

SIGN BY-LAW

TOWN OF GODERICH

BY-LAW NO. 48 OF 1997



JULY 14, 1997

Consolidated :

**By-Law No. 74 of 1998
By-Law No. 86 of 2002
By-Law No. 151 of 2016**

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"A by-law prohibiting or regulating signs and other advertising devices or any class or classes thereof and the posting of notices on buildings and vacant lots within the various areas of the Town of Goderich."

WHEREAS by paragraph 210.141 of the Municipal Act, R.S.O., 1980, c. 302, as re-enacted by Subsection 1(1) of the Planning Statute Law Amendment Act, 1983, c. 5, the Council of a municipality may pass a by-law for prohibiting or regulating signs and other advertising devices or any class or classes thereof and the posting of notices on buildings or vacant lots within any defined area or on land abutting on any defined highway or part of a highway;

AND WHEREAS the Municipal Council of the Corporation of the Town of Goderich deems it necessary and expedient to enact a by-law for such purposes directed by Sections 3.3.4.(3), 3.3.5.(5)(b), 3.3.6.(8)(b), and 3.3.9.(4)(f) of the Town of Goderich Official Plan;

NOW THEREFORE, the Municipal Council of the Corporation of the Town of Goderich enacts as follows:

1. SHORT TITLE

This by-law may be cited as "THE TOWN OF GODERICH SIGN BY-LAW".

2. CONFORMITY REQUIREMENT

2.1 In the Town of Goderich, no person shall erect, display, structurally alter or relocate any sign located wholly or partly upon private property unless a permit has been obtained in compliance with the provisions of this by-law.

2.2 Notwithstanding Subsection 2.1, a change in the message displayed by a sign does not constitute an alteration so as to require a permit, provided such sign has been erected in conformity with this by-law.

2.3 All of the lands within the corporate limits of the Town of Goderich are subject to the provisions of this by-law.

3. DEFINITIONS

In this by-law:

3.1 "Animated", when used to describe a type of sign, means a sign with moving sections, parcels or parts, or with flashing, animated or intermittent lighting, or which revolves or oscillates but does not include electronic messages.

3.2 "Awning" shall mean a roof-like covering stretched upon a frame, which is affixed to the face of the building and may be moveable or immovable to be used as a shelter from the rain or sun or as an ornament.

3.3 "Canopy" shall mean a solid overhanging covering that projects from the face of the building and firmly attached into the wall of the building, to be used as an ornament or a protection against sun and rain.

3.4 "Chief Building Official" means the Chief Building Official of the Town of Goderich.

3.5 "Directional Sign" means a sign to give guidance or direction to locations on a site or to caution, advise or restrict movement or activity on a site.

3.6 "Fascia Sign" means an on-premises sign attached to the exterior wall of a building

and projecting not more than fifty centimetres (50 cm) therefrom and with the sign face parallel to the wall of the building.

- 3.7 "Free-standing Sign" means a sign not attached to a building but supported by a permanent attachment to the ground and including billboard signs.
- 3.8 "Identification Sign" means an on-premises sign displaying only the name of the occupant and the municipal address.
- 3.9 "Off-Premises", when used to describe a type of sign, means a sign that identifies or directs attention to matters (such as, but not limited to a business, profession, commodity, service or entertainment) which are conducted, sold or offered off the site upon which the sign is located.
- 3.10 "On-Premises", when used to describe a type of sign, means a sign that identifies or directs attention to matters (such as, but not limited to a business, profession, commodity, service or entertainment) which are conducted, sold or offered on the site upon which the sign is located.
- 3.11 "Pilaster" means a column (rectangular) which is usually set in a wall.
- 3.12 "Projecting Sign" means an on-premises sign attached to the wall of a building, and projecting more than fifty centimetres (50 cm) from the wall and includes but is not limited to a double-sided sign or an awning or canopy sign.
- 3.13 "Real Estate Sign" means a sign to advertise the sale or leasing of property.
- 3.14 "Roof Sign" means an on-premises sign erected upon the roof of a building.
- 3.15 "Sandwich Board Signs" shall mean a free standing, double faced, inverted-vee type sign, not exceeding one half metre (0.5m) in width and one metre (1m) in height.
- 3.16 "Sign" means a message board or device bearing a message or advertisement consisting of letters, numbers, symbols or characters, the various materials upon which they are displayed, any internal or 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 and shall not include a message painted on the wall or roof of a building.
- 3.17 "Sign Area" means the total surface area of the sign excluding the supporting structure, if any; and in the case of a sign composed only of a group of individual letters, the sign area shall be the area bounded by the outside periphery of the letters in such group; and the sign area of a sign having two faces which are parallel and opposite, is the area of one such face; and the sign area of any other sign is the total of the area of all the faces thereof.
- 3.18 "Sign Elevation" means the vertical distance between the average elevation of the ground beneath the sign and the lowest point of the sign.
- 3.19 "Sign Height" means the vertical distance between the average elevation of the ground beneath the sign and the highest point of the sign.
- 3.20 "Site" means a parcel of land or several adjacent parcels of land used or occupied, or to be used or occupied, for a use permitted by the Town of Goderich Zoning By-law or permitted buildings and accessory buildings and the area belonging to such buildings.
- 3.21 "Street Line" means any property line, or part of a property line, that abuts a public

street.

- 3.22 "Temporary Sign - Non-portable" means a sign erected to advertise:
- 3.22.1 the future use of the lot on which it is erected;
 - 3.22.2 a project on a construction site;
 - 3.22.3 a community or public service project; or
 - 3.22.4 a special community event.
- 3.23 "Temporary Sign - Portable" means a sign not permanently attached to the ground or to a building and which is specifically designed or intended to be readily moved from one location to another and shall include all signs commonly known as "A-board", "mobile", or "read-a-graph" signs, notwithstanding that any running gear has been removed.
- 3.24 "Zone" means an area designated in the Town of Goderich Zoning By-law within which, in accordance with the provisions of the Town of Goderich Zoning By-law, certain uses of lands are permitted and all other uses are prohibited and the development and use of sites for permitted uses is subject to regulations requiring yard areas, frontage site area and other features and limiting building height, density, site coverage and other aspects.

4. ADMINISTRATION

- 4.1 The applicant for a permit under this By-law shall file with the Chief Building Official the following:
- 4.1.1 an application for a sign permit in the form annexed hereto as "Schedule A";
 - 4.1.2 a plan showing the adjacent street lines and other boundaries of the site upon which it is proposed to erect such sign and the location of the sign upon the site in relation to other structures upon such site;
 - 4.1.3 drawings and specifications covering the construction of the sign and its supporting framework;
 - 4.1.4 where a building permit is required under the "Building Code Act" a building permit shall be obtained, in addition to the sign permit, prior to erecting the sign.
- 4.2 PERMITS
- 4.2.1 A sign permit issued under this By-law shall be in the form annexed hereto as Schedule "A", but no permit shall be issued by the Chief Building Official under this By-law until the application for a sign permit has been approved by the Chief Building Official as being in conformity with the Ontario Building Code, this By-law and any other applicable law.
 - 4.2.2 Notwithstanding Subsection 2.1 no permit will be required for the erection of the following signs:
 - 4.2.2.1 an on-premises real estate sign advertising property for sale or lease;
 - 4.2.2.2 an election sign erected in connection with any proclaimed Federal, Provincial or Municipal election;
 - 4.2.2.3 a directional sign having an area of less than one square metres (1 sq. m) except in a heritage conservation district where Section

14 applies;

4.2.2.4 an identification sign attached flat to the wall of a non-residential building displaying only the name of the building or business and/or the municipal address of less than one square metres (1 sq. m) except in a heritage conservation district where Section 14 applies;

4.2.2.5 an identification sign for a dwelling displaying only the name of the occupant and/or the municipal address of less than point three square metres (.3 sq. m);

4.2.2.6 a sign within a building;

4.2.2.7 any sign, bill, poster or placard erected or placed by the municipality;

4.2.2.8 a highway sign erected on any connecting link or provincial highway by the Province of Ontario or the Provincial or Municipal Police to assist the flow of traffic;

4.2.2.9 a commemorative plaque or cornerstone of a non-advertising nature;

4.2.2.10 a portable temporary sign when placed on a site for a maximum period of forty-eight hours, provided such sign is not illuminated earlier than 9:00 a.m. or later than 9:00 p.m., in all zones, except in C-4 and C-5 Core Commercial Zones;

4.2.2.11 a temporary Non-portable sign;

4.2.2.12 fascia signs except in a Heritage Conservation District where Section 14 applies;

4.2.2.13 a sign as part of or attached to vending machines, ice machines, fuel pumps, fuel tanks, garbage cans, drive thru boards and other similar devices provided that the message on such devices relate directly to that object.

4.3 FEES

4.3.1 Upon application for a sign permit the applicant shall pay an application fee of twenty-five dollars (\$25.00) to the Treasurer of the Town of Goderich.

4.4 DAMAGES

4.4.1 The provisions of the By-law do not relieve or limit 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 the negligence or wilful acts of such person, his agents or employees, in the construction, erection, maintenance, repair, removal or relocation of any sign erected in accordance with a permit issued hereunder.

4.5 PENALTIES

4.5.1 Every person who breaches a section of this by-law is guilty of an offence and subject to a penalty as provided under the "Provincial Offences Act."

4.6 GRANT OF EXEMPTION BY COUNCIL

4.6.1 Notwithstanding anything contained in this by-law, application may be made in writing to Council, to be granted a variance from any of the provisions of this by-law for which the applicant might be prosecuted, and Council, by resolution, may refuse to grant any exemption or may grant the exemption applied for or any exemption of lesser effect and any exemption granted may contain such terms and conditions as in the opinion of the Council maintains the general intent and purpose of the by-law.

5. GENERAL REGULATIONS

5.1 UNLAWFUL SIGNS

Any person who,

5.1.1 has caused a sign to be erected, displayed or altered without first having obtained a permit to do so, shall make such sign comply with the provisions of this By-law and obtain an amended sign permit, or shall remove such sign within fourteen (14) days of receiving written notice of such violation from the Chief Building Official. The application shall pay a fee of \$50 for an amended sign permit to the Treasurer of the Town of Goderich;

5.1.2 having obtained a permit, has caused a sign to be erected, displayed or altered contrary to the approved plans in respect of which the permit was issued, shall make such sign comply with the provisions of this By-law and obtain an amended sign permit, or shall remove such sign within fourteen (14) days of receiving written notice of such violation from the Chief Building Official.

5.2 NON-CONFORMING SIGNS

5.2.1 This By-law shall not be applied so as to require a sign that is lawfully erected or displayed on the day the by-law comes into force, but does not comply with the by-law, to be made to comply with the by-law or to be removed by the owner or the owner of the site on which it is situated, so long as the sign is not in any way substantially altered (provided that the maintenance and repair of the sign or a change in the message displayed shall not be deemed to constitute an alteration).

5.3 MAINTENANCE, REPAIR OR REMOVAL OF SIGNS

5.3.1 The owner, lessee or agent of the site upon which a sign is located shall maintain, or cause such sign to be maintained, in a proper state of repair so that such sign does not become unsafe or dangerous and so that such sign shall be completely operative at all times.

5.3.2 Notwithstanding Clause 5.2.1 where any sign is in a dangerous or defective condition or location, the Chief Building Official shall notify in writing the owner, lessee or agent of the site upon which such sign is located, forthwith to remove such sign or place the same in a proper state of repair.

5.3.3 Where notice has been issued pursuant to Clause 5.3.2, the owner, lessee or agent of the site shall at once proceed to repair or remove such sign

and if the owner, lessee or agent of the site fails to repair or remove such sign the Chief Building Official may have such sign removed or such repairs made thereto as he deems necessary, and the expense thereof, with costs, shall be recovered by action or distress, and in the case of non-payment, similarly to municipal taxes.

5.4 PROHIBITED SIGNS

5.4.1 Notwithstanding any other provisions of this By-law, any sign which creates a traffic hazard by reducing the effectiveness of any traffic signal on any street or otherwise interfering with traffic on any street including obstructing the view of motorists at any intersection within six meters (6 m) (20 ft.) of that intersection of the property lines is prohibited.

5.4.2 Portable temporary signs are prohibited except as permitted in Section 11.

5.4.3 No banner, stringer or advertising device shall be placed on any municipal property including road allowances without first having been approved by the Chief Building Official of the Corporation of the Town of Goderich.

5.4.4 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 Goderich Fire Department in case of a fire.

5.4.5 Animated signs are not permitted.

6. FREE-STANDING SIGNS

6.1 A free-standing sign shall only be located on a site within any zone.

6.2 A free-standing sign shall not be located closer than one metre (1 m) to any property line.

6.3 A free-standing sign shall not be located closer than fifteen metres (15 m) to any other free-standing sign.

6.4 The height of a free-standing sign shall not exceed ten metres (10 m) except that in a residential, C4 or C5 zones it shall not exceed two metres (2 m).

6.5 The area of the free-standing sign shall not exceed twenty-five square metres (25 sq. m) except that in a residential C4 or C5 zones the area shall not exceed two square metres (2 sq. m).

6.6 The number of free-standing signs permitted shall not exceed:

6.6.1 One on a site where the frontage on a public street or streets is 30M or less,

6.6.2 Two on a site where the frontage on a public street or streets is greater than 30M,

6.6.3 Three on a site where the frontage on a public street or streets is greater than 300M.

7. DIRECTIONAL SIGNS

7.1 A directional sign may be located in any zone.

7.2 A directional sign shall not exceed one square metre (1 sq. m).

8. FASCIA & PROJECTING SIGNS

- 8.1 A fascia or projecting sign may be located in any zone, provided that within any Residential Zone a fascia or projecting sign shall have an area not greater than point three square metres (.3 sq. m.) and in all other zones the area of the fascia or projecting sign or signs shall not be larger than the greater of 20% of the area of the face of the building to which the sign is attached or 10 square metres.
- 8.2 A fascia or projecting sign which projects over municipal property shall have a minimum elevation of two point five metres (2.5 m) and shall not project more than zero point five metres (0.5 m) over municipal property. A Bond of Indemnity is required by the municipality for all encroachments. Encroachments on Town municipal property are allowed in C4 and C5 zones only.

9. ROOF SIGNS

- 9.1 A roof sign may be located in the C3, M1, M2, H1 and H2 zones.
- 9.2 The area of a roof sign shall not exceed ten square metres (10 sq. m).
- 9.3 The height of a roof sign shall not exceed three metres (3 m) above the mean level of the roof of the building upon which it is erected.

10. TEMPORARY SIGNS - NON-PORTABLE

- 10.1 A non-portable temporary sign is permitted in all zones.
- 10.2 A non-portable temporary sign shall not be placed closer than;
- 10.2.1 one metre (1 m) from a property line; and,
- 10.2.2 six metres (6 m) from an intersection of two street lines.
- 10.3 The area of a "Non-Portable" temporary sign shall not exceed five square metres (5 sq. m).
- 10.4 A Non-Portable temporary sign shall be removed within thirty (30) days of the completion of the construction, special event or project to which it applies.

11. TEMPORARY SIGNS - PORTABLE

- 11.1 Portable temporary signs are not permitted in a Residential Zone or a Harbour Zone for a period in excess of forty-eight (48) hours per year, in a Highway Commercial, or an Industrial Zone for a period in excess of sixty (60) days/year and are prohibited in all other zones, except that one temporary portable sign is permitted in a grouped commercial zone.
- 11.2 A portable temporary sign shall not be located closer than:

- 11.2.1 one metre (1 m) to a street line and one metre (1 m) to other property lines.
- 11.2.2 six metres (6 m) to the intersection of two street lines; or
- 11.2.3 fifteen metres (15 m) to a Residential Zone when such sign is not located in a Residential Zone.
- 11.3 A portable temporary sign shall not exceed five square metres (5 sq. m) in area.
- 11.4 There shall not be more than one portable temporary sign on a site.

12. CANOPIES & AWNINGS

- 12.1 A permit shall not be issued for the erection of any canopy or awning until the location of such has been approved by the chief Building Official and until the Bond of Indemnity mentioned in Section 12.2.4 is filed if required.
- 12.2 No canopy or awning shall be permitted unless it conforms with all the following:
 - 12.2.1 The lower edge of the canopy or awning shall be not less than two point five metres (2.5 m) above grade.
 - 12.2.2 No canopy or awning shall project over a streetline highway in the Town of Goderich more than one point two metres (1.2 m) except those moveable awnings that are rolled up daily, which may project two metres (2 m).
 - 12.2.3 The Corporation reserves the right to limit advertising displays that project over the highway.
 - 12.2.4 The owner of a building who applies for a permit to erect a canopy or awning which will extend into a highway in the Town of Goderich, shall execute a Bond of Indemnity to indemnify to the Corporation of the Town of Goderich, against all loss, cause, damage or expenses incurred or sustained or recovered against the Municipality by reason of the construction or maintenance of the said canopy or awning.

13. SANDWICH BOARD SIGNS

- 13.1 Sandwich Board Signs are permitted on public property in front of businesses located in C4 & C5 Zones.
- 13.2 Sandwich Board Signs shall be constructed of a material that is not subject to deterioration from the effects of weather.
- 13.3 Sandwich Board Signs shall only be permitted on the four (4) feet of municipal property nearest and parallel to the curb or edge of road, in front of the premises being advertised by the said sign and shall be limited to one such sign for each premises, except that at the pleasure of Council a business within the area bounded on the south by Elgin Avenue, on the west by Waterloo Street, on the north by Nelson Street, and the east by Victoria Street, may place one sandwich board sign on a corner of the Square that is located the closest to the business. Such sandwich board sign must be placed in a location as approved by the Commissioner of Works and must be removed daily at the close of the owners business and cannot be placed prior to the opening of the business.

- 13.4 No Sandwich Board Sign shall be erected which would obstruct the view of drivers of vehicles or pedestrians on a highway when approaching an intersection or when entering a highway from a property. Any sign found by the Town to be interfering with wheelchair, pedestrian traffic or sight lines at intersections shall be removed immediately. The Town also reserves the right to remove forthwith, a sign which causes any interference with vehicular traffic or pedestrian traffic or in the event of any emergency situation or interferes with any work that is to be performed upon the highway by or on behalf of the Town.
- 13.5 No person shall erect or maintain any Sandwich Board Sign on any public highway without first entering into an agreement with the Corporation of the Town of Goderich indemnifying the Town from and against all manner of claims for damage, loss, expense or otherwise, arising from the erection, maintenance, removing or falling of such sign or part thereof.
- 13.6 Any agreement issued under authority of this by-law shall be effective for the current calendar year, and the following calendar year. In default of the payment of the agreement fee, the right to maintain such Sandwich Board Sign shall cease and the agreement issued therefore shall become forfeited and void and the Town may remove the sign forthwith.
- 13.7 The fee in connection with this agreement shall be forty (\$48) dollars per calendar year.

14. HERITAGE CONSERVATION DISTRICT

14.1 Notwithstanding and in addition to the applicable sections of this by-law, areas designated as Heritage Conservation District have the following provisions:

14.2 PURPOSE

14.2.1 The purpose of this section is to regulate signs within the Heritage Conservation District. In order to accomplish this, the following establishes criteria for the review of applications to erect signs in the Heritage Conservation District and more generally, for the promotion of appropriate sign design within the Conservation District.

14.3 OVERALL DESIGN PRINCIPLE

14.3.1 All signs within the Heritage Conservation District will be designed in such a manner as to be compatible with, enhance and/or reflect Goderich's late 19th Century commercial streetscape.

14.4 DESIGN REVIEW AND APPROVAL

14.4.1 All applications for permits to erect a sign within the Heritage Conservation District shall be reviewed by the Goderich Local Architectural Conservation Advisory Committee (L.A.C.A.C) and the Chief Building Official. The L.A.C.A.C. shall recommend to Council to approve or refuse a permit to erect a sign.

14.5 SIGN TYPES

14.5.1 Appropriate sign types are limited to those which are compatible with the historical time period of the Heritage District. These may include, but not necessarily be limited to the following:

- 14.5.1.1 symbol signs
- 14.5.1.2 lettered signs on sign fascia boards

- 14.5.1.3 lettered canopies and/or awnings
- 14.5.1.4 lettered roller blinds in display windows
- 14.5.1.5 lettering directly on display windows and doors
- 14.5.1.6 signs on pilasters
- 14.5.1.7 side-wall mounted sign boards on 1st floor only
- 14.5.1.8 projecting (teaser signs) less than one square metre, subject to Section 8.2 of this by-law.

14.6 ILLUMINATION

- 14.6.1 The exterior illumination of signs will be permitted only by spot-light, incandescent feature light or similar type of lighting.

14.7 INSTALLATION TO BE REVERSIBLE

- 14.7.1 Any sign is to be installed in such a manner that there is no permanent damage done to the fabric of a building within the district. No sign in the Heritage District shall obstruct or interfere with any architectural detailing on the building.

14.8 AWNINGS

- 14.8.1 Roll up awnings are encouraged rather than permanent tension suspension awnings.

14.9 LOCATION

- 14.9.1 No signs shall be hung from the second and third storey facades but shall be kept to the store front level except as with Goderich Town Council approval as recommended by L.A.C.A.C.

14.8 REFURBISHING OF EXISTING SIGNS AND STORE FRONTS

- 14.80.1 Nothing in this by-law shall prevent an owner from removing an existing sign from a building in an area designated as a heritage conservation district for the purpose of refurbishing the store front or refurbishing the sign. Existing signs may be replaced on the refurbished store front after the work on the store front has been completed or a refurbished sign may be replaced back on the existing store front once the refurbishing of the sign has been completed.

15. EXISTING BY-LAWS

By-law No. 30 of 1993 as amended is hereby repealed.

16. ENACTMENT

This By-law comes into force and effect immediately upon being finally passed.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS FOURTEENTH DAY OF JULY 1997.

MAYOR

CLERK-TREASURER