

THE CORPORATION OF THE TOWNSHIP OF EAST GARAFRAXA

BY-LAW NUMBER 37-2012

BEING A BY-LAW PROHIBITING OR REGULATING SIGNS AND ANY OTHER  
ADVERTISING DEVICES WITHIN THE TOWNSHIP OF EAST GARAFRAXA,  
AND TO REPEAL BY-LAW NUMBER 38-2005

**WHEREAS** Sections 8 and 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25, provide Council with the authority to pass by-laws prohibiting and regulating Signs;

**AND WHEREAS** the attractive rural landscape and character of the Township are important to its residents;

**AND WHEREAS** the unregulated proliferation of signs and other advertising devices in the Township would have the potential to create aesthetic blight, threatening the attractiveness of the Township;

**AND WHEREAS** the unregulated placement of signs in Township road allowances has the potential to distract members of the public using roads and to impede sightlines that are necessary for the safe use of roads;

**AND WHEREAS** Council considers it important to preserve the character of the Township and protect the safety of the traveling public by regulating signs and other advertising devices in the Township;

**NOW THEREFORE** Council enacts as follows:

**1. Definitions**

In this By-law the following terms are defined as:

- 1.1. "Chief Building Official" means the Chief Building Official of the Township of East Garafraxa and includes his or her designate or other duly appointed official pursuant to the *Building Code Act*.
- 1.2. "Clerk" means the Clerk of the Township of East Garafraxa duly appointed under the *Municipal Act*; and also includes the Deputy Clerk, if any, duly appointed under the *Municipal Act*.
- 1.3. "Lot" means a parcel of land that is capable of being conveyed pursuant to Section 50(3) of the *Planning Act*.
- 1.4. "Property" means all lands in the Township and includes a lot.
- 1.5. "Public property" means all lands owned by the Township, County, Province, or other public body.
- 1.6. "Sign" means a message board, poster or advertising device bearing a message or advertisement consisting of letters, numbers, symbols or characters, the various materials upon which they are displayed, any internal and external mechanical or electrical parts, and any stiffening bars or ornamental mouldings but shall not include any supports or trusses upon which the Sign is supported, unless such Sign is a Freestanding Sign with a solid base, in which case any supporting structure is deemed to be part of the Sign. Sign shall include a message painted on the wall or roof of a building. Specific types of Sign are defined in Schedule "A" to this By-law.
- 1.7. "Township" means the Corporation of the Township of East Garafraxa.
- 1.8. "Zone" means a zone designated in the Township of East Garafraxa Zoning By-law, as amended from time to time or such successor zoning by-law as may be passed under the *Planning Act*.
- 1.9. "Township Zoning By-law" means the Township of East Garafraxa Zoning By-law, as amended from time to time, or such successor zoning by-law as may be passed under the *Planning Act*.

**2. Signs Prohibited Unless Authorized Under This By-law**

- 2.1. No person shall erect, display, alter or relocate any Sign in the Township unless:
  - 2.1.1. Approval has been obtained in accordance with the provisions of this By-law; or
  - 2.1.2. The Sign in question is of a type listed in Schedule "B" to this By-law as being exempt from approval.
- 2.2. No Sign shall be located on Public Property, including any road allowance, without written permission of the authority having jurisdiction over such Public Property.
- 2.3. This By-law does not apply to any Sign which is exempt from the application of this By-law pursuant to s. 99 of the *Municipal Act*, or any successor to that section, by virtue of its having been lawfully erected prior to the enactment of this By-law.
- 2.4. Third Party Signs shall only be permitted under an exemption from this By-law granted by Council pursuant to s. 9.
- 2.5. Digital Scrolling Signs shall only be permitted under an exemption from this By-law granted by Council pursuant to s. 9.
- 2.6. A change in the message displayed by a Sign does not require an approval, provided such Sign has been erected in conformity with this By-Law, and remains in conformity with the other provisions of this By-Law.

**3. Signs Where Approval Required**

- 3.1. A Sign of a type listed in Schedule "C", or any sign of a type not set out in Schedule "A" to this By-law, shall only be permitted if an approval has been obtained for such Sign under s. 6 of this By-law.
- 3.2. A Sign of a type listed in Schedule "C" to this By-law may be illuminated, provided that such Sign is authorized by an approval for an illuminated sign under this by-law and mitigation measures approved by the Township are taken to shield neighbouring properties from light trespass.

**4. General Provisions**

- 4.1. A maximum of one sign is permitted per lot.
- 4.2. All signs shall be set back a minimum of 3 metres from all property lines.
- 4.3. A Freestanding Sign shall have a maximum height of 5 metres.
- 4.4. Signs of specific types defined in Schedule "A" shall comply with any requirements specific to the type of Sign in question that are set out in that schedule.

**5. Administration**

- 5.1. This By-law shall be administered by the Clerk.

**6. Sign Approval**

- 6.1. An applicant for a Sign Approval shall provide the following documents to the Clerk:
  - 6.1.1. A duly executed written request for a Sign approval. Such request shall include the authorization of the Owner of the land where the Sign is proposed to be located, if the applicant is not the Owner of the same;
  - 6.1.2. A plot plan indicating, at a minimum, the lot boundaries, adjacent roadways and the proposed location of the Sign in relation to other structures and the boundaries the lot, and;
  - 6.1.3. The dimensions and specifications of the proposed sign, including construction drawings where applicable.

- 6.2. A separate written request detailing mitigation measures to shield neighbouring properties from light trespass as well as an additional fee shall be required if an applicant proposes to erect an illuminated Sign.
- 6.3. A request for a Sign approval shall be accompanied by the appropriate application fee as set out in Schedule "C" to this By-law.
- 6.4. Where a building permit is required for a Sign under the *Building Code Act*, the applicant shall obtain a building permit together with a Sign approval prior to erecting the Sign. Nothing in this By-law restricts the Chief Building Official requiring further information from the applicant to determine compliance with the *Building Code Act*.
- 6.5. Sign Approval will be conditional, subject to a building permit, if required, being issued by the Chief Building Official.
- 6.6. No Sign approval shall be issued by the Clerk under this By-law unless the proposed Sign complies with the provisions of this By-law. In determining such compliance, the Clerk may circulate the application and documents received under this By-law for comment to applicable agencies/departments such as the Chief Building Official, the Township's Director of Planning, the Township's Director of Public Works, the Police Chief having jurisdiction in the Township, the Fire Chief having jurisdiction in the Township, the County of Dufferin Director of Public Works, the Ministry of Transportation and/or any other public agency which may have an interest in the application. Should any of the above officials recommend denial of the Sign approval in writing with reasons, the Clerk shall deny the request for a Sign approval and provide the applicant with the reasons for the denial.

**7. Traffic Hazards**

- 7.1. Notwithstanding any other provisions of this By-law, any sign which, in the opinion of the Township has the potential to create a traffic hazard is prohibited. Without limiting the generality of the foregoing, no sign shall be erected which reduces the effectiveness of any traffic signal or signage on any roadway or otherwise interferes with traffic on any roadway including obstructing the view of motorists at any intersection of roadways or at any access driveway or other entrance onto a roadway.

**8. No Obstruction**

- 8.1. No Sign shall be attached to or placed upon a building in such a manner as to obstruct any fire escape or to interfere in any way with the work of the Fire Department in case of a fire. In addition, no Sign shall be erected, constructed or installed on a lot that would preclude driveway access to the lot for firefighting purposes or otherwise impede access to the lot over firefighting routes in the opinion of the Fire Chief having jurisdiction in the Township.

**9. Exemptions**

- 9.1. Township Council may authorize an exemption from this By-law if in the opinion of Township Council the general intent and purpose of this By-law are maintained by the Sign proposed.
- 9.2. A request for an exemption from this By-law shall be made in writing to Township Council and shall be accompanied by the requisite fee set out in Schedule "D" to this By-law, as well as by such material as the Clerk of the Township may direct the applicant to provide. Township Council shall schedule a hearing within 45 days of the receipt of the request, and shall determine such request, after hearing from the applicant, should the applicant desire to be heard, and hearing from any other persons who may have an interest in the matter, should such persons desire to be heard. Township Council shall issue its decision within 45 days after the request has been heard by Township Council.
- 9.3. Council may grant an exemption to this By-law subject to conditions.
- 9.4. Any decision made by Township Council on a request for an exemption from this By-law shall be final.

**10. Enforcement**

- 10.1. Where the owner or occupant of a lot has erected a Sign requiring approval without obtaining the required approval, or where any Sign is otherwise in contravention of this By-law, the Township may take steps under s. 99 and/or s. 444 - 446 of the *Municipal Act*, including, without limiting the generality of the foregoing, making an order for the removal of a Sign that contravenes this By-law and/or entering on the property where such Sign is located to carry out any remedial action that the Township may deem necessary and recovering the cost of the same in accordance with the provisions of that act.
- 10.2. For the purposes of the foregoing paragraph, the cost of carrying out any remedial action that the Township may deem necessary shall be determined in accordance with Schedule "D" hereto.
- 10.3. Any order or notice under this by-law shall be given by sending correspondence by registered mail to the owner or occupant at their last known address on record at the Township.

**11. Penalties**

- 11.1. Every person who contravenes any provision of this By-law is guilty of an offence and liable upon conviction to a penalty as authorized by the *Provincial Offences Act*.
- 11.2. Upon conviction, the Court in which the conviction has been entered and any Court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted.

**12. Schedules Form Part of By-law**

- 12.1. Schedules "A", "B", "C", and "D" shall form part of this By-law.

**13. Short Title**

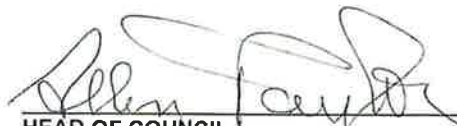
- 13.1. This subject By-Law shall be known and cited as the "Sign By-law".

**14.** This By-Law shall take effect from date of passing thereof.

**15.** By-law 38-2005 is hereby repealed.

BY-LAW READ A FIRST AND SECOND TIME THIS 11 DAY OF December, 2012.

BY-LAW READ A THIRD TIME AND PASSED THIS 11 DAY OF December, 2012.

  
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HEAD OF COUNCIL

  
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CAO/CLERK

**Schedule "A"  
Sign Definitions**

<b>SIGN TYPE</b>	<b>DEFINITION</b>	<b>SPECIAL PROVISIONS</b>
Auction	Means any Sign, which advertises a public auction, and is placed on the lot where the auction is to be held.	An auction sign shall be erected no more than 2 weeks prior to and during the auction event. At the conclusion of the auction event, such Sign shall be removed immediately. An auction event must not exceed one day and only one auction event per lot per year is allowed.
Awning	Means a covering stretched upon a frame that is affixed to the face of the building and may be moveable, with a Sign embossed, screened or otherwise affixed to such awning.	One building or one unit in a shopping centre/plaza may only display one of the following types of Signs: Awning, Canopy, Mansard, Marquee or Wall.
Banner	Means a piece of fabric bearing an emblem, message or slogan for the purpose of, advertising goods or services, identifying a business or enterprise, or promoting a philosophy, concept or organization.	
Canopy	Means a solid overhanging covering that projects from the face of the building and is firmly attached into the wall of the building, with a Sign embossed, screened or otherwise affixed to canopy.	One building or one unit in a shopping centre/plaza may only display one of the following types of Signs: Awning, Canopy, Mansard, Marquee or Wall.
Community Event	Means a Sign to promote citizen participation in civic or charitable activities and functions.	A Community Event Sign shall remain in place for a period not exceeding 90 days, and providing the location of such sign has been approved by the Township of East Garafraxa.
Construction	Means a temporary Sign for a project, future use of site, or contractor sign, on a construction site.	A construction sign shall remain in place for the lesser of, a period of not more than 6 months, or within 30 days of completion of the project, or as provided for in a site plan agreement or a subdivision agreement.
Contractor's Roadwork	Means a temporary sign placed for the purpose of warning traffic of a road construction project and/or directing traffic.	
Directional	Means a Sign that is to give guidance or direction to locations on a lot.	
Election	Means any Sign advertising or promoting the election of a candidate for municipal, provincial, or federal government office.	An Election sign must be removed within 48 hours after the election.
Emergency	Means any Sign erected by emergency services, including the police, fire, or ambulance services, or as authorized under a municipal emergency.	
Flag	Means a flag or emblem of a patriotic, civic, educational or religious organization or corporation.	No more than three flags or emblems may be located on one lot and each flag or emblem shall not exceed 2.7 square metres.
Freestanding	Means a Sign that is not attached to a building or to structure other than a structure whose principal purpose is to support the Sign.	
Highway Traffic Act	Means any Sign erected by the Township, the County of Dufferin or the Province of Ontario under the <i>Highway Traffic Act</i> .	
Hoarding	Means a message posted on, or affixed to a construction hoarding placed around an active construction site, for a project, future use of site, or contractor sign, on a construction site.	A Hoarding Sign shall remain in place for not more than the lesser of the lesser of, a period of not more than 6 months, or within 30 days of

		completion of the project, or as provided for in a site plan agreement or a subdivision agreement.
Home Industry	Means a Sign, the messages or advertising on which must be directly related to the use being carried out on the lot, and which use must be permitted as a home industry under the Township's Zoning By-law.	
Home Occupation	Means a Sign, the messages or advertising on which must be directly related to the use being carried out on the lot, and which use must be permitted as a home occupation under the Township's Zoning By-law.	Such signage shall be limited in that it shall not provide additional advertising beyond providing any of the details of: the name of the business or logo or trademark; and/or name of the home occupier; and/or name of the home professional; the contact information, including phone number, facsimile number, web site and/or email; and, the hours of operation.
Identification	Means a Sign on the lot displaying only the name of the occupant, the address and/or the name of the dwelling.	
Mansard	Means a Sign on or attached to a mansard roof.	One building or one unit in a shopping centre/plaza may only display one of the following types of Signs: Awning, Canopy, Mansard, Marquee or Wall.
Marquee	Means a Sign attached to any roof-like structure or overhang constructed as a permanent part of a building over the entrance to the building which structure or overhang projects more than 0.3 metres from the exterior of the wall.	One building or one unit in a shopping centre/plaza may only display one of the following types of Signs: Awning, Canopy, Mansard, Marquee or Wall.
Neighbourhood Identification	Means a Sign placed at the entrance to a neighbourhood identifying the name of the neighbourhood and the civic address, and containing no other message, as approved by the Township.	
Planning Act	Means any Sign approved by the Township under an agreement between the Township and an applicant under the provisions of the <i>Planning Act</i> .	
Portable (Short Term)	Means a Sign not exceeding 4 square metres that can be moved from place to place, and that is not attached to a building, the ground, or an immobile structure, and shall include mobile signs, inflatable advertising devices and Sandwich Board Signs.	Portable (Short Term) Signs shall only be allowed a maximum of 2 times per year for a period of 30 days each on a lot. For longer term placement of a Portable Sign, an Exemption from this Bylaw by Council is required.
Real Estate	Means a Sign advertising the sale or leasing of the lot upon which the Sign is located, or part thereof.	A Real Estate Sign shall not be placed for a period exceeding six months.
Sandwich Board	Means a portable, double-faced, inverted-V type Sign.	
Scrolling	Means a digital Sign, or readograph Sign or any Sign which has a message which scrolls across the face of the Sign or as either a static or a changing message.	
Seasonal	Means a Sign erected for the purpose of retailing agriculture products.	
Shopping Centre/Plaza	Means a Sign placed at a commercial or industrial lot, upon which a group of at least 5 separate uses have been developed, and which Sign advertises or identifies the occupants of the shopping centre or plaza.	

Third Party	Means a Sign that directs attention to products, goods services, activities or facilities which are not the principal products, goods, services or facilities provided on the lot upon which the sign is located.	
Trespass	Means a 'no trespass', 'no hunting', 'no fishing' or other warning Sign.	
Wall	Means lettering or a display/logo applied directly on the exterior wall of a building. Wall signs shall consist of the total rectangular area around letters and logo.	One building or one unit in a shopping centre/plaza may only display one of the following types of Signs: Awning, Canopy, Mansard, Marquee or Wall.

**Schedule "B"**

**SIGNS FOR WHICH NO APPROVAL IS REQUIRED**

<b>SIGN TYPE</b>	<b>MAXIMUM SIZE (For additional specific restrictions see applicable Definition)</b>	<b>ZONE(S) PERMITTED</b>
Auction	1.5 sq m	All Zones
Community Event	1.5 sq m	All Zones
Contractor's Roadwork	As Approved by the Township of East Garafraxa, the County of Dufferin or the Ministry of Transportation	All Zones
Directional	0.75 sq m	All Zones
Election	N/A	All Zones
Emergency	N/A	All Zones
Flag	2.7 sq m each	All Zones
Highway Traffic Act	As Prescribed by Legislation	All Zones
Home Occupation	0.5 sq m	All Rural, Rural Residential, Estate Residential, Hamlet Residential and Agricultural Zones
Home Industry	1 sq m	All Agricultural, Rural, and Rural Residential Zones
Identification	0.2 sq m	All Zones
Planning Act	As Approved by the Township of East Garafraxa	All Zones
Portable	2 faces, 4 sq m each face	All Zones except Estate Residential and Hamlet Residential
Real Estate	1 sq m	All Zones
Seasonal	4 sq m	All Rural and Agricultural Zones
Trespass	0.2 sq m	All Zones
Wall	20% of wall face or 4 sq m (the lesser size shall apply)	All Zones except Estate Residential, Rural Residential, and Hamlet Residential



**Schedule "C"**

**SIGNS FOR WHICH APPROVAL IS REQUIRED (NON-ILLUMINATED)<sup>1</sup>**

<b>SIGN TYPE</b>	<b>MAXIMUM SIZE (For additional specific restrictions see applicable Definition)</b>	<b>ZONE(S) PERMITTED</b>	<b>APPLICATION FEE</b>
Awning	35% of Awning face, or 4 sq m (the lesser size shall apply)	General Commercial, Highway Commercial, Institutional, Industrial, Extractive Industrial, Recreational	\$300
Canopy	35% of Canopy face or 4 sq m (the lesser size shall apply)	General Commercial, Highway Commercial, Institutional, Industrial, Extractive Industrial, Recreational	\$300
Construction Freestanding	10 sq m 4 sq m	All Zones General Commercial, Highway Commercial, Industrial, Institutional, Extractive Industrial	\$100 \$300
Hoarding	2 sq m	General Commercial, Highway Commercial, Institutional, Industrial, Extractive Industrial, Recreational	\$300
Mansard	35% of Mansard face or 4 sq m (the lesser size shall apply)	General Commercial, Highway Commercial, Institutional, Industrial, Extractive Industrial, Recreational	\$300
Marquee	35% of Marquee face or 4 sq m (the lesser size shall apply)	General Commercial, Highway Commercial, Institutional, Industrial, Extractive Industrial, Recreational	\$300
Neighbourhood Identification	5 sq m	Estate Residential, Hamlet Residential	\$300
Portable (Long Term)	2 faces, 4 sq m each face	All Zones except Estate Residential and Hamlet Residential	\$100
Sandwich Board	2 faces, 1.5 sq m each face	General Commercial, Highway Commercial, Institutional, Industrial, Extractive Industrial, Recreational	\$100
Shopping Centre	15 sq m	General Commercial, Highway Commercial, Institutional, Industrial, Extractive Industrial, Business Park	\$300
Wall	20% of wall face or 4 sq m (the lesser size shall apply)	General Commercial, Highway Commercial, Institutional, Industrial, Recreational	\$300

1. An applicant who proposes to erect an illuminated Sign shall submit a \$100 fee in addition to the applicable Sign fee.

Schedule "D"

APPEALS / JOINT PROCESS	
ACTIVITY	FEE
Application for Sign Approval not otherwise set out in Schedule C	\$200
Application to Council for Exemption	\$200
Enforcement/Removal of Sign	\$100 fee plus \$50 per hour for labour and vehicle expense
Signs which are part of a Plan of Subdivision or Site Plan Approval process	Sign fees in Schedule "C" or "D" shall be discounted by 50% and the amount deducted from the Plan of Subdivision or Site Plan Approval deposit