

## THE CORPORATION OF THE TOWN OF WASAGA BEACH

### BY-LAW NO. 2021-68

A By-law to prohibit or regulate signs and other advertising devices within the Town of Wasaga Beach and to repeal By-laws 96-10, 96-13, 2013-45, 2014-29, 2018-52 and 2018-67.

**WHEREAS** the *Municipal Act, S.O. 2001, c.25, Section 8*, provides that the Act shall be interpreted broadly so as to confer board authority on municipalities to enable municipalities to govern their affairs as they consider appropriate and enhance their ability to respond to municipal issues;

**AND WHEREAS** the *Municipal Act, S.O. 2001, c.25, Section 9*, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the *Act*;

**AND WHEREAS** the *Municipal Act, S.O. 2001, c.25, Section 11*, provides that a lower-tier municipality may pass by-laws respecting matters of jurisdiction set out therein, *inter alia*; structures including signs;

**AND WHEREAS** the *Municipal Act, S.O. 2001, c.25, Section 99* sets out rules which apply to a by-law of a municipality respecting advertising devices, including signs;

**AND WHEREAS** the *Municipal Act, S.O. 2001, c.25, Section 425* establishes that any person who contravenes any by-law of the municipality, may be, passed under the *Act*, is guilty of an offence;

**AND WHEREAS** the Council of the Town of Wasaga Beach deems it expedient to rescind By-laws 93-10, 93-13, 2013-45, 2014-29, 2018-52 and 2018-67 and pass a by-law to prohibit or regulate signs and other advertising devices within the Town of Wasaga Beach;

**NOW THEREFORE**, the Corporation of the Town of Wasaga Beach enacts as follows:

### SECTION 1: GENERAL

- 1.1 This By-law may be cited as the "Sign By-law".
- 1.2 No sign or its structure, whether temporary, portable or permanent, shall be erected or enlarged or placed for any purpose within the Town of Wasaga Beach, except as permitted by this By-law and in conformity with the applicable provisions of the Ontario Building Code.

## **SECTION 2: DEFINITIONS**

**A-FRAME SIGN** – shall mean any sign that has a rigid, free standing structure not affixed to the ground or other structures with two advertising sides attached at the top and extended into an “A” shape, also commonly referred to as “Sandwich Board Sign” or “Sidewalk Sign”.

**ALTER, ALTERED OR ALTERATION** – means any change to the sign with the exception of:

- a) a change in the message displayed on a sign;
- b) the re-arrangement of numerals, letters or copy applied directly to the face of a sign specifically designed and intended to be periodically re-arranged;
- c) repair and maintenance, including replacement with identical components, as required by this section.

**APPLICANT** - shall mean the owner of the land upon which a sign is to be erected or displayed, or a tenant of the land, who shall provide written permission from the owner of the land, or an agent of the owner or tenant.

**AREA SIGN** – shall mean the number of square metres on the surface of a sign, including the border and frame, and where there is no border, shall include all the area of the surface lying within the extremities of the sign.

**AWNING SIGN** – shall mean a sign incorporated into an awning being a fixed frame structure covered with fabric, vinyl, plastic, aluminum or some similar material.

**BACK LIT SIGN** – shall mean any sign designed to provide artificial light through transparent or translucent material from a light source within the sign.

**BANNER SIGN** – shall mean a sign, other than a flag sign, composed of light-weight material, either enclosed or unenclosed in a rigid frame, secured or mounted that may allow movement of the sign caused by movement of the atmosphere.

**BILLBOARD SIGN** – shall mean an advertising sign, symbol or structure, maintained by a person, firm, corporation, business, service, commercial or industrial enterprise, engaged in the sale or rental of space thereon to a clientele, upon which space therein is displayed advertising copy describing one or more products or services which are not necessarily made, produced, assembled, sold or stored from the lot or premise upon which the sign is displayed. A billboard sign may include:

- a) Poster Panels or signs normally mounted on a building wall or free-standing structure with advertising copy in the form of pasted paper.
- b) Painted signs, where the advertiser's message is painted directly on the background of a wall-mounted or freestanding display surface.
- c) Poster sign with advertising copy in the form of pasted cardboard, plastic fiberboard, paper or similar flexible material on the one display surface.

**BUILDING IDENTIFICATION SIGN** – shall mean a sign attached to or part of a building, lettered to give the name of a building itself as opposed to the name of occupants, business or services.

**BY-LAW ENFORCEMENT OFFICER** – shall mean the By-law Enforcement Officer of the Corporation of the Town of Wasaga Beach and/or his/her designated representative.

**CHIEF BUILDING OFFICIAL** – shall mean the Chief Building Official (Director, Building & Development Services) for the Corporation of the Town of Wasaga Beach and/or his/her designated representative.

**COMMERCIAL** – shall mean the use of lands, buildings, or structures for the purpose of buying and selling commodities, or supplying of services as distinguished from such uses as manufacturing or assembling of goods, warehousing, transport terminals, construction, and other similar uses as legally permitted by the Comprehensive Zoning By-law.

**COMPREHENSIVE ZONING BY-LAW** – shall mean the Comprehensive Zoning By-law for the Town of Wasaga Beach, being By-law 2003-60, as amended, or its successor.

**COUNCIL** – shall mean the Council of the Corporation of the Town of Wasaga Beach.

**DEVELOPER** – shall mean a person or corporation that has municipally approved plan(s) for the construction of new residential or commercial properties to be sold or otherwise marketed to clients.

**DEVELOPMENT** – shall mean any site that a Developer has received municipal planning approval to begin advertising for sale or disposal.

**DEVELOPMENT SIGN** – shall mean any approved sign whose advertising copy displays a message related to a specific Development being marketed.

**DIGITAL SIGNS** - shall mean signs that have an electronic display including high intensity displays (HID), light-emitting diode (LED), liquid crystal display (LCD), plasma display (PDP) and Digital Light Processing (DLP), surface-conduction electron-emitter display (SED) field emission display (FED) and similar signs.

**DIRECTIONAL SIGN** – shall mean a sign indicating the direction with regard to pedestrian and/or vehicular movement, such as signs used for drive-through businesses.

**DIRECTOR OF PLANNING AND ECONOMIC INITIATIVES** – shall mean the Director of Planning and Economic Initiatives, for the Town of Wasaga Beach and/or his/her designated representative.

**DIRECTORY SIGN** – shall mean an advertising device which consists of an aluminum blade a maximum of 16cm (6") in height and 75cm (30") in length and includes a highway sign lettered upon, attached or affixed to, or displayed on a directory, which names a business, resort, shopping or dining facility, or attraction for the vacationing public, and which may also indicate the direction thereto by means of an arrow or other symbol, or by other means.

**DISPLAY SURFACE** – shall mean the surface made available by the structure, either for direct mounting of characters, letters, numbers or illustration or for the mounting of facing material intended to carry the entire advertising message.

**ELECTION SIGN** – shall mean signs advertising or promoting a candidate in a federal, provincial or municipal election, including an election of a local board or commission; or a sign intended to influence persons to vote for or against any candidate or any question or by-law submitted to the electors under Section 8 of the Municipal Elections Act, 1996, or its successors.

**ERECT** – shall mean to attach, alter, build, construct, reconstruct, enlarge or move, including the painting of wall signs, but not including copy changes on any signs.

**FAÇADE** – shall mean the exterior face of a building hosting the building's principal entrance, often distinguished from other faces by the elaboration of prominent architectural features.

**FLAG SIGN** – shall mean a sign composed of light-weight material, and shall include temporary teardrop signs, feather signs or other ground signs that include a pole or rigid frame that supports it, secured or mounted so as to allow movement of the sign caused by movement of the atmosphere, but does not include a banner sign.

**FLASHING SIGN** – shall mean an illuminated sign, fixed or rotating, upon which the source of artificial light is not stationary or the intensity or colour is not constant.

**GARAGE SALE SIGN** - means the sale of a one's personal belongings or household goods from their own property where the belongings or goods originated from (includes Yard Sale, Estate Sale).

**GRADE** – when used in reference to a sign, shall mean the average elevation of the finished surface of the ground where it meets the supports of the sign or the building upon which it is erected, exclusive of any artificial embankment.

**GROUND SIGN** – means a permanent sign in a fixed location, wholly supported by one or more uprights, poles, braces or located on a structural base placed in the ground, and includes soft landscape treatment at the base of the sign or supporting structure. For the purposes of this by-law, a pylon sign is considered to be a ground sign.

**HERITAGE PLAQUES** – shall mean a sign identifying a site or building designated or recognized by the Corporation, the Province or the Federal Government as being of architectural or historical value or interest.

**HEIGHT OF SIGN** – shall mean the vertical distance from the ground to the highest extremity of the sign including the border or frame, and in the case of a sign without border or frame, the vertical distance from the ground to the top of the letter, symbol or other part of the sign that is the highest.

**HOME OCCUPATION OR HOME INDUSTRY SIGN** – shall mean a sign identifying a permitted home occupation or home industry as defined pursuant to the Comprehensive Zoning Bylaw.

**ILLUMINATED SIGN** – shall mean any sign designed to provide artificial light, either through exposed lighting or on the sign face or through transparent or translucent material from a light source within the sign, including digital signs.

**INDUSTRIAL** – shall mean the use of land, buildings, or structures designed for the purpose of manufacturing, assembling, making, inspecting, finishing, altering, repairing, warehousing or storing any goods, substances, articles, or things or any part thereof, and the storage of building and construction equipment and materials, as distinguished from the buying and selling of commodities and the supply of personal services as legally permitted by the Comprehensive Zoning By-law.

**INSTITUTIONAL** – Shall mean the use of land buildings or structures for social, educational, health care or religious purposes and related accessory uses as legally permitted by the Comprehensive Zoning By-law.

**LENGTH OF SIGN** – shall mean the distance between the border or frame of the sign measured horizontally, and in the case of a sign without border or frame, it means the horizontal distance between the first and last extremities of the lettering, symbols or other parts of the sign.

**LOT** – shall mean a parcel or tract of land, described in a deed or other legal document, which is legally capable of conveying title.

**LOT LINE** – shall mean the division line between a right-of-way and a lot, or the division line between two lots.

**MOBILE SIGN** – shall mean any mounted sign on a trailer or on a supporting frame which is designed to be transported from one site to another and includes mobile signs with changeable copy and/or illumination.

**NEON SIGN** – shall mean a sign made of a sealed low pressure tube containing an inert gaseous element that glows when electricity is passed through and shall not include a back lit sign unless neon is used for the purpose of back lighting a sign.

**PARAPET WALL** – shall mean that portion of a building wall that rises above the roof level.

**PERMITTED USE** – shall mean a use as permitted pursuant to the Town of Wasaga Beach Comprehensive Zoning By-law, as amended.

**PORTABLE SIGN** – shall mean any sign not permanently attached to the ground or building or any other structure, and which may be transported from one site to another and may be illuminated from the interior and have its own source of power, or may be dependent on an exterior source of power. Portable signs shall also include mobile signs, banners, flags, a-frame and wire/picket signs, and any movable structure including any vehicle or trailer which is parked, stored or located on a site that is not either the owner or employees vehicle or trailer for the business and such vehicle or trailer is being used for the day to day operation of the business for other than signage or advertisement.

**PROJECTING OR OVERHEAD SIGN** – shall mean a sign attached and perpendicular to the main wall of the building and shall not include a banner sign.

**REAL ESTATE SIGN** – shall mean a sign notification advising that a property is to be sold, rented or leased and which may also indicate to whom a person should inquire with regard thereto.

**REAL ESTATE DEVELOPER SIGN** – shall mean a billboard or a-frame sign, owned by a real estate developer, that advertises a subdivision or condominium development and may also provide the developer’s contact information.

**RESIDENTIAL** – shall mean the main use of buildings on the land are for human habitation other than those being used as an institutional use.

**RURAL SIGN** – shall mean a sign accessory to the permitted rural use.

**SETBACK** – shall mean the horizontal distance from the lot line to the nearest part or leading edge of any sign.

**SIGN** – shall mean any visual medium which is capable of being used to attract attention to a subject matter, including display board, electronic display, screen, cloth or structure having characters, letters, numbers or illustration applied thereto or displayed thereon in any manner, including signs within a building visible from the street, and shall include the posting or painting or an advertisement or a notice on a building or structure advertising a place of business, product, activity, or a special happening.

**SIGN OWNER** - shall include any of the following:

- a) owner of a sign and/or;
- b) owner of the real property upon which the sign is located; and/or,
- c) the person, for the time being, managing or receiving the rent of either the sign or the real property upon which the sign is located.

**SIGN PERMIT** - shall mean a written document issued by the Municipal Law Enforcement Department or Chief Building Official indicating that they have considered a specific application referred to therein and has granted permission of the Town to erect, display, structurally alter or relocate in accordance with specifications and conditions referred to therein.

**SIGHT TRIANGLE** – shall mean the triangular space formed by the street lines of a corner lot and a line drawn from a point in one street line to a point in the other street line, each such point being 9 metres from the point of intersection of the street lines (measured along the street lines). Where the two street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the projection of the street line or the intersection of the tangents to the street lines.

**STOREFRONT** – shall mean the portion of the building’s façade that hosts the business or establishment’s principal entrance.

**STREET** – shall mean an opened (established) public highway which affords the principal means of access to abutting lots.

**STREET LINE** – shall mean the dividing line between a lot and a street.

**TEMPORARY SIGN** – shall include: a-frame signs, banner signs, flag signs, mobile signs and wire/picket signs. Temporary signs may also include a sign conveying a message applicable for a definable and specific limited time or related to an event or project short in duration.

**THIRD PARTY SIGN** – shall mean a sign that is advertising, identifies or provides information on goods, products, services or facilities that are not available at the location where the sign is located.

**THIRD PARTY SIGN, REGISTERED** – shall mean any person or entity, including but not limited to a corporation or trade union whom is not a registered candidate, political party or constituency association who incurs expenses with respect to:

- a) a question, law or by-law submitted to the electors;
- b) an issue associated with a person or political party participating in an election or;
- c) a candidate or political party participating in an election under the Canada Elections Act; the Elections Act or the Municipal Elections Act.

**TOWN** – shall mean the Corporation of the Town of Wasaga Beach.

**TOWN OFFICIAL SIGN** - means any sign erected by the Town or its agents or as approved by Town Council including but not limited to information signs, directional signs, traffic control signs, signs erected that control or regulate the movement of vehicle or pedestrians or any signs approved under the Highway Traffic Act.

**TOWN APPROVED EXHIBITION, FESTIVAL OR EVENT** – shall mean an exhibition, festival or event that is either run by the Town, financially supported by the Town or an event that has obtained a Special Event Permit from the Town.

**V-SHAPED SIGN** – means a sign containing two faces of approximately equal sides erected upon common or separate structures, positioned in a “V” shape with an exterior angle between faces of not more than 90 degrees.

**VOTING PLACE** - means a place where citizens cast their ballots and shall include the entire property and all the boundaries associated with it when such voting place is located within a public premises.



**WALL SIGN** – shall mean a single faced sign located in such a manner that the sign face is parallel to the main wall of the building to which it is attached and shall also include a sign attached to or constructed in or on a canopy, marquee or awning.

**WINDOW SIGN** – shall mean a sign which is directly affixed to or painted or etched on any window or surrounding window frame.

**WIRE/PICKET SIGN** – shall mean a sign that is erected directly on the ground by means of a self-supporting wire frame or wooden picket(s).

**ZONE** - shall mean as zoned within the Comprehensive Zoning By-law of the Corporation of the Town of Wasaga Beach and the Comprehensive Zoning By-law of an abutting municipality.

### **SECTION 3: APPLICATION FOR SIGN PERMIT**

**3.1** Except for the signs referred to in Section 4, no person shall erect, cause to be erected, display, relocate or structurally alter any sign within the corporate limits of the Town of Wasaga Beach without first complying with this Sign By-law and obtaining a Sign Permit.

**3.2** A Sign Permit may be issued once the Town has been satisfied that:

- a) the application has been received properly and completed and fully executed;
- b) the required fee has been paid; and,
- c) all other applicable legislation is complied with including a Building Permit if required.

**3.3** A sign permit is not required for:

- a) flag signs,
- b) wire/picket signs on private property
- c) window signs

however, the above listed signs shall comply with all other provisions of this By-law.

**3.4** A sign permit is not required for real estate signs, however, that does not exempt a real estate sign from a building permit, if required. Real estate signs shall comply with all other provisions of this By-law.

- 3.5** A sign permit shall expire if the work to erect, display or alter the sign is not completed within 180 days from the date of issuance of the sign permit.
- 3.6** All signs must conform to the Ontario Building Code.
- 3.7** Prior to issuance of a building permit for a sign, an application for a permit shall be submitted to the Corporation to be checked for conformity with this By-law and any other applicable bylaws of the Corporation.
- 3.8** A building permit application for a sign shall require the following:
- 3.8.1** Completed drawings and specifications of what is to be erected or structurally altered, including where applicable, details of supporting framework, description of sign materials and lighting;
  - 3.8.2** Erection plans indicating the location of the sign on the lot relative to any buildings, vehicle accesses, doors, windows, and other existing signs on the site; and
  - 3.8.3** Site plans to scale indicating location on the site, setbacks, street lines and other boundaries of the property, and the location of the building thereon.
- 3.9** Upon review and approval of a completed application, the Chief Building Official shall issue a building permit for a sign, provided the application is in compliance with the regulations contained in this By-law and any other applicable by-laws of the Town and applicable legislation.
- 3.10** A fee, as set out by the Fees and Charges By-law for the Corporation, shall be paid upon application of a building permit for a sign.
- 3.11** Upon issuance of a building permit for a sign, the majority of the construction of said sign shall be completed within six months from the date of issuance, and completion of construction of the sign shall be within one year of the date of issuance of the permit.

#### **SECTION 4: BY-LAW EXEMPTIONS**

- 4.1** Subject to Section 6 of this by-law, the following signs are exempt from the requirements of this By-law:

- 4.1.1 Signs for regulating traffic or similar devices, legal notices or warnings at railroad crossings;
- 4.1.2 Signs for public safety, such as caution, construction or detour signs;
- 4.1.3 Town Official Signs owned by the Corporation of the Town of Wasaga Beach, the County of Simcoe, Provincial and Federal Government owned signs;
- 4.1.4 Town approved exhibition, festivals or events signs;
- 4.1.5 “No Trespassing” signs 0.19 sq. m or less;
- 4.1.6 Signs interior to a building provided such signs are not clearly visible or designed such that they are to be read from outside the building.
- 4.1.7 Heritage plaques that are municipal, provincial or federal;
- 4.1.8 One building identification sign per frontage to a maximum of two signs provided that the total combined display surface does not exceed 0.38 sq. m;
- 4.1.9 Signs displayed that identify rest rooms, freight entrances, hours of operation, open and closed signs and such other similar signs not exceeding 0.19 sq.m.
- 4.1.10 Yard/Garage Sale Signs are permitted provided such signs are erected no earlier than two (2) days before the sale and removed within two (2) days after the sale, and is subject to a yard sale permit provisions and location provisions in this by-law (Section 5.9)
- 4.1.12 Flags, other than an advertising device or banner sign, that displays an emblem or insignia of patriotic, civic, educational or religious organizations, including corporation flags or emblems, provided there are no more than 3 corporation flags or emblems per one (1) premises and each corporation flag or emblem does not exceed 3.0 square metres. Flags that display offensive symbols, or are associated with any form of oppression shall be prohibited.
- 4.1.13 Incidental signs that are of minor consequence and size whose use is incidental to another use. Incidental signs shall include numerical street signs, signs that are an integral part of the equipment, such as air conditioners and fire escapes and those which are not advertising and similar.

- 4.1.14 The Town may, from time to time, issue a permit for the placement of community notices for a fee or at no cost to not-for-profit or community groups, to advertise fundraising events.
- 4.1.15 Permanent signs in existence upon the passing of this by-law, and which conform to the configurations set out in this by-law, shall be permitted to remain in place so long as there is no change or alteration to the sign. Any change or alteration to a grandfathered sign may/shall require a permit under this By-law.

## **SECTION 5: GENERAL REGULATIONS**

- 5.1 No sign owner shall erect or maintain, or cause to be erected or maintained, a sign which does not comply with the provisions of this By-law, and shall be subject to provisions of related by-laws and/or legislation.
- 5.2 Any fees related to signage shall be set by the Town's Fee and Charges By-law.
- 5.3 A high standard of design and visual consistency is to be encouraged. Attractiveness and aesthetically pleasing displays shall be encouraged.
- 5.4 No sign shall interfere with vehicular and/or pedestrian sightlines.
- 5.5 The use of reflective, luminous or similar paint or fluorescent, garish or unnaturally bright colours or Day-Glo shall not be permitted except for traffic control purposes by the Town, the County or the Province of Ontario.
- 5.6 Signs shall not be permitted on a building that are located on the roof or project above the eaves or above the parapet or cornice of the building.
- 5.7 Signs on the same building should have a consistent location, size, and overall pattern and be compatible with one another.
- 5.8 **Lighting, Illuminated Signs and Digital Signs**
  - 5.8.1 Digital signs shall not exceed a display surface of 1.8 square metres and no billboard sign shall be digital.

- 5.8.2 Where digital signs are permitted, the total displayed message and/or image shall not change any more frequently than intervals of ten (10) seconds.
- 5.8.3 The intensity of an illumination of the digital signs shall be maintained at a constant level;
- 5.8.4 Digital signs must be equipped with functioning automatic dimming technology which will automatically adjust the intensity of the illumination in direct correlation with the ambient light conditions.
- 5.8.5 The intensity of an illumination of a digital sign shall not exceed 6,000 nits during the period between sunrise and sunset and further shall not exceed 500 nits during the period between sunset and sunrise, as provided by industry standards and may be amended from time to time.
- 5.8.6 Illuminated signs shall be located so as to reflect light away from adjacent premises or streets to prevent any glare or blinding spill over effect.
- 5.8.7 Illuminated signs of an animated and/or flashing nature may be erected only in commercial and industrial zones, provided that they do not interfere with the quiet enjoyment of any adjacent residential uses.

## **5.9 Location**

- 5.9.1 No sign shall be in a sight triangle.
- 5.9.2 Signs shall be setback in accordance with this By-law.
- 5.9.3 No sign shall be attached to a tree, or to a Hydro or Town pole or support, without permission of the Town.

## **5.10 Electrical Work**

- 5.10.1 All electrical components in a sign shall be Canadian Standards Association (CSA) certified.
- 5.10.2 Electrical transformer boxes, conduit and raceways should be concealed from public view.

## **5.11 Maintenance**

- 5.11.1 No sign owner shall fail to maintain, or fail to cause such sign to be maintained, in a proper state of repair, so that such sign does not become unsafe or unsightly and so that such sign shall be completely operative at all times.
- 5.11.2 It shall be the duty and responsibility of the owner or lessee of any sign to maintain the immediate premises occupied by the sign in a neat and tidy condition.

## **5.12 Signs On and Over Municipal Lands**

- 5.12.1 When any sign is located over or on municipal lands, a minimum of \$2,000,000 Million liability insurance is in effect and the Town is included as an additional name insured. The Town shall be entitled to require that a certificate or proof of insurance be delivered to it confirming such coverage before the erection of such sign.
- 5.12.2 When any sign is located over or on municipal lands, it shall be subject to the Encroachment Agreement Policy. Additionally, any substantive sign construction permitted in the road allowance shall be subject to a Road Occupancy Permit.

## **5.13 Minimum Standards and Site Plan Approval**

- 5.13.1 The standards contained in this By-law are minimum standards only and in no way reduce the more stringent standards which may be contained in any Site Plan Agreement executed in accordance with the provisions of the Planning Act.

## **SECTION 6: PROHIBITED SIGNS**

- 6.1 The use of signs that are designed to revolve, roll, spin, turn, twist or twirl or similar motion shall not be permitted. Notwithstanding this provision, historic red, white and blue barber signs are permitted to spin.
- 6.2 No sign shall utilize any wording or characters that could be considered offensive, profane, obscene, for unlawful activity or contain nudity or partial nudity of any person.
- 6.3 No sign shall display the cannabis/marijuana leaf, except as licensed under the *Cannabis Licence Act, 2018* (CLA) and Regulation 468/18, as amended.

- 6.4** No sign shall be painted directly onto the exterior of a building.
- 6.5** No third-party signs are permitted, other than on a billboard or a real estate or real estate developer a-frame sign, as permitted in this By-law, or through a formal agreement with the Town.
- 6.6** No person shall, for the primary purpose of displaying said sign or advertisement, attach, affix or display any sign or advertisement on a vehicle or trailer which is parked, stored or located on a site, that is not either the owner or employees vehicle or trailer for the business and such vehicle or trailer is being used for the day to day operation of the business for other than signage or advertisement.
- 6.7** No sign shall interfere with any electrical light, power or other utility wires or their supports.
- 6.8** No sign shall obstruct emergency services or emergency escapes or exits or interfere in any way with the free use of any fire hydrant, fire escape, fire exit, door, window, scuttle skylight flue, air intake or exhaust or parking space.
- 6.9** No sign shall by reason of size, location, movement, message, colouring, manner, reflectiveness or illumination may be confused with or constructed as an official traffic control devise or the light of an emergency or road equipment vehicle or which hides from view any traffic or street sign or traffic devise or by illumination or reflection, results in a hazard to traffic or a nuisance to adjacent uses.
- 6.10** Billboard Signs, unless as otherwise outlined in this By-law.
- 6.11** Signs that are air blown inflatable or balloon in nature are prohibited.
- 6.12** No sign shall be affixed to any tree, utility pole or municipal standard or be erected or placed on municipal or public property without the express permission of the Town.
- 6.13** Signs painted on, attached to, or supported by a tree, stone or other natural object are prohibited.
- 6.14** Signs not erected by a public authority which make use of words such as "STOP", "LOOK", "ONE WAY", "DANGER", "YIELD" or any similar words, phrases, symbols, lights, or characteristics in such a manner as to tend to interfere with, mislead, or confuse traffic are prohibited.

**SECTION 7: REAL ESTATE SIGNS**

- 7.1 Section 7 applies to real estate signs.
- 7.2 Real estate signs shall only be permitted on the property being sold or leased. The Coordinator of Municipal Law Enforcement may approve the placement onto town property directly in front of the property being sold if there is no ability to place a sign on the private property.
- 7.3 A maximum of one unlit single or double sided real estate sign is permitted for each street frontage less than 30m in length and a maximum of two unlit single or double faced real estate signs are permitted for each street frontage over 30m in length;
- 7.4 For residential properties, other than real estate developer signs, real estate signs shall not exceed a display surface of 0.6 sq. m
- 7.5 For properties other than residential, real estate signs shall not exceed a display surface of 3 sq. m. per side.
- 7.6 No real estate sign shall be located within 1.5 metres of any property line, and shall not interfere with vehicular and/or pedestrian sightlines.
- 7.7 No sign owner shall fail to remove a real estate sign within 10 days of the closing date and transfer of the property’s ownership.
- 7.8 A real estate “Open House” sign may be placed on a shoulder or boulevard showing direction to an open house during the hours the house is on display for a maximum of three (3) days without obtaining a sign permit, and shall not interfere with vehicular and/or pedestrian sightlines. Failure to remove said signage may result in set fines being incurred against the property owner.

**SECTION 8: RESIDENTIAL HOME OCCUPATION AND HOME INDUSTRY SIGNS**

- 8.1 Section 8 applies to permitted (zoned) residential home industry and home occupation signs.
- 8.2 One (1) residential home industry or home occupation sign not exceeding 0.39 sq. m in sign area is permitted to be located on a residential lot. Such sign can be either a window sign, ground sign or a wall sign, and



must be permanently affixed (No mobile signs such as A-Frames, Picket/Wire frames).

- 8.3 The height of the sign shall not exceed a maximum of 1.8 metres;
- 8.4 No sign shall be located within a sight triangle or within 1.5 metres of an adjoining property line.
- 8.5 No residential sign shall project over the street or Town lands without the express written permission of the Town.
- 8.6 Home occupation/home industry signs shall be non-motion and non-illuminated single-faced signs. No V-shape signage permitted. Permit and applicable fees required.

## **SECTION 9: COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL SIGNS**

### **9.1 General Conditions**

- 9.1.1 Section 9 applies to signs for commercial and industrial businesses and institutional uses.
- 9.1.2 No sign located on a property advertising the commercial or industrial business or institutional use shall have alpha numeric characters higher than 0.76 metres.
- 9.1.3 Gas stations may use all sides of the vertical face of a canopy located over gas pumps as a sign, provided that the sign is no larger than 50% of the shortest vertical face of the canopy. Permit and applicable fees required for all signs in this section, except for Window Signs

### **9.2 Wall Signs**

- 9.2.1 A maximum of one (1) primary wall sign may be erected for each store front. A secondary wall sign shall be permitted for back and side entrances to the business.
- 9.2.2 A wall sign shall be attached to and parallel with the main wall of the building where the building faces the street or in the case that a storefront does not face a street and is the primary access to the businesses, the wall sign shall be attached to and parallel with the main wall of the storefront.

- 9.2.3 Wall signs shall not cover up or hang below windows or cover decorative features of buildings.
- 9.2.4 Wall signs shall not extend below storefront openings and shall be located within sign panels or sign bands and where no sign panel or band exists, no wall sign or part thereof shall be located above the main storey.
- 9.2.5 No wall sign shall be permitted at a height greater than the main floor facade of the building with the exception of a wall sign attached to a parapet wall or cupola that may extend above the roof line provided that such sign does not extend above the limited of the parapet wall or cupola.
- 9.2.6 A primary wall sign shall be a minimum of 2.44 m above the finished sidewalk or mall grade and no longer than the horizontal measurement of the wall or building façade to which it is attached.
- 9.2.7 A secondary wall sign shall be no larger than 0.19 sq. m in area and may be attached to the door of the wall beside the side or rear entrance to a business.
- 9.2.8 A wall sign shall not project more than 0.30 m from the building face.
- 9.2.9 A wall sign shall not carry advertising copy on its ends.
- 9.2.10 The display surface for wall signs shall be calculated by determining the width of the building frontage and multiplying by a factor of three metres (3 m) and shall not exceed 10% of the area of the business or storefront façade dedicated to a particular business. Where possible, the sign shall be harmoniously incorporated into the architectural façade of the building.
- 9.2.11 The wall sign shall not extend beyond the limits of the building façade.
- 9.2.12 No wall sign shall be located on the wall of a building that faces lands zoned residential unless such residential zone is separated by a street, unless the primary access of the storefront does not face a street.

### **9.3 Window Signs**

- 9.3.1 A business may install a window sign occupying up to 100% of the window area.
- 9.3.2 Each window sign shall contain its entire advertising message.

- 9.3.3 Window stickers/films or blinds/curtains used for shading do not constitute window signage.
- 9.3.4 A business or storefront's window signs shall be arranged so as to permit a clear, unrestricted line of sight from the street to the inside of the building; unless otherwise restricted under other legislation, such as the *Cannabis Licence Act, 2018*.

## **9.4 Awning Signs**

- 9.4.1 Awning signs shall only be permitted on awnings that are traditional slope, shed or triangular shaped awnings fixed or crank awnings. Awnings are not permitted on rounded, dome, circular, convex, waterfall, bubble or sign box type or features, or to overhang municipal property or right of way.
- 9.4.2 No sign on an awning shall exceed a coverage of 35% of the awning area.
- 9.4.3 No awning sign shall be permitted at a height greater than the main floor façade of the building.
- 9.4.4 No awning sign shall be lower than 2.4 m to finished grade.
- 9.4.5 No awning sign shall be backlit.
- 9.4.6 No awning sign shall be located on the wall of a building that faces lands zoned residential unless such residential zone is separated by a street, or unless the primary access to the building is not facing a street.

## **9.5 Projecting or Overhead Signs**

- 9.5.1 One vertical projecting sign may be erected on a building having a width of 7.62 m or more.
- 9.5.2 The maximum projection of the projecting sign from the building facade shall not be greater than 1.3 m.
- 9.5.3 Projecting signs shall not exceed a width or a height of 0.9 m.
- 9.5.4 No part of the projecting sign shall be lower than 2.4 m and no higher than the ceiling of the first floor of the building or 3.4 m from finished grade.

9.5.5 There shall be no overhanging structures or wires from the roof of any building where a projecting sign is permitted.

9.5.6 No projecting sign shall be located on the wall of a building that faces lands zoned residential unless such residential zone is separated by a street, or unless the primary access to the building is not facing a street

## **9.6 Ground Signs (Pylon)**

9.6.1 One ground sign may be erected for each main commercial or industrial or institutional building on a lot. Said ground sign shall be located on the same lot as the lot on which the said commercial, industrial or institutional building(s) is located..

9.6.2 The height of the ground sign shall not exceed a maximum of 7.5m from the finished level at the base of the supporting structure at grade;

9.6.3 The display surface of the ground sign shall be calculated by determining the width of the building frontage and multiplying by a factor of three metres (3 m) and shall not exceed 10% of the area of the business or storefront façade dedicated to a particular business or a maximum of area of 15 square metres, whichever is more restrictive.

9.6.4 Ground signs shall not be located closer than:

- a) 1.5 m from any lot line;
- b) 1.5 m from any driveway, aisle or walkway or parking space;
- c) 7.62 m from any other ground sign; and,
- d) 7.62 m from any lot being used primarily for a residential use.
- e) 3 m from any fire hydrant, telephone, telegraph or electric wire other than those to illuminate or operate the sign

9.6.5 No ground sign shall be located within the sight triangle of a corner lot.

## **9.7 Directional Signs**

9.7.1 Directional signs may be permitted to direct vehicular traffic.

9.7.2 The maximum height of a directional sign shall be 1.4m;

9.7.3 The maximum display surface of a directional sign shall be 0.19 sq. m.

9.7.4 Directional signs shall be located in a parking lot or at a driveway entrance and shall be located within a landscaped island protected with concrete

curbs and a minimum of 1.5 metres from a property line. Business Directional signage shall not be permitted within the Town road allowance

- 9.7.5 The maximum number of directional signs directing traffic for a building on a lot shall be four (4) unless agreed to by the Town in a site plan control agreement pursuant to the Planning Act.

## **9.8 Directory Signs**

- 9.8.1 May be permitted to a maximum of three (3) Directory Signs issued to any one business;
- 9.8.2 Shall only advertise the business for which the application has been received and approved by the Corporation;
- 9.8.3 Shall be owned, prepared and supplied by the Corporation and approved by the Municipal Law Enforcement Officer at the expense of the applicant.

## **SECTION 10: RURAL SIGNS**

- 10.1 Section 10 applies to rural signs.
- 10.2 One rural sign, not exceeding 3 sq. m in display surface, advertising a permitted use, may be erected on a lot zoned Rural or whereby a legally established rural use is operating in a Development Area zone.
- 10.4 The height of a rural sign shall not exceed a maximum of 1.8 m;
- 10.5 No rural sign shall be located within 3.0 metres of an adjoining property line.
- 10.6 No rural sign, other than a permitted A-frame sign, shall project over the public right-of-way.
- 10.7 Where a rural sign is located on a lot, no billboard sign shall be permitted. Permit and applicable fees required.

## **SECTION 11: BILLBOARD SIGNS**

**11.0** Section 11 applies to billboard signs. Permits and applicable fees required for all signs in this section.

**11.1 Permitted Billboard Sign Locations**

11.1.1 Billboard signs shall only be permitted in a Rural Zoned property as identified in the Comprehensive Zoning Bylaw for the Town and only on a lot where a Rural or any other ground sign does not exist.

11.1.3 The general area of the vicinity of any billboard sign must be kept free and clear of sign material, debris, and trash and other refuse.

11.1.4 The maximum height of any billboard sign shall not exceed 8.0 metres.

**11.2 Display Surface**

11.2.1 The maximum display surface per billboard sign shall be 22.3 sq. m, including border and trim, but excluding the base or apron, supports or other structural members.

11.2.2 The maximum size limitation shall apply to each sign face of a billboard sign structure, and signs may be placed back-to-back, in line, or in a “V” type construction. Notwithstanding the foregoing, only two sign faces shall be permitted in any one billboard structure.

**11.3 Minimum Setbacks for Billboard Signs**

11.3.1 No billboard sign shall not be located in the road allowance, and shall be located less than:

- a) 30 m from any lot line abutting a street and 15 metres from all other lot lines;
- b) 3 m from any driveway;
- c) 200 m from any lot being used primarily for a residential use;
- d) 200 m from any residential dwelling;
- e) 200 m of any property used for public parks, public schools, churches, courthouse, or public facilities having frontage on the same street; and,
- f) 200 m from any other billboard sign.

**11.4 Lighting**

11.4.1 Billboard signs which are not effectively shielded as to prevent beams or rays from being directed at any portion of a traveled roadway and are of

such intensity or brilliance to cause glare, distract or impair the vision of the driver or any motor vehicle are prohibited.

11.4.2 No billboard sign shall be so illuminated that it interferes with the effectiveness or obscures an official traffic signal, device or sign.

11.4.3 No billboard sign shall be digital.

## **11.5 Real Estate Developer/Developer Signs**

11.5.1 Where a developer does not have a sales office on the lands to be developed, a real estate developer sign is permitted on the development site provided that:

- a) the developer has obtained draft plan approval or site plan approval;
- b) the sign is not illuminated;
- c) the sign is not wider than 5 m and is no larger than 15 sq m; and,
- d) the sign is setback a minimum of 3 m from all lot lines.

11.5.2 Where a real estate developer has an approved sales office, the provisions of Section 9, Commercial, Industrial and Institutional Signs, applies to the sales office itself, and no ground sign shall be back lit or be located closer than 3 m from an adjoining lot line.

11.5.3 Real estate developer signs shall not be located closer than:

- a) 50 m radius of any billboard sign;
- b) 3.0 metres from all lot lines; and,
- c) 200 metres from any other sign advertising the same development with the exception of signs located on the property subject to the development.

11.5.4 In addition to any signage off site and in addition to an A-frame sign on site, no more than one real estate developer sign per frontage shall be permitted on the development site.

11.5.5 No real estate developer sign shall be located any closer to any other real estate developer sign than 75 m including their own signs.

11.5.6 No sign owner shall fail to remove their real estate developer sign on or before the date that all of the units in the approved phase are built.

11.5.7 As an option, the regulations of Section 7, Real Estate Signs, can be used by a real estate developer.

- 11.5.8 In addition to the provisions of this Section, the provisions of Section 12.2 also apply to real estate developer A-frame signs with the exception of 12.2.2, as these signs are permitted on lands zoned residential.
- 11.5.9 Any real estate developer A-frame sign must be removed to an indoor location during the hours which the model home or sales office is not open for business.
- 11.5.10 No real estate developer sign for developments outside of the Town of Wasaga Beach are permitted.

## **SECTION 12: TEMPORARY AND PORTABLE SIGNS**

**12.0** Section 12 applies to temporary and portable signs. Permits and applicable fees required for all signs in this section.

### **12.1 General Conditions**

- 12.1.1 No temporary or portable sign is permitted on vacant lands unless such sign is promoting an exhibition, festival or event approved by the Town.
- 12.1.2 Temporary or portable signs are only permitted for commercial and industrial businesses and institutional uses as legally permitted in the Comprehensive Zoning By-law.
- 12.1.3 Notwithstanding the requirement limiting the number ground signs, a temporary or portable sign may be permitted in addition to a permanent ground sign in accordance with this Section.
- 12.1.4 A business may only use either a banner sign, flag signs, a mobile sign, or an A-frame sign, in any one calendar year pursuant to this Section.

### **12.2 A-Frame Signs**

- 12.2.1 Every A-Frame sign shall be located entirely on private property.
- 12.2.2 Every commercial, industrial and institutional business or premise is permitted to erect a maximum of one (1) A-Frame sign on the property of said business or premise, per business. A-Frame signs shall not be permitted on properties zoned residential.



- 12.2.3 Every A-Frame sign shall be Licensed by permit and applicable fee as outlined in the Town's Fees and Charges By-law.
- 12.2.4 Every A-Frame sign must be removed to an indoor location no later than the time of closing of the business in the day and not replaced until the opening of the business the next day.
- 12.2.5 Each A-Frame sign shall have a maximum height of 1.0 m above grade and a maximum single sign face area of 0.6 sq. m and a total sign area of 1.2 sq. m;
- 12.2.6 A-Frame signs shall not be permitted within an entrance or planting bed, placed in a parking space or aisle, placed on snow banks, planters or street furniture, or in any manner that may impede municipal maintenance.
- 12.2.7 When located on a private sidewalk or walkway within private property, A-Frame's shall be placed in such a way as to allow a minimum clearance of 1.2m to allow pedestrians to pass.
- 12.2.8 An A-Frame sign shall not be placed within 3.0 metres of another a-frame sign or 1.5 metres from a driveway entrance.

### **12.3 Banner Signs**

- 12.3.1 For a business on a lot, one banner is permitted on a temporary basis for a time period of either seven (7) consecutive days, three times per calendar year, or 14 consecutive days twice per calendar year, or 21 consecutive days once per calendar year, per business. Dates are required to be listed on the sign permit application prior to issuance of a permit.
- 12.3.2 A banner sign shall only be permitted in a landscaped area or attached to the façade of the building and not located in any required buffer, and shall be located a minimum of 1.5 metres away from an abutting property line, other than the municipal road allowance.
- 12.3.3 Whether or not attached to a building, the maximum banner sign area shall be calculated by determining the width of the building frontage and multiplying by a factor of three metres (3 m) and shall not exceed 10% of the area of the business or storefront façade dedicated to a particular business. Further, where a banner sign is not attached to a wall, the sign shall not exceed an area of 2.3 m<sup>2</sup>.

## **12.3 Flag Signs**

- 12.3.1 Where a property has a lot frontage exceeding 10 metres, flag signs may be permitted. Flag signs shall only be permitted in a landscaped area and not located in any required buffer. Flag signs shall be located a minimum of 3 metres away from an abutting property line, other than the municipal road allowance, and 10 metres from any other flag sign to a maximum of four (4) per property
- 12.3.2 No flag sign shall exceed a width of 0.6 m and a height of 4.6 m.

## **12.4 Mobile Signs**

- 12.4.1 Mobile signs shall not be permitted in residential areas.
- 12.4.2 Every mobile sign shall bear, in a visible location on such sign, the name, address, and telephone number of the owner of the sign. In addition, the lettering on every mobile sign shall be limited to a maximum of two colours on a single colour background, provided that all letters within each single word displayed on the mobile sign are of one colour.
- 12.4.3 No more than one mobile sign is permitted to be located on any lot containing a single business.
- 12.4.4 No more than two mobile signs at a time are permitted to be located on any lot containing more than one business. A business shall not advertise on more than one mobile sign at any given time. Properties containing more than eight businesses may apply to the Coordinator Municipal Law Enforcement Coordinator for discretionary exemption.
- 12.4.5 No mobile sign shall exceed 2.13 m in height measured from the grade level at the base of the sign, nor shall it exceed a single face sign area of 5 sq. m including sign structure;
- 12.4.6 The maximum height of lettering shall be 51 cm.
- 12.4.7 Every mobile sign shall be located entirely on private property, while meeting site plan requirements; shall not be located in a sight triangle and shall be set back a minimum of:
- a) 15.0 m from any other mobile sign;
  - b) 1.5 m from a driveway, aisle, walkway, or parking space;
  - c) 1.5 m from any lot lines;

d) 1.5 m from any other sign;

12.4.8 Mobile signs shall be permitted for the following time periods:

May 1- September 30: Maximum of 30 days, with a minimum of 5 consecutive days per occurrence.

October 1 – April 30: Maximum of 30 days, with a minimum of 5 consecutive days per occurrence.

Dates are required to be listed on the sign permit application prior to issuance of a permit.

## **12.5 Wire/Picket Signs**

12.5.1 Wire/picket signs are only permitted for municipal, provincial and federal elections pursuant to the regulations of this By-law and for real estate signs, temporary exhibitions, festivals and events approved by the Town and shall be located and installed so as not to create a safety concern or hazard. Such signs shall be removed within 72 hours after the election or event.

12.5.2 No wire/picket sign shall exceed 0.6 m by 0.76 m. Permit and applicable fees required

12.5.3 Elections and children at play safety signage are exempt from applicable permit and fees

12.5.3 While actively working at a property, Contractor Businesses may erect one wire/picket sign on the private property. No permit or fee is required, the sign must be immediately removed while work site is inactive.

## **SECTION 13: ELECTION SIGNS**

**13.1** No candidate, his agent, registered third party or any other person shall affix, erect or otherwise display an election sign except as permitted by this By-law and in accordance with the following additional provisions:

13.1.1 No election sign or advertising device shall be placed on any municipal property, including but not limited to, parks, trails, road allowances (open and unopened), bins or receptacles, benches or sites with municipal buildings/facilities. This includes mobile signage and any agreements made between the Town and property owners for encroachments, signage or structures.

- 13.1.2 Election signs shall not be erected on private property without the owner's consent.
- 13.1.3 Election signs shall not be erected at a voting place or within a vehicle or trailer parked within 50 metres of a voting place.
- 13.1.4 No election sign or advertising materials (including buttons/pins, etc.) can be displayed on or in any municipal property, facility or voting place.
- 13.1.5 The candidate to whom the election sign relates shall be responsible for the erection, maintenance or display of the election sign and shall ensure that all requirements of this Bylaw have been met.
- 13.1.6 No person shall display on any election sign a logo, trademark or official mark, design or plan; in whole or in part, owned or licensed by the Town, or in which the town or any of its affiliates or contractual counterparties have a proprietary interest.
- 13.1.7 Every election sign shall not be located in a sight triangle and shall be set back a minimum of:
- a) 1.5 m from a driveway, aisle, walkway, or parking space;
  - b) 1.5 m from any lot lines;
  - c) Property owners that are not able to meet the above noted setbacks shall contact the Coordinator of Municipal Law Enforcement prior to erecting signage to obtain approved placement.
- 13.1.8 Every election sign on private property must not interfere with the safe operation of vehicular traffic or with the safety of pedestrians and must not obstruct openings required for light, ventilation, ingress, egress, or fire or medical emergencies.
- 13.1.9 No Election sign shall be larger than 1.22 metres by 1.22 metres and the sign height is no higher than 2.0 metres high, with the exception of wall and ground signs at campaign offices for which the provisions of Section 9 would apply.
- 13.1.10 No more than two (2) election signs per candidate are permitted on any one piece of land zoned residential.
- 13.1.11 No more than three (3) election signs per candidate are permitted on any one piece of land zoned other than residential.
- 13.1.12 No person shall place an election sign in such a position that such sign would contravene any other applicable legislation.

- 13.1.13 No election sign shall be posted in the Town of Wasaga Beach for a candidate in another jurisdiction;
- 13.1.14 No election sign shall be posted prior to the day following the certification of candidates by the clerk of the municipality. All election signs must be removed by the candidate or candidate's representative, within 72 hours after the date of the election.

## **SECTION 14: MINOR VARIANCE**

- 14.1** If a sign does not conform to the provisions of the By-law, the applicant may apply to the CAO, in consultation with the Chief Building Official and Coordinator, Municipal Law Enforcement/Property Standards, for a Minor variance. Any such decisions shall be final and conclusive and shall not erode or interfere with the integrity of the By-law, and are subject to fees as outlined in the Rates and Fees By-law.
- 14.2** Council may require notice of the proposed variance and notice of the Council meeting at which time the proposed variance is to be discussed, to be mailed to all property owners within 60m of the property upon which the proposed sign is to be located at least 14 days prior to the Council meeting date indicated in the notice.
- 14.3** **No minor variance shall be considered or permitted for signs under Section 13 of this by-law.**

## **SECTION 15: NON-CONFORMING AND UNLAWFUL SIGNS AND REMOVAL OF SIGNS AND COSTS FOR SAME**

- 15.1** **Designation of Legal Non-conformity**
- 15.1.2 Generally wall and ground signs that have obtained a building permit may be considered legal non-conforming by Council.
- 15.1.3 Legal non-conforming status does not apply to any portable sign.
- 15.2** **Loss of Legal Non-conformity Status**
- 15.2.1 A legal non-conforming sign may lose this designation if:
- a) The sign is relocated or replaced; or
  - b) The structure or the size of the sign is altered in any way except towards conformity with this By-law. This does not refer to a change of copy or normal maintenance.

**15.3 Unlawful Signs**

- 15.3.1 When a sign is erected or displayed in contravention of any provision of this By-law, said sign may be removed immediately by the Town without notice and at the expense of the owner, if located on, over, partly on, or partly over property owned by or under the jurisdiction of the Town. These signs will be held for ten (10) days, including date of removal. If they are not claimed, they will be disposed of.
  
- 15.3.2 Any person who has caused any sign or other advertising device to be erected, displayed, altered or relocated in contravention of any provision of this By-law, the Town may forward a notice by personal service or regular post, in which case the notice shall be deemed to have been received on the seventh day following the date the notice was mailed, to the applicant, the owner of the sign, the owner of the place at which the sign is located if known, requiring that the illegal sign be permanently removed and thereafter not to be replaced with any sign in contravention of this By-law, or be made to comply with this By-law no later than the time stipulated in the notice.
  
- 15.3.3 In the event that the notice is sent and the sign indicated in the notice is not removed, repaired or altered to comply with the provisions of this By-law, the Town, its employees or agents may enter upon the property and remove, repair or alter the sign immediately without further notification.
  
- 15.3.4 Notwithstanding Subsection 15.3.2, any person who has caused any a-frame, banner, flag, and/or wire picket signs to be erected, displayed, altered or relocated in contravention of any provision of this By-law, the Town may immediately remove such sign without notice.
  
- 15.3.5 When a sign no longer correctly advertises a bona fide business, lessor, owner, product or activity conducted or product available, on the premises where such a sign is displayed, the sign owner shall remove the sign within 10 days from the date of receipt of notice of such removal from the Chief Building Official, Director of Planning and Economic Initiatives or By-law Enforcement Officer or their representatives.
  
- 15.3.6 Where, in the opinion of the Chief Building Official or a By-law Enforcement Officer, a sign is deemed to be unsafe, defective, offensive, profane, obscene, for unlawful activity, or inappropriate for public display, notice shall be sent by regular mail or delivered in person to the last known address of the owner of the lands upon which the sign is located, or to the owner of the sign, if known, or to the occupants of the premises at which the sign is located, specifying the unsafe nature of the sign and directed that the sign

be repaired to the satisfaction of the Chief Building Official or By-law Enforcement Officer or be removed from the lands, and shall include time limits for taking such action.

- 15.3.7 Upon receipt of such notice, the owner of the lands the owner of the sign, or the occupant of the premises at which the sign is located shall either repair the sign in accordance with the notice or remove the sign within the time limit set out in the notice. If the owner of the lands, or the owner of the sign, or the occupant of the premises at which the sign is located fails to comply with the requirement of such notice, then the Chief Building Official or a By-law Enforcement Officer may order the removal or repair to be carried out and the cost of such work may be recovered from the owner of the land in a like manner as municipal taxes.
- 15.3.8 Where any of the matters or things are removed in accordance with this By-law, the matters or things may be immediately disposed of by the By-law Officer. The Town is not required to retain or store any sign that the Town has removed or has had removed.
- 15.3.9 Any costs related to the removal, storage and disposal of any sign, shall be paid by the owner or apparent owner of the sign whether or not the Town at its sole discretion retains the sign and such sign is reclaimed.
- 15.3.10 The Corporation shall not be liable for any damage which may arise, directly or indirectly, by reason of any removal of any sign in contravention of this By-law, provided that the subject matter of such action was not caused intentionally or through gross negligence on the part of the Corporation, its servants or agents or sub-contractors.
- 15.3.11 The provisions of this By-law shall not be construed as relieving or limiting the responsibility or liability of any person erecting or owning any sign or display for personal injury or property damage resulting from the placing of such sign or resulting from negligence or willful acts of such person, his agents or employees, in the construction, erection, maintenance, repair or removal of any sign erected in accordance with a building permit issued hereunder. Nor can it be construed as imposing upon the Town or its officers or employees any responsibility by reason of the approval of any signs, materials or devices under the provisions of this By-law.

#### **15.4 Compliance Period**

- 15.4.1 The owner of any Sign which does not comply with the terms of this By-Law (a “**Non-Compliant Sign**”) but that existed in such state as of the day prior to the enactment of this By-Law shall be required to be brought into

compliance with this By-Law within two years of the date of the enactment of this By-Law (the “**Compliance Period**”); provided, however, that in the event of any changes, alterations, replacement or movements to or of such Non-Compliant Sign other than to bring such Non-Compliant Sign into compliance with this By-Law, then such Sign shall immediately thereafter be deemed unlawful and subject to the provisions of this By-Law in respect thereof.

## **SECTION 16: CONFLICT**

- 16.1** Notwithstanding the provisions of any other By-law to the contrary, in the event of a conflict between any other By-law of the Corporation, the By-law containing the more restrictive provisions shall prevail.
- 16.2** The regulations set forth by this By-law do not override the need for any other potentially applicable permits governing the erecting or owning of any sign. These may include permits issued by other federal, provincial, and/or county agencies.

## **SECTION 17: SEVERABILITY**

- 17.1** Should any section, clause or provisions of this By-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or in part thereof, other than the part which was to be declared to be invalid.

## **SECTION 18: ENFORCEMENT**

- 18.1** A By-law Enforcement Officer, Chief Building Official, Building Inspector, or other duly appointed individual may enforce the provisions of this By-law.
- 18.2** A By-law Enforcement Officer, Chief Building Official, Building Inspector, or other duly appointed individual may, at any reasonable time, enter on any lands for the purpose of carrying out an inspection to determine compliance with this bylaw or any other applicable legislation.



- 18.3** No person shall obstruct, hinder, or otherwise interfere with a By-law Enforcement Officer, Chief Building Official, Building Inspector, or other duly appointed individual in the lawful carrying out of their duties and responsibilities under the provisions of this by-law.

## **SECTION 19: PENALTY**

- 19.1** Every person who contravenes any provision of this By-law is guilty of an offence under the provisions of the *Provincial Offences Act, R.S.O 1990*, c P.33, as amended, and is liable on conviction to to such fines as are provided for under such Act.
- 19.2** Every person who contravenes any provision of this By-law, and every director or officer of a corporation who knowingly concurs in the contravention of this By-law by the corporation, is guilty of an offence under the provisions of the *Municipal Act, 2001, S.O. 2001*, c. 25 as amended.
- 19.3** Every person who contravenes the provisions of any section of this By-law, and every director or officer of a corporation who knowingly concurs in the contravention of this By-law by the corporation, is guilty of an offence under the provisions of the *Municipal Act, 2001, S.O. 2001*, c. 25 as amended and is liable on conviction to a penalty where the maximum fine shall not exceed \$100,000 exclusive of costs under the provisions of the *Municipal Act, 2001, S.O. 2001*, c. 25 as amended.
- 19.4** For the purpose of continuous offences, every person who contravenes any provision of this By-law, and every director or officer of a corporation who knowingly concurs in the contravention of this By-law by the corporation, is guilty of an offence and is liable on conviction to a penalty not exceeding \$10,000 per day or part thereof, exclusive of costs, under the provisions of the *Municipal Act, 2001, S.O. 2001*, c. 25 as amended.
- 19.5** For the purpose of multiple offences, every person who contravenes any provision of this By-law, and every director or officer of a corporation who knowingly concurs in the contravention of this By-law by the corporation, is guilty of an offence and is liable on conviction to a penalty not exceeding \$10,000 per offence, exclusive of costs under the provisions of the *Municipal Act, 2001, S.O. 2001*, c. 25 as amended.
- 19.6** Notwithstanding Section 5.13.1, and in accordance with the provisions of the *Municipal Act, 2001, S.O. 2001*, c. 25 as amended, the total of all fines for the continuous offences or multiple offences is not limited to \$100,000.

## **SECTION 20: FORCE AND EFFECT**

- 20.1** This By-law shall be known and the “Signs and Advertising Devices Regulation By-law”.
- 20.2** That By-law 96-10, 96-13, 96-24, 2013-45, 2014-29, 2018-52 and 2018-67 and all of their amending by-laws are hereby repealed in their entirety.
- 20.3** This By-law shall come into force and take effect upon its final passing.

**BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 27<sup>TH</sup> DAY OF JULY, 2021.**

**THE CORPORATION OF THE TOWN OF WASAGA BEACH**

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Nina Bifulchi, Mayor

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Dina Lundy, Director, Legislative Services & Clerk

**The Corporation of the Town of Wasaga Beach Sign By-law 2021-68,  
being a By-law to prohibit or regulate signs and other  
advertising devices.**

**Part 1 – Provincial Offenses Act**

<b>Item #</b>	<b>Column 1 Short Form Wording</b>	<b>Column 2 Provision Creating or Defining Offence</b>	<b>Column 3 Set Fine</b>
<b>1</b>	Erect or begin to erect a sign without a permit	Section 3.1	\$300.00
<b>2</b>	Display or begin to display a sign without a permit	Section 3.1	\$300.00
<b>3</b>	Structurally alter or being to structurally alter a sign without a permit	Section 3.1	\$300.00
<b>4</b>	Relocate or begin to relocate a sign without a permit	Section 3.1	\$300.00
<b>5</b>	Permit prohibited sign to be erected	Section 6	\$300.00
<b>6</b>	Permit prohibited sign to be displayed	Section 6	\$300.00
<b>7</b>	Permit prohibited sign to be located	Section 6	\$300.00
<b>8</b>	Fail to maintain or fail to cause a sign to be maintained	Section 5.11	\$300.00
<b>9</b>	Fail or refuse to remove sign within the specified time frame in the notice	Section 15.3	\$300.00
<b>10</b>	Fail or refuse to remove a sign or bring it into compliance within the specified time frame in the notice	Section 15.3	\$300.00
<b>11</b>	Erect, place or display a sign on municipal property	Section 15.3	\$300.00
<b>12</b>	Hinder, disturb or obstruct an Inspector	Section 18	\$300.00

NOTE: The penalty provision for these offences indicated above is Section 19 of By-law 2021-68, a certified copy of which has been filed.