding 0.8 *SQM* (8.6 *SQFT*) and shall be removed from the construction site within seven (7) days of substantial completion or first occupancy of the project.

7.18. FARM SIGNS

- 7.18.1. Nothing in this by-law applies to the extent it restricts a normal farm practice from being carried on as part of an agricultural operation.

- 7.18.2. A *THIRD PARTY SIGN* shall not be erected or displayed on a farm with respect to goods, services and produce sold from another property.
- 7.18.3. A *THIRD PARTY SIGN* shall not be erected on another property to advertise goods, services and produce sold from the farm, however a *TEMPORARY Directional SIGN* conforming to Subsection 8.3 of this by-law may be erected by a farmer.
- 7.18.4. Notwithstanding Clause 4.2.1 of this by-law, a *SIGN* may be painted on the roof or wall of a farm building.
- 7.19. *THIRD PARTY SIGNS*
- 7.19.1. No *PERSON* shall *ERECT* or permit to be erected a *THIRD PARTY SIGN* except for a *BILLBOARD SIGN*, an *INTERIOR SIGN*, a *SPECIAL EVENT SIGN*, a *BOULEVARD DIRECTIONAL SIGN*, a *POSTER, SIGNS* conforming to Subsections 8.3 and 8.8, and a *SIGN* within a building which is not a *WINDOW SIGN*.
- 7.19.2. Notwithstanding Clause 7.19.1 of this by-law, *THIRD PARTY SIGNS* may be erected on *CITY PROPERTY* in accordance with Subsections 8.2 to 8.8 of this by-law.
- 7.20. *SPECIAL EVENT SIGNS*
- 7.20.1. *SPECIAL EVENT SIGNS* on *CITY PROPERTY* shall comply with Section 8 of this by-law.
- 7.20.2. A *SPECIAL EVENT SIGN* may be erected on private property as a *GROUND SIGN*, *MOBILE SIGN* or *WALL SIGN*, without regard to existing *GROUND SIGNS*, *MOBILE SIGNS* and *WALL SIGNS* on the *LOT*.
- 7.20.3. A *SPECIAL EVENT SIGN* shall not remain erected for more than thirty (30) days and shall not be erected on the same property more than twice in any calendar year.
- 7.21. *WINDOW SIGNS*
- 7.21.1. No *WINDOW SIGNS* shall obstruct the natural light through the window by more than 50%.
- 7.22. *ON-SITE DIRECTIONAL SIGNS*
- 7.22.1. An *ON-SITE DIRECTIONAL SIGN* shall have a maximum *SIGN AREA* of 0.75 *SQM* (8.1 *SQFT*) and shall have a maximum *HEIGHT* of 1.2 *M* (3.9 *FT*).
- 7.22.2. The number of *ON-SITE DIRECTIONAL SIGNS* shall be limited to two (2) per entrance.
- 7.23. *ADULT ENTERTAINMENT SIGNS*

- 7.23.1. No *PERSON* shall *ERECT* or permit to be erected an *ADULT ENTERTAINMENT SIGN* unless advertising a legal Adult Entertainment business established on the property where the *SIGN* is located.
- 7.23.2. No *PERSON* shall *ERECT* or permit to be erected a Third Party *ADULT ENTERTAINMENT SIGN*.
- 7.23.3. No *PERSON* shall *ERECT* or permit to be erected an *ADULT ENTERTAINMENT SIGN* or *ADVERTISING DEVICE* within a business suite where the Adult Entertainment business is not the primary business at the suite.
- 7.23.4. An *ADULT ENTERTAINMENT SIGN* shall only be erected as a *WALL* or *CANOPY SIGN* and shall not exceed 4.0 *SQM* (43.1 *SQFT*) in *SIGN AREA*.
- 7.23.5. An *ADULT ENTERTAINMENT SIGN* shall not convey indecent images or words.
- 7.24. *PUMP ISLAND*
- 7.24.1. The maximum *SIGN AREA* of a *PUMP ISLAND SIGN* is 2 *SQM* (21.5 *SQFT*) per pump island.
- 7.25. *OFFICIAL SIGN*
- 7.25.1. An *OFFICIAL SIGN* required by a *CITY* Planning application process may be erected on private property as a *GROUND SIGN* or *WALL SIGN*, without regard to existing *GROUND SIGNS* and *WALL SIGNS* on the *LOT*.
- 7.26. *SMALL INCIDENTAL SIGNS* (By-law 2006-161)
- 7.26.1. *INCIDENTAL SIGNS* such as *INFORMATION SIGNS*, *ADDRESS SIGNS*, *DIRECTORY SIGNS*, and *OFFICIAL SIGNS* shall be limited in number, *SIGN AREA* and *HEIGHT* to minimum values necessary to perform the intended function, unless permitted otherwise in this by-law. (By-law 2006-161)
- 7.27. *MENU BOARDS*
- 7.27.1. One *MENU BOARD* shall be permitted in association with a permitted drive-through facility/lane provided the *MENU BOARD* is a maximum *HEIGHT* of 2.5 *M* (8.2 *FT*) and a maximum *SIGN AREA* of 4 *SQM* (43.1 *SQFT*).
- 7.27.2. One *PRE-MENU BOARD* shall be permitted in association with a permitted drive-through facility provided the *PRE-MENU BOARD* is a maximum *HEIGHT* of 2.5 *M* (8.2 *FT*) and a maximum *SIGN AREA* of 2 *SQM* (21.5 *SQFT*).

SECTION 8 *SIGNS ON CITY/PUBLIC PROPERTY*

- 8.1. General Provisions

- 8.1.1. Except as permitted in this Section, all *SIGNS* shall comply with other Sections of this by-law, including Section 4.
- 8.1.2. Unless permitted by this Section, no *PERSON* shall *ERECT*, or cause to be erected, a *SIGN* on *CITY PROPERTY* without prior written authorization of the City Manager, or the *GENERAL MANAGER* of Engineering, Public Works/Transportation Services and the *GENERAL MANAGER* of Parks/Recreation, or *COUNCIL* or by way of encroachment agreement and unless a *PERMIT* has been issued therefor by the City Engineer or his/her designate. (By-law 2009-130)
- 8.1.3. The *CITY* may, at its sole discretion, remove any *SIGN* from *CITY PROPERTY* or *PUBLIC PROPERTY* at any time, if it has determined the *SIGN* is not in compliance with this by-law or if it has determined the *SIGN* to be *UNSAFE* in its current location or condition.
- 8.1.4. Unless permitted in this Section, no *PERSON* shall *ERECT*, or caused to be erected a *SIGN* on *PUBLIC PROPERTY* without prior written authorization of the entity described in Clause 2.4.2. that owns or leases the property.
- 8.2. *POSTER*
- 8.2.1. No *PERSON* shall affix or place a *POSTER* on *CITY* or *PUBLIC PROPERTY* except in accordance with this By-law at a *COMMUNITY BULLETIN BOARD OR KIOSK* or a *COMMUNITY POSTER SLEEVE* designated in Schedule "B" of this By-law.
- 8.2.2. A *PERSON* shall only affix or place one *POSTER* on one designated location and such *POSTER* shall be in accordance with the following requirements:
- (a) It must indicate the name, address and telephone number of the *PERSON* or business responsible for placing the *POSTER*.
 - (b) It must be no greater in size than twenty-two (22) centimetres by twenty-eight (28) centimetres [eight and one half (8.5) inches by eleven (11) inches].
 - (c) It must conform to the shape of the *POSTER* sleeve, bulletin board, or kiosk.
 - (d) It must be attached to the *POSTER* sleeve, bulletin board or kiosk only by staples, tacks or push pins.
- 8.2.3. No *PERSON* shall affix or place a *POSTER* if the *POSTER* conveys a message with respect to an Adult Entertainment business or an unlawful activity or an activity which a Peace Officer or a *MUNICIPAL LAW ENFORCEMENT OFFICER* has reason to believe is unlawful.

- 8.2.4. A *POSTER* must be removed by the *PERSON* who affixed or placed the *POSTER* within thirty (30) days or its placement or when the time, event or purpose for which it was placed no longer applies, whichever comes first.
- 8.2.5. The *CITY* or other Public Authority or entity described in Clause 2.4.2. of this by-law may remove and dispose of lawfully and unlawfully placed *POSTERS* without notice or compensation when necessary for maintenance or other purpose.
- 8.3. *OPEN HOUSE DIRECTIONAL SIGNS, GARAGE/YARD SALE DIRECTIONAL SIGNS, Etc.*
- 8.3.1. An *OPEN HOUSE DIRECTIONAL SIGN* and a *GARAGE/YARD SALE DIRECTIONAL SIGN* of size not greater than 0.40 SQM (4.3 SQFT) in *SIGN AREA* and 0.75 M (2.5 FT) in *HEIGHT* may be erected on a *CITY* boulevard at least 0.5 M (1.6 FT) from the edge of a travelled road, sidewalk, or shoulder of a highway.
- 8.3.2. Where the boulevard is not large enough to accommodate the 0.5 M (1.6 FT) setback above, the *SIGN* may be located with lesser setback in a manner so as not to create a traffic hazard, but not on a sidewalk or travelled portion of a highway.
- 8.3.3. An *OPEN HOUSE DIRECTIONAL SIGN* and a *GARAGE/YARD SALE DIRECTIONAL SIGN* must be removed by the *PERSON* who placed it within four (4) hours and twelve (12) hours respectively, of its placement.
- 8.3.4. No more than three (3) *SIGNS* shall be permitted near an *INTERSECTION* at the same time.
- 8.3.5. An *OPEN HOUSE DIRECTIONAL SIGN* and a *GARAGE/YARD SALE DIRECTIONAL SIGN* shall not be erected, posted or affixed to a utility pole, light standard, or traffic signal standard, except on a designated *COMMUNITY POSTER SLEEVE*.
- 8.3.6. Similar *TEMPORARY* Directional *SIGNS* of duration less than 1 day may be placed with the same size, location and quantity restrictions.
- 8.4. *BOULEVARD DIRECTIONAL SIGNS*
- 8.4.1. A *BOULEVARD DIRECTIONAL SIGN* may be erected on a *CITY* boulevard as a *PERMANENT SIGN* with the approval of the *GENERAL MANAGER* of Engineering, Public Works/Transportation Services and the *GENERAL MANAGER* of Parks/Recreation.
- 8.4.2. A *BOULEVARD DIRECTIONAL SIGN* shall not exceed 0.2 SQM (2.2 SQFT) in *SIGN AREA*, or 2.5 M (8.2 FT) in *HEIGHT*, unless approved otherwise.

- 8.4.3. A *BOULEVARD DIRECTIONAL SIGN* shall only be installed by *CITY* forces and the cost of installation shall be paid to the *CITY* by the *PERSON* requesting the *SIGN*.
- 8.5. *PORTABLE SIGNS/Sidewalk Sandwich Boards*
- 8.5.1. A business abutting a *CITY* sidewalk may *ERECT* or display one (1) *PORTABLE SIGN* on the *CITY* sidewalk in front of the business to which the *SIGN* relates in accordance with this Subsection.
- 8.5.2. A *PORTABLE SIGN* shall not exceed 0.6 *SQM* (6.5 *SQFT*) in *SIGN AREA* if single faced or 1.2 *SQM* (12.9 *SQFT*) in *SIGN AREA* if double faced, and shall not contain more than two (2) *SIGN FACES*.
- 8.5.3. A *PORTABLE SIGN* shall not exceed 0.9 *M* (3.0 *FT*) in *HEIGHT*.
- 8.5.4. A *PORTABLE SIGN* is not permitted within 1.0 *M* (3.3 *FT*) of the curb, edge of the travelled road, or shoulder of a highway.
- 8.5.5. A *PORTABLE SIGN* shall not be erected or placed on a *CITY* sidewalk in such a manner to limit the intended use of a pedestrian walkway, driveway or barrier-free path of travel or which reduces the effective width of a sidewalk to less than 1.5 *M* (4.9 *FT*).
- 8.5.6. A *PORTABLE SIGN* shall not be erected or placed on a *CITY* sidewalk unless its location has been chosen to minimize its impact on pedestrian traffic.
- 8.5.7. A *PORTABLE SIGN* shall be removed and stored indoors each evening at business close.
- 8.6. Repealed by By-law 2007-13.
- 8.7. *SPECIAL EVENT SIGN*
- 8.7.1. *SPECIAL EVENT SIGNS* may be erected on the *CITY* road allowance by the organization promoting the public festival, charitable event, or *COMMUNITY GROUP*, if the *SIGNS* meet the size and location requirements of Subsections 8.2, 8.3, or 8.5 of this by-law and provided the *SIGNS* remain erected for not more than fourteen (14) days.
- 8.7.2. A *SPECIAL EVENT SIGN* may be erected on *CITY PROPERTY* other than the road allowance for not more than thirty (30) days with prior written authorization of the City Manager, or the *GENERAL MANAGER* of Engineering, Public Works/Transportation Services and the *GENERAL MANAGER* of Parks/Recreation, or *COUNCIL*. (By-law 2006-161)
- 8.7.3. A *SPECIAL EVENT SIGN* described in Clause 8.7.2 of this by-law shall not be erected on the same property more than twice in any calendar year.
- 8.7.4. Repealed by By-law 2007-13.

8.8. BANNER SIGNS

8.8.1. A *BANNER* may be erected over a *CITY* road allowance for not more than thirty (30) days with the written permission of the *TRAFFIC AND PARKING OPERATIONS MANAGER* if a *PERMIT* has been issued therefore by the City Engineer or his/her designate. (By-law 2009-130)

8.9. Encroaching SIGNS

8.9.1. Buildings located less than 0.5 M (1.6 FT) from a *CITY STREET LINE* may have erected thereon a *WALL SIGN* or *CANOPY SIGN* without posts which projects less than 0.5 M (1.6 FT) over a *CITY* road allowance if a *PERMIT* has been issued therefore by the City Engineer or his/her designate. (By-law 2009-130)

8.9.2. A *PERMIT* shall not be issued for an encroaching *SIGN* until an encroachment agreement has been entered into between the City (or the Regional Municipality of Niagara, if a Regional road) and the *OWNER* of the building upon which the *SIGN* is erected.

8.9.3. The encroaching *SIGN* shall maintain the 2.4 M (7.9 FT) clearance required by Clause 4.3.1 of this by-law.

SECTION 9 MAINTENANCE OF SIGNS

9.1. The *OWNER* and *SIGN OWNER* shall maintain or cause such *SIGN* to be maintained in a proper state of repair, so that such *SIGN* remains completely operative at all times and does not become *UNSAFE*, defective or dangerous.

9.2. The maintenance or repairs using materials identical to the materials of the component being maintained or repaired does not constitute an alteration.

SECTION 10 MINOR VARIANCES

10.1. The *COUNCIL* of the *CITY* may, upon the application of any *PERSON*, authorize minor variances from this by-law, if in the opinion of *COUNCIL*, the general intent and purpose of this by-law are maintained.

10.2. The fee for an application for variance to cover processing of the application shall be in accordance with Schedule "D" attached hereto. A separate application is required for each *SIGN* or group of similar *SIGNS* on a *LOT*.

10.3. *COUNCIL* hereby delegates to the Committee of Adjustment the authority specified in Section 10.1. to review applications and make decisions on whether or not the general intent and purpose of the by-law is maintained. (By-law 2008-51)

10.4. The Committee may establish rules of procedure necessary for its function.

SECTION 11 REMOVAL AND REPAIR OF SIGNS

- 11.1. Where a *SIGN* is erected in contravention of any provision of this by-law, the *CITY*, in addition to any other action, may give notice to the *APPLICANT* for *PERMIT*, *SIGN OWNER* or property *OWNER* of the property upon which the *SIGN* is erected, requiring the *SIGN* to be removed, repaired or altered to conform with the by-law. In the event that a notice is given and the *SIGN* indicated in the notice is not removed, repaired or altered to conform with the provisions of this by-law within the time period set out in the notice, the *CITY*, its employees, agent or contractor may enter upon the land and remove such *SIGN* or carry out the work required to make such *SIGN* comply with this by-law, and may charge any costs incurred for such work to the *APPLICANT*, *SIGN OWNER* or property *OWNER*.
- 11.2. Where the *APPLICANT*, *SIGN OWNER* and property *OWNER* refuse to pay the costs incurred by the *CITY* in Subsection 11.1 of this by-law, the *CITY* may recover the costs in accordance with Section 427 of the Municipal Act.
- 11.3. Any notice given under this by-law may be given by: (a) personal service to the party being served; (b) ordinary or registered mail to the *OWNER* of the property according to the last revised Assessment Roll of the property upon which the *SIGN* is located; (c) ordinary or registered mail to the address of the *APPLICANT* for a *PERMIT* shown on the *SIGN PERMIT* application; ordinary or registered mail to the last known address of the *SIGN OWNER*; or by prominently displaying a copy of the notice on the *SIGN* in respect of which the notice is given or on the land upon which the *SIGN* is located.
- 11.4. The *CITY*, its employees, agent or contractor may, without notice, remove any *SIGN* which contravenes Subsection 4.2 or 4.3 of this by-law or Section 8 of this by-law, and cost of removal may be charged to the *APPLICANT*, *SIGN OWNER* or property *OWNER* as in Subsection 11.1 of this by-law or recovered as in Subsection 11.2 of this by-law.
- 11.5. Any *SIGN* removed as authorized by Section 11 of this by-law, may be deposited elsewhere on the property on which it is located, or may be stored by the *CITY*, its employees, agent or contractor. Where a *SIGN* has been removed and stored, the *OWNER* may reclaim such *SIGN* upon payment to the *CITY* any costs incurred by the *CITY*, its agent or contractor in the removal of such *SIGN*. Where a *SIGN* has not been reclaimed within thirty (30) days of its removal, such *SIGN* may be forthwith destroyed or otherwise disposed of by the *CITY*, its employees, agent or contractor.

SECTION 12 ADMINISTRATION, ENFORCEMENT AND RIGHT OF ACCESS

- 12.1. This by-law shall be administered and enforced by a *MUNICIPAL LAW ENFORCEMENT OFFICER*, the City Engineer or his/her designate or an Inspector or any *PERSON*

appointed or otherwise delegated the authority of administration and enforcement. (By-law 2009-130)

- 12.2. The *MUNICIPAL LAW ENFORCEMENT OFFICER* may enter upon, enter within and inspect any land, property, building or structure at any time to determine if this by-law is complied with.
- 12.3. Notwithstanding Subsection 12.2 of this by-law, the *MUNICIPAL LAW ENFORCEMENT OFFICER* shall not enter or remain in any room or place actually used as a dwelling unless the provisions of Section 430 of the Municipal Act are complied with.

SECTION 13 PENALTIES

- 13.1. Every *PERSON* who contravenes any provision of this by-law is guilty of an offence and is liable upon conviction to a fine of not more than \$5,000.00 pursuant to the Provincial Offences Act, R.S.O.1990, c.P.33.

SECTION 14 SCHEDULES

- 14.1. Schedules "A", "B", "C" and "D" attached hereto shall be read with and form part of this by-law.

SECTION 15 VALIDITY

- 15.1. Should any Section, Subsection, Clause, Subclause or provision of this by-law be held by a court of competent jurisdiction to be invalid, the validity of the remainder of the by-law shall not be affected.

SECTION 16 REPEAL OF OTHER BY-LAWS

- 16.1. By-laws 994, 1003, 1623, 1711, 1797, 2016, 2446, 2789, 2790, 2845, and 2890 be and the same are hereby repealed.

SECTION 17 EFFECTIVE DATE

- 17.1. This by-law shall come into force and take effect on the date of passing thereof.
- 17.2. Notwithstanding Subsection 17.1. above, Subsection 8.2. and Clause 7.11.2. of this by-law shall come into force and take effect on the day designated postering locations are added to Schedule "B" of this by-law by Amendment.

READ A FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL THIS 15th DAY OF FEBRUARY, 2005

NOTE: This Office Consolidation is prepared for purposes of convenience only, and for accurate reference, recourse should be had to the Original By-law.

As Amended by:	By-law 2006-161	Passed October 17, 2006
As Amended by:	By-law 2007-13	Passed February 6, 2007
As Amended by:	By-law 2008-51	Passed April 15, 2008
As Amended by:	By-law 2009-130	Passed September 15, 2009
As Amended by:	By-law 2016-174	Passed December 20, 2016
As Amended by:	By-law 2018-16	Passed February 20, 2018
As Amended by:	Resolution 2018-17	Passed April 6, 2018

SCHEDULE "A"

TO BY-LAW 2005-21 OF THE CITY OF WELLAND

FEEES FOR SIGN PERMIT APPLICATION

SIGN PERMIT application fees payable upon application for *PERMIT* shall be as specified in the City Fees and Charges By-law based upon the *SIGN AREA* of each *FACE* of the *SIGN*.

REFUND OF SIGN PERMIT APPLICATION FEES

<u>Status of <i>PERMIT</i> Application</u>	<u>Percentage of Fee Eligible for Refund</u>
1. Application filed. No processing or review of plans.	80%
2. Application filed. Plans reviewed.	60%
3. <i>PERMIT</i> issued. No inspections performed.	40%
4. Additional deduction for each inspection performed.	10%
5. Minimum <i>PERMIT</i> application fee.	0%

(By-law 2008-51)

SCHEDULE "B"

TO BY-LAW 2005-21 OF THE CITY OF WELLAND

DESIGNATED POSTERING LOCATIONS

This page intended to be left blank until such time as a new Schedule "B" is inserted by Amendment to this By-law.

SCHEDULE "C"

TO BY-LAW 2005-21 OF THE CITY OF WELLAND

TYPES OF SIGN STRUCTURES AND SIGN USES**Type of SIGN STRUCTURE**

Permanent

- GROUND SIGN
- WALL SIGN
- PROJECTING SIGN
- ROOF SIGN
- CANOPY SIGN
- BILLBOARD SIGN

TEMPORARY

- MOBILE SIGN
- PORTABLE SIGN
 - Sandwich board SIGN
 - A-Frame SIGN
- SIGNS Anchored in Shallow Ground Without Foundation
- FABRIC SIGN
 - BANNER
 - Flag/Pennant
 - INFLATABLE SIGN
- POSTER

Type of SIGN Use

- ABANDONED OR OBSOLETE SIGN
- ADDRESS SIGN
- ADULT ENTERTAINMENT SIGN
- BOULEVARD DIRECTIONAL SIGN
- CONSTRUCTION SITE SIGN
- DIRECTORY SIGN
- FARM SIGN
- GARAGE/YARD SALE SIGN
- INFORMATION SIGN
- INTERIOR SIGN
- MENU BOARD SIGN and PRE-MENU BOARD
- OFFICIAL SIGN
- ON-SITE DIRECTIONAL SIGN
- OPEN HOUSE DIRECTIONAL SIGN
- PUMP ISLAND SIGN
- REAL ESTATE SIGN
- SPECIAL EVENT SIGN
- SPECIAL OCCASION SIGN
- SUBDIVISION DEVELOPMENT SIGN
- SUBDIVISION IDENTIFICATION SIGN
- THIRD PARTY SIGN
- WINDOW SIGN

SCHEDULE "D"

TO BY-LAW 2005-21 OF THE CITY OF WELLAND

FEES FOR SIGN VARIANCE APPLICATION

Application fees for *SIGN* Minor Variances shall be as specified in the City Fees and Charges By-law for Committee of Adjustment Minor Variances.

(By-law 2008-51)