

# THE CORPORATION OF THE TOWN OF INNISFIL

## BY-LAW NO. 050-06

### **A By-Law of The Corporation of the Town of Innisfil to regulate the size, use, location and maintenance of large signs and advertising devices within the Town of Innisfil.**

**WHEREAS** Council considers it desirable that such a by-law be enacted for all lands within the corporate limits of the Town of Innisfil; and

**WHEREAS** Section 99 of the Municipal Act, S.O. 2001, c.25 provides Council with the authority to enact a by-law respecting advertising devices, including signs, and provides Council with the authority to require compliance with this by-law, and upon default of such compliance, may carry out such compliance or corrective action as is deemed appropriate and may recover the expenses incurred in doing so, in like manner as municipal taxes.

### **NOW, THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF INNISFIL ENACTS AS FOLLOWS:**

1. This by-law shall be known as **The Large Sign By-Law**, and shall only be applicable to **billboard signs, ground signs, roof signs and development signs** on lands within the corporate limits of the Town of Innisfil.

2. **Definitions**

In this by-law:

**Billboard Sign** means a **sign** to which advertising copy is fastened, including in such a manner as to permit its periodic replacement, and which is supported by uprights or braces embedded in a foundation in or on the ground and which is not attached to any part of a building, whose principle use is for advertising or displays of goods, products, services or facilities that are not available at the location of the **sign** and/or which directs or invites a person to a location different from that on which the **sign** is located;

**Council** means the Council of The Corporation of the Town of Innisfil;

**Daylight Triangle** means that portion of a corner lot which is determined after the lot lines adjacent to the streets have been extended to their point of intersection and by measuring along each lot line from the point of intersection of the two lot lines a distance of:

4.5 m in the case of a local to local street configuration,

or

7.0 m in the case of a collector to local or collector to collector street configuration, or 12.0 m in the case of an arterial to local, arterial to collector or arterial to arterial street configuration, and joining such points with a straight line. The triangularly-shaped land thus formed is the daylight triangle.

**Development Sign** means a **sign** erected on property designated for development in the Town's Official Plan, and which is appropriately **zoned** for the use being advertised, or for which a valid application to permit such development is under consideration by the **Town**, which displays a message or information regarding a development in progress or a proposed development on the property that the sign is located.

.../

**Erect** means to locate, park, build, construct, install, mount, assemble, post, display or alter;

**Frontage**, for the purpose of this by-law, means the cumulative length of all boundaries separating the lots from the street or highway;

**Ground Sign** means a **sign** to which advertising copy is fastened, including in such a manner as to permit its periodic replacement, and which is supported by uprights or braces embedded in a foundation in or on the ground and which is not attached to any part of a building, whose principle use is for advertising or displays of goods, products, services or facilities that are located on the property. This includes **signs** commonly known as a Pylon **sign**;

**Official** means the person appointed by the council as the Official responsible for administering this By-law for the Town of Innisfil;

**Roof Sign** means any **sign** which is **erected** entirely on and supported by the roof of a building, but does not include a temporary inflatable **sign** used for special functions;

**Shopping Centre** means a group of commercial uses which has been designed, developed and managed as a unit by a single owner or tenant or a group of owners or tenants with off-street parking provided on the property as distinguished from a business area comprised of unrelated individual uses;

**Sign** means any device located which identifies or advertises, by means of painting on or attaching bills, letters, numerals, pictorial matter or electric or other devices in such a way as to be visible to the public, any business, enterprise, organization, corporation, firm or project, product or service, including all parts of such device;

**Sign Area** means the area within the entire outer perimeter, including cutouts, if any, and including all visible faces used for sign purposes, but excluding supporting structures and the thickness of the sign where same is not used for message purposes. Where a sign is not bounded or enclosed within a distinct frame, the area shall be that of a rectangle, circle or other simple geometrical shape containing all letters, symbols and devices on the sign;

**Street Line** means the property line or common boundary between a property or lot and a Town street, highway, road or other public right-of-way, and in the case of a corner lot means both such lines produced to their point of intersection;

**Town** means The Corporation of the Town of Innisfil;

**Zone**, means the land use classification of a parcel of land as set out in the **Town's Zoning By-law** in effect as amended;

### **3. Signs Not Requiring Permits**

- a) Notwithstanding anything else in this by-law, the following **billboard sign, ground sign, or roof sign** do not require a permit;

- i) **billboard sign, ground sign, roof sign** erected by or for a federal, provincial, or municipal government;

4. **General Prohibitions**

- a) No person shall **erect** or permit to be erected, or allow to remain on lands or buildings owned, rented or leased or occupied by them, any **billboard sign, ground sign, roof sign or development sign** in the **Town** other than in accordance with the provisions of this by-law.
- b) The owner of the property is responsible for ensuring compliance of all **billboard signs, ground signs, roof signs and development signs** on the property to the requirements of this by-law.
- c) No **billboard signs, ground signs, roof signs or development signs** shall be erected on any street, or within any opened or unopened road allowance.
- d) No **billboard signs, ground signs, roof signs or development signs** shall obstruct the view of oncoming traffic at any access to a public thoroughfare, or obstruct the view of any official traffic **sign** or signal.
- e) No **billboard signs, ground signs, roof signs or development signs** shall be permitted within 5 m of any building used solely for residential purposes.
- f) Illuminated **billboard signs, ground signs, roof signs or development signs** located closer than 15 m to a building used solely for residential purposes shall be designed and constructed so that their illumination is concealed from the residential use.
- g) No flashing illumination of **billboard signs, ground signs, roof signs or development signs** shall be permitted within 60 m of a building used solely for residential purposes, except where the construction of the building or structure upon which they are erected is such that they are concealed from such building used solely for residential purposes.
- h) No flashing illumination of **billboard signs, ground signs, roof signs or development signs** faster than three second intervals is permitted.
- i) Illuminated **ground signs** may be electrically animated or having moving parts or message changes, except where located closer than 60 m to the nearest traffic signal of a signalized intersection, provided that any rotating portion does not exceed ten revolutions per minute or any changing message is changed at not less than three second intervals or is a continuous moving message.
- j) No **billboard signs, ground signs, roof signs or development signs** shall be located so as to obstruct or impede any exit door, fire escape, fire exit route, fire hydrant, yard hydrant, siamese connection or so as to prevent or impede the free access of emergency personnel or emergency equipment to any part of a building requiring such access.

- k) No **billboard sign or ground sign**, except for a **development sign**, is permitted on lands **zoned** or used solely for residential purposes.
- l) No person shall **erect a billboard sign, ground sign, roof sign or development sign**, the content of which would contravene any By-law, Act or regulation enforceable in the **Town**, or which would identify, advertise or provide information in relation to a use of the property, lot or premises which is unlawful or not permitted.
- m) No person shall **erect a billboard sign, ground sign, roof sign or development sign**, the content of which would identify, advertise or provide information in relation to an adult entertainment establishment
- n) **Roof sign** installations erected after the passing of this by-law are prohibited.

**5. Regulations Respecting Size, Type and Location**

- a) The maximum **sign area** on a property means the total area of all **billboard signs, ground signs, roof signs or development signs** located on such property. Except as permitted in this Section, the maximum **sign area** permitted, measured in square metres shall not be more than 1.0 times the lineal metres of frontage of such property on a public street, except in the following cases:
  - i) Where a property does not have any frontage on a public street or has frontage on a public street which is less than 15 per cent of the total length of the perimeter of that property, then 15 per cent of the total length of the perimeter of such property may be deemed to be the frontage for the calculation of the maximum **sign area** permitted.
  - ii) In the case of multi-tenant/user property, it is the responsibility of the owner or the owner's agent, to allocate an appropriate **sign area** for each store, office or other floor area on the basis of the maximum allowable **sign area** for the entire property.
- b) The total area of all **ground signs** and **billboard signs** on any lot shall not exceed 60 % of the maximum allowable **sign area** for the lot.
- c) **Ground Signs:**
  - i) This subsection does not apply to traffic directional **signs**.
  - ii) No **ground sign** shall have **sign area** greater than 15.0 m<sup>2</sup>, or any face dimension greater than 4 m.
  - iii) Notwithstanding ii) above **ground signs** located on properties zoned for any industrial use may have a face dimension greater than 4 m, provided no dimension exceeds 9 m and the **sign area** does not exceed 25 square metres. All other requirements of this Section apply.
  - iv) No **ground sign** shall be erected in any **daylight triangle**.

- v) Notwithstanding 5 (a), no more than three (3) **ground signs** shall be erected on any property.
- vi) **Ground signs** shall not be located closer than 15 m to other **ground signs** or 30 m to other **billboard signs** regardless of property boundaries.
- vii) The maximum size, height, and minimum setbacks of **ground signs**, shall be as follows:

<b>Sign Area of Single Face</b>	<b>Min. Setback from street Line</b>	<b>Max. Height measured from grade to top of sign</b>
Less than 7.0 m <sup>2</sup>	.5 m	7.5 m
Between 7.0 & 15.0 m <sup>2</sup>	1.0 m	10.5 m
Over 15.0 m <sup>2</sup>	1.5m	10.5 m

d) **Billboard Signs:**

- i) **Billboard** signs shall only be permitted on lands **zoned** commercial, agricultural or industrial lands in the **Town's** Zoning By-law and only within 300 m of any Provincial highway or County road,
- ii) Not more than one **billboard sign** shall be erected on any property.
- iii) No **billboard sign** shall have a **sign area** greater than 50.0 m<sup>2</sup>.
- iv) No **billboard sign** shall have an area of any single face greater than 25.0 m<sup>2</sup>, with no one dimension greater than 7.0 m.
- v) No **billboard sign** shall exceed a height of 10 m measured from grade at the base.
- vi) No **billboard sign** shall be located closer than 10 m to a **street line**; 30 m to a park or school, 60 m from a residential zone or a distance equal to the height of the sign, whichever is greater, to any other lot line.
- vii) **Billboard signs** shall not be located closer than 30 m to other **ground signs**.
- viii) **Billboard sign** shall not be located closer than 300 m to other **billboard signs**.
- ix) There shall not be more than 2 visible faces used for advertising purposes.
- x) No **billboard sign** advertising shall be electrically animated, have moving parts or automated message changes.
- xi) All **billboard signs** are to display their permit number on the lower portion of the sign using 50mm or greater Aerial font size.

- xii) The Town shall only permit an absolute total of 45 **billboard signs** to be erected within the Town at any one time. Requests for a sign permit received subsequent to this limit being reached will be placed on a waiting list on a date received basis until such time as the absolute quantity of **billboard signs** decreases sufficient to permit the new **billboard sign** permit to be issued.

**e) Development Signs:**

- i) **Development signs** shall not be permitted on lands zoned “open space”, “environmental protection” or similar environmental or restrictive zone classification.
- ii) Not more than one **Development sign** shall be erected on each property.
- iii) No **Development sign** related to a residential development shall have a **sign area** greater than 13.0 m<sup>2</sup>. No **Development sign** related to a non-residential development shall have a **sign area** greater than 26.0 m<sup>2</sup>.
- iv) No **Development sign** related to a residential development shall have an area of any single face greater than 13.0 m<sup>2</sup> with no one dimension greater than 2.5 m. No **Development sign** related to a non-residential development shall have an area of any single face greater than 26.0 m<sup>2</sup>, with no one dimension greater than 9 m.
- v) No **Development sign** related to a residential development shall exceed a height of 7.5 m measured from grade at the base. No **Development sign** related to a non-residential development shall exceed a height of 10 m measured from grade at the base.
- vi) No **Development sign** shall be located closer than 10 m to a **street line**; 30 m to a park or school, 60 m to an occupied residence or 10 m to any other property boundary.
- vii) **Development signs** shall not be located closer than 15 m to other **ground signs**.
- viii) **Development sign** shall not be located closer than 150 m to other **billboard signs**.
- ix) There shall not be more than 2 visible faces used for advertising purposes.
- xi) No **Development sign** advertising shall be electrically animated, have moving parts or automated message changes.
- xii) All **Development signs** are to display their permit number on the lower portion of the sign using 50mm or greater Aerial font size.
- xiii) **Development signs** shall only be permitted for a maximum period of three (3) years.

6. **Construction Detail**

- a) Every **billboard sign, ground sign, roof sign or development sign structure** shall be designed, constructed and maintained in accordance with the relevant sections of the Ontario Building Code.
- b) No **billboard sign, ground sign, roof sign or development sign** illuminated or operated electrically shall be erected, maintained or altered unless such electrical work is in conformity with all hydro regulations and all such electrical equipment bears the appropriate approval of the Canadian Standards Association.

7. **Application for Permits**

An application for a **billboard sign, ground sign, roof sign or development sign** permit shall include the following:

- a) A completed application form as prescribed by the **Official**.
- b) Two copies of a site plan showing the **street line** and/or other boundaries of the property on which it is proposed to **erect** or alter the **billboard sign, ground sign, roof sign or development sign**, and showing the proposed location of the **sign** upon the property in relation to all other **signs** and structures existing or proposed on such property and showing all other information as may be necessary, including the total existing **sign area**, to enable the application to be processed to ensure compliance with all pertinent requirements of this by-law. If necessary, the **Official** may require such plans and/or information to be certified by a registered Ontario Land Surveyor.
- c) Two copies of complete working drawings and specifications covering the construction and/or alteration of the **billboard sign, ground sign, roof sign or development sign**, including any supporting form work.
- d) Where the **billboard sign, ground sign, roof sign or development sign** is proposed to be or is located on a building or other structure, sufficient data shall be submitted to determine that such building or structure can safely carry the additional loads and stresses imposed thereon by the erection or alteration of such **billboard sign, ground sign, roof sign or development sign**. If necessary, the **Official** may consult with other knowledgeable persons and require such drawings to bear the stamp of a registered professional engineer.
- e) The prior approval of any other relevant agency, where required.

8. **Renewal, Assignment, Cancellation or Revocation of Permits**

- a) A **billboard sign, ground sign, roof sign or development sign** permit issued pursuant to this by-law shall be valid for a period of six months from date of issue and shall remain valid so long as the work covered by the permit is commenced before the expiry of the six month period and so long as the work is carried on expeditiously to completion.

- b) A **billboard sign, ground sign, roof sign or development sign** permit shall be renewable for one additional six month period without the need for re-submitting the documents referred to in Section 7 provided a written request for renewal is submitted to the **Official** before the expiry of the six month period and provided such additional fees as may be applicable are remitted, and provided the issuance of such permit would comply with the provisions of all applicable by-laws.
- c) Where no written request for renewal is submitted to the **Official** before the expiry of the six month period or where a **billboard sign, ground sign, roof sign or development sign** permit has been renewed once with work not being commenced before the expiry of the second six month period, the permit shall automatically lapse and a new application shall be required along with new and additional fees as may be applicable. In addition, where a security deposit has been posted for a **development sign** said security shall be forfeited upon expiration of the **development sign** permit.
- d) A **billboard sign, ground sign, roof sign or development sign** permit may be revoked by the **Official** under the following circumstances:
  - a) where the **sign** does not conform to this by-law or any other regulation, law or requirement of any government authority having jurisdiction over the area where the **sign** is located,
  - b) where the permit was issued as the result of false or misleading statements, undertakings or information in the application,
  - c) where the permit was issued in error,
  - d) where the **sign** was **erected** not in conformance with the application, plans or specifications submitted with the application.
- e) It is a condition of the issuance of the **billboard sign, ground sign, roof sign or development sign** permit that said permit shall not be assigned without the prior approval of the **Official**.
- f) It is a condition of the issuance of the **billboard sign, ground sign, roof sign or development sign** permit that the fees paid for the permit shall not be refundable should the applicant cancel the permit prior to **erecting** the **billboard sign, ground sign, roof sign or development sign**, however the security deposited with the **Town** for a **development sign** permit issued pursuant to this by-law shall be refundable.

9. **Permit Fees**

- a) The fees payable for a **billboard sign, ground sign, roof sign or development sign** permit pursuant to this by-law shall be as described in the Town's Fees and Charges By-law.

10. **Minor Variances**

- a) Where the owner or person in control of a **billboard sign, ground sign, roof sign or development sign** for any reason is unable to comply with the provisions and regulations under this by-law, such person may apply to the **Town** for a variance from the provisions and regulations of this by-law.



- b) Each application for a variance from the provisions and regulations of this by-law shall be subject to an application fee as described in the Town's Fees and Charges By-law.
- c) The **Council** of the **Town** shall hear all applications and may authorize minor variances from the provisions and regulations of this by-law, provided that the general intent and purpose of this by-law shall be maintained. The decision of the **Council** is final.

**11. Removal of Signs**

- a) The **Official**, or any employee of the **Town** requested by the **Official**, is authorized to take down or remove any **billboard sign, ground sign, roof sign or development sign** or other advertising device that is erected or displayed in contravention of this by-law and the owner shall pay for any costs or expenses of the Town. Such costs or expenses may be recovered in like manner as municipal taxes under the provisions of the *Municipal Act 2001*.
- b) Where a **billboard sign, ground sign, roof sign or development sign or sign structure** is deemed by the **Official** to be in such a condition or location that it is or may be a hazard to the public, the **Official** may, with cause, either serve written notice to the owner or tenant of the property on which, or in front of which such **billboard sign, ground sign, roof sign or development sign or sign structure** is located, to the same or make the same safe, or without giving notice to the owner or tenant of the property on which it is located, cause such **billboard sign, ground sign, roof sign or development sign or sign structure** to be removed.
- c) A **development sign** which is not removed to the satisfaction of the **Official** at the end of the 3 year expiry period, and for which no extension of time has been provided, shall have the security posted for same cashed and used to offset the costs associated with the administration and removal of the **development sign**. Any remaining funds shall be returned to the owner.
- d) Any **billboard sign, ground sign, roof sign or development sign** removed pursuant to this Section may be deposited on the property on which or in front of which it was located or removed.
- e) Any notice given under this by-law may be given by ordinary mail or personal delivery to the person making application for a permit to **erect a billboard sign, ground sign, roof sign or development sign**, or where such is under construction or existing, by ordinary mail or personal delivery to the owner or tenant according to the last revised assessment roll of the municipality, of the property on which, or in front of which, the **billboard sign, ground sign, roof sign or development sign** is located.

**12. Administration and Enforcement**

- a) The issuance of a permit under this by-law does not remove the requirement for a permit under any other applicable legislation.

- b) Every **billboard sign, ground sign, roof sign or development sign** that does not comply with the provisions or regulations under this by-law shall, upon written notice by the **Official** to the owner or person in control of same, forthwith comply with the provisions and regulations under this by-law in accordance with the terms of the said notice.
- c) No person shall, after the coming into force of this by-law, **erect a billboard sign, ground sign, roof sign or development sign** or its supporting structure or structurally alter a **billboard sign, ground sign, roof sign or development sign** or its supporting structure without having first obtained a permit from the **Official** pursuant to the provisions and regulations of this by-law.
- d) Every person to whom a **billboard sign, ground sign, roof sign or development sign** permit has been issued, or his agent in writing, shall notify the **Official** in order to arrange inspections, where applicable, of:
  - i) the readiness to construct the footings or foundations, and
  - ii) the substantial completion of the footings or foundations, and
  - iii) the completion of the installation;
- e) This by-law shall be administered and enforced by the **Official** appointed by the **Town**.

**13. Offences**

In addition to any other party who commits an offence, the owner, lessee and occupant of any property on which a sign is constructed other than in accordance with the provisions of this by-law, with respect to which an offence against this by-law is committed, shall be deemed to have committed the offence.

**14. Penalties**

Every person who contravenes any of the provisions of this by-law is guilty of an offence and on conviction under the provisions of the Provincial Offences Act R.S.O. 1999, c. P.33 is liable to a fine of not more than \$5,000.00, for each offence committed.

In addition, where a security deposit has been posted for a **development sign** said security shall be forfeited.

- 15. This by-law shall take effect and come into force on and from the date it is passed by Council.

**READ A FIRST AND TAKEN AS READ A SECOND AND THIRD TIME AND FINALLY PASSED THIS 24TH, DAY OF MAY, 2006.**

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**Brian H. Jackson, Mayor**

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**Paul G. Landry, Clerk**