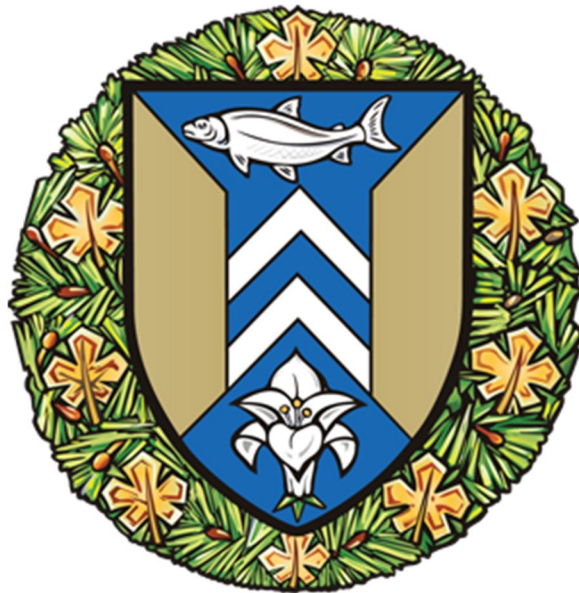


THE CITY OF SAULT STE MARIE



SIGN BY-LAW



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THE CORPORATION OF CITY OF SAULT STE. MARIE

By-law 2017-35

Being a by-law for regulating or prohibiting signs and other advertising devices.

WHEREAS Section 99 of the Municipal Act, S.O. 2001, Chapter 25, provides that municipalities may pass by-laws respecting advertising devices, including signs;

WHEREAS Section 425 of the Municipal Act, S.O. 2001, Chapter 25, provides that municipalities have the authority by by-law or otherwise to direct or require that a matter or thing be done, and that municipalities may require that, in default of this being done by the person directed or required to do it, such matter or thing shall be done at the person's expense;

WHEREAS Section 391 of the Municipal Act, S.O. 2001, Chapter 25, provides that municipalities may pass by-laws imposing fees or charges for services or activities provided;

NOW THEREFORE, the Corporation of City of Sault Ste. Marie enacts as follows:

1 SCOPE OF BY-LAW

1.1 Short Title of By-law

This By-law and any amendments thereto shall be known as the "Sault Ste. Marie Sign By-law."

1.2 Purpose of the By-law

This By-law regulates private and public *signs* placed on lands, *buildings*, and other *structures* within the corporate limits of the City of Sault Ste. Marie for the purpose of;

- a. Protecting and enhancing the aesthetic qualities and visual character of the City of Sault Ste. Marie.
- b. Providing for signs whose characteristics are appropriate to their use and function.
- c. Preventing signs that impact the safety of pedestrians or motorists.
- d. Balancing opportunities for *business* expression with the interests of the Sault Ste. Marie public and community.

1.3 Legislative Authority

This By-law is passed by the Corporation of Sault Ste. Marie pursuant to the provisions of the Municipal Act, as amended.

1.4 Area of Applicability

This By-law applies to the lands in the City of Sault Ste. Marie.



1.5 Compliance with By-law

No person shall hereafter *erect* or display a *sign* except in conformity with the provisions of this By-law.

1.6 Contents of By-law

All references in the By-law to sections, regulations, exceptions, tables, figures, schedules and maps, refer to those in this By-law unless otherwise indicated.

1.7 Lawful Non-Complying Signs

The provisions of this By-law shall not apply to a *sign* or the use of an existing *sign* that was lawfully *erected* on or before the day this By-law comes into force if the *sign* is not substantially *altered* and the maintenance and repair of the *sign* or a change in the message displayed is deemed not in itself to constitute a substantial *alteration*.

1.8 Relation to Other Government Requirements & Compliance with Other Restrictions

This By-law shall not be construed so as to reduce or mitigate restrictions or regulations for any *signs* that are lawfully imposed by the *Municipality*, or by any governmental authority having jurisdiction to make such restrictions or regulations.

Compliance with this By-law does not relieve a *property owner* or authorized agent from complying with the requirements of:

- a. The Ontario Building Code.
- b. Any federal, provincial, or municipal legislation.

2 INTERPRETATION OF BY-LAW

2.1 Measurements and Dimensions

All measurements and dimensions in this By-law are expressed in metric.

2.2 Definitions

Terms defined in this By-law are italicized for the purposes of convenience only. If a term defined by this By-law is not italicized, the definitions provided by the By-law shall apply when consistent with the context.



3 DEFINITIONS

The terms set out below shall have the following meanings:

“**ADVERTISE**” means to call attention to something for the purpose of making it known to the public.

“**AGRICULTURAL**” means an establishment that is primarily engaged in general farming, which includes the breeding, rearing, and grazing of livestock, including beekeeping, poultry, fowl, and fur-bearing animals, the general cultivation of land and associated production, conditioning, processing, and storing of field crops, fruits, vegetable, and horticultural crops, and the selling of such produce on the premises.

“**ALTER**” means any change to a *sign* including the removal and replacement of the *sign*, the addition, removal or rearrangement of parts of the *sign*, but excluding the changing of *copy* or the replacement of parts of the *sign* with similar parts for maintenance purposes. Alteration shall have the same meaning as *alter*.

“**ATTIC**” means an unusable or uninhabitable area of a *building* situated between the top of the ceiling support and the roof support.

“**AWNING**” means roof like structure comprised of material stretched on a frame that serves as a shelter above an entrance or window.

“**BASEMENT**” means any area below the *first storey* where at least one half of the height from floor to ceiling is above *established grade*.

“**BED AND BREAKFAST**” means premises primarily engaged in providing short-term lodging in a private home or in a small building converted for this use. This type of accommodation is characterized by a highly personalized service, and inclusion in the room rate of a full breakfast, served by the owner who resides in the building.

“**BUILDING**” means a *structure* used for the shelter, accommodation or enclosure of *persons*, animals, goods, materials or equipment that is supported by columns or walls, has one or more floors, is covered by a roof and is permanently affixed to the land.

“**BUSINESS**” means an establishment in which one or more persons are employed in conducting, managing, or administering an endeavor or means of livelihood. The term *business* includes the administrative offices of a government agency, a non-profit organization, or a charitable organization.

“**CANOPY**” means any *structure* which projects from the exterior face of a *building* wall and extends across part or all of that exterior face of a *building* wall or is a self-supporting unenclosed *structure*.

“**CELLAR**” means a storey where more than one half of the height between the floor and ceiling or floor joists, is below *established grade*. A *cellar* shall not be considered in determining the number of permissible *storeys*.



“**CHARITABLE ORGANIZATION**” means an association of *persons* that has charitable status under the laws of Ontario or Canada.

“**COMMUNITY ASSOCIATION**” means a group of *persons* organized for the advancement of activities of a civic, social, cultural or recreational nature and whose activities are not conducted for monetary profit.

“**CONSERVATION AUTHORITY**” means a conservation authority established under the Conservation Authorities Act and having jurisdiction in Sault Ste. Marie.

“**COPY**” means the wording, letters, numerals, graphics, logos, and artwork of a *sign*, on the display surface and is either permanent or removable.

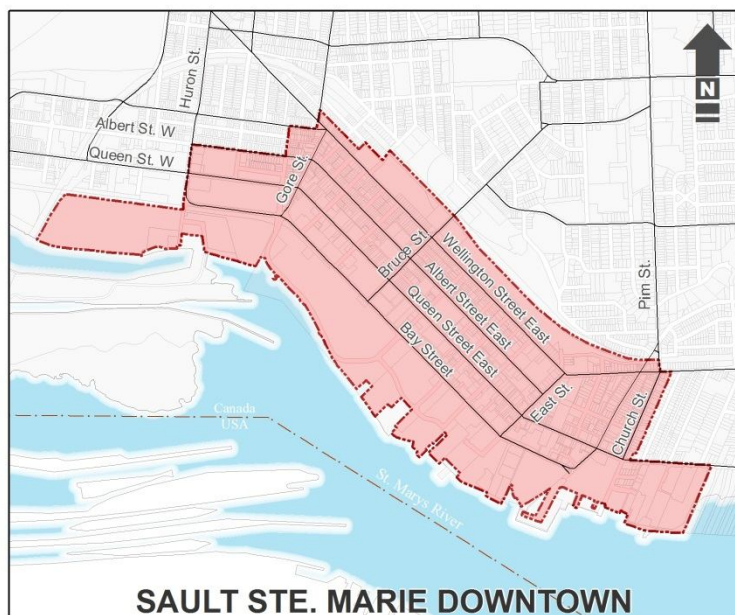
“**COUNCIL**” means the *Council* of the Corporation of Sault Ste. Marie.

“**DISPLAY SURFACE**” means the surface of the *sign*, upon, against, or through which the *copy* of the *sign* is displayed.

“**DOWNTOWN, THE**” means the boundaries of Downtown Sault Ste. Marie as illustrated in Figure 1 and described as all properties bounded by or with a *street line* on:

- a. The North: Wellington Street, including properties on Bruce Street south of Huron Central Railway;
- b. The East: Church St, Queen Street East, the east lot line of the hospital lands;
- c. The South: St. Mary’s River waterfront;
- d. The West: North Street, Cathcart Street, Andrew Street, Albert Street West, Huron Street, the former St. Mary’s Paper property.

Figure 1: The Downtown





“**DRIVEWAY**” means that portion of a *lot* designed to provide *motor vehicle* access from the lot to the traveled portion of the *street, private road or lane*.

“**ERECT**” means display, attach, affix, post, *alter*, construct, place, locate, install or relocate.

“**ESTABLISHED GRADE**” means the average elevation of the finished surface of the ground where it meets the exterior face of a *building or structure*, exclusive of any wells providing light or ventilation.

“**FAÇADE**” means the first storey of the exterior wall of a *building* facing a *street or private road*.

“**HEIGHT**” means the vertical distance from the *finished grade* below the *sign* to the highest physical point of the *sign*.

“**HOME BASED BUSINESS**” means an occupation or business activity that results in a product or service, and is conducted in whole or in part within a dwelling unit or accessory building and which is a subordinate use to the residential use of a dwelling unit.

“**ILLUMINATED**” with reference to a *sign* means the *sign* is lit up by means of an artificial light source located within, on or external to the *sign*.

“**INSPECTOR**” means any Municipal Law Enforcement Officer or other *person* appointed by *Council* pursuant to a by-law.

“**LANE**” means a *road* owned by the Municipality that provides either the primary access to abutting *lots* or the secondary access to abutting *lots* where the primary access/frontage is available from a *street*. The term lane shall not include a *street*.

“**LOT**” means a parcel of land registered at the Algoma Land Registry Office #1 as not more than one parcel of land.

“**LOT LINE**” means any boundary of a *lot* or the vertical projection thereof.

“**MOTOR VEHICLE**” means an automobile, truck, motorcycle, motor assisted bicycle and any other vehicle propelled or driven by other than muscular power.

“**MUNICIPALITY**” means the Corporation of Sault Ste. Marie.

“**MUNICIPAL AGREEMENT**” means an agreement made with the Corporation of Sault Ste. Marie.

“**MURAL**” means a painting, illustration, or decoration applied to a free standing *sign* or the exterior wall of a *building* and that is otherwise not a *sign* as defined by this By-law.



“**OWNER**” means the registered *owner* of the *premises* upon which any *sign* or *sign structure* is located, or any *person* described on a *sign* or whose name or address or telephone number appears on the *sign*, or who has installed the *sign*, or who is in lawful control of the *sign*, or who benefits from the message on the *sign*, and for the purposes of this By-law there may be more than one *owner* of a *sign*.

“**PERMANENT**” means physically existing or continuing indefinitely in a space, location, or place. Permanently shall have the same meaning as *permanent*.

“**PERMITTED**” means permissible by this By-law.

“**PERSON**” means, but is not limited to an individual, sole proprietorship, partnership, association, or corporation and any other entity to which the context can apply according to the law.

“**PREMISES**” means a *lot*, *property* or a *building* or a part of a *lot*, *property* or *building*.

“**PRIVATE ROAD**” means a *road*, the fee simple of which is owned by a *person*, that is subject to one or more easements registered against title in favour of one or more abutting *lots* to which the easements are appurtenant. Such easements entitle the *owners* of the *lots* to use the *private road* for the purposes of access to and from the *lots*. The term *private road* includes a *private road* shown on a registered plan of condominium plan but does not include a *right-of-way*, a *street* or a *lane*.

“**PROPERTY**” means a parcel of land having specific boundaries, which is capable of legal transfer.

“**PROVINCE**” means the *Province* of Ontario. Provincial shall have the same meaning as *Province*.

“**PUBLIC AUTHORITY**” means any department or agency of Sault Ste. Marie, a *conservation authority*, the Government of Ontario, or the Government of Canada.

“**RIGHT-OF-WAY**” means an area of land on which has been created and registered against the title of the *lot* on which it is located, perpetual easements appurtenant to one or more *lots* to a *street*. The term right-of-way shall not include a *private road*.

“**ROAD ALLOWANCE**” shall have a corresponding meaning to that of a *street*.

“**SIGN**” means any visual medium used to convey information by way of words, pictures, images, graphics, emblems, or symbols, or any device used for the purpose of providing direction, identification, advertisement, *business* promotion, or the promotion of a *person*, product, activity, service, event or idea.

“**SIGN, A-FRAME**” means a freestanding *temporary sign* with no more than two faces joined at the top of the *sign* that is intended for *temporary use* during the hours of the *business* to which it applies and that is constructed in a manner and of materials such that it can be placed and moved manually by a *person* without mechanical aid.



“SIGN, ABANDONED” means a *sign* which is located on a *premises* which becomes vacant and unoccupied for a period of 90 days or more, or any *sign* that pertains to a *business*, occupancy that no longer exists at the *premises*, or that pertains to a time, event, or purpose that no longer applies.

“SIGN AREA” means:

- a. in the case of a *sign* having one *display surface*, the area of the *display surface*;
- b. in the case of a *sign* having two *display surfaces*, which are separated by the thickness of the *sign structure* and the thickness is not used as a *display surface*, the area of one *display surface*;
- c. in the case of a free standing number, letter, picture, image, graphic, emblem, symbol, or shape, the smallest rectangle which will enclose the number, letter, picture, image, graphic, emblem, symbol, or shape.

“SIGN, AWNING” means a *sign* on a retractable or stationary structure, covered with fabric or a like material that is attached and projects from the exterior wall of a *building*, often located over a door or window, and may provide shade or other protection from the elements.

“SIGN, BANNER” means a *sign* made from cloth, plastic, or a similar light weight, non-rigid material.

“SIGN, BILLBOARD” means an off *premises ground* or *wall sign* erected and maintained by a *person*, or *business* engaged in the sale or rental of the space on the *sign* to a client for the purpose of *advertising* a *business*, goods, or services not necessarily sold, offered, or conducted on the *premises* where the *sign* is located.

“SIGN, CANOPY” means a *sign* which is contained within or affixed to the surface of a *canopy* and which does not project beyond the limits of the surface of the *canopy*.

“SIGN, CHANGEABLE COPY” means that part of a *ground sign* composed of letters and characters intended to convey a temporary message and which is capable of changing the message mechanically or electronically.

“SIGN, COMMUNITY EVENT” means a *temporary sign* advertising events conducted or sponsored by *charitable organizations* or *community associations*.

“SIGN, CONTRACTOR” means a *sign* which identifies a trade or company undertaking renovations or construction at the property where the sign is located.

“SIGN, DIGITAL” means a *sign* which is remotely changed on or off site and incorporates a technology or method allowing the information displayed on the *sign* to be changed without physically or mechanically replacing the display surface or its components.

“SIGN, DIGITAL FUEL PRICE” means a *digital sign* used in association with the retail sale of fuels which displays only the current price of fuel sold on the premises.



“SIGN, DIRECTIONAL” means a sign erected on a property to identify an entrance, exit, or area for the purpose of directing persons and/or regulating the movement of traffic or pedestrians on a property. Such *signs* shall not be utilized for the purpose of *advertising* a *business* or service available either on-site or off-site.

“SIGN, ELECTION” means a *temporary sign advertising* any political party or candidate participating in the election for public office.

“SIGN, ELECTRONIC MESSAGE BOARD” means a *changeable copy sign* which has messages displayed by electronic means. Such signs are only capable of displaying text.

“SIGN, GROUND” means a *sign permanently* affixed to the ground by one or more self-supporting poles or supported by a free-standing *structure*.

“SIGN, FLAG” means a *sign*, usually constructed of cloth or another lightweight material, affixed to the ground, which *advertises* a good or service.

“SIGN, FREESTANDING” means a *sign* supported upon the *ground*.

“SIGN, HEIGHT” means the vertical distance from the average ground elevation at the base of a *freestanding sign* to the highest point of the *sign*.

“SIGN, HOME BUSINESS” means a *ground or wall sign* located on the premises of a *home based business*.

“SIGN, PORTABLE” means a *temporary sign* which is not permanently affixed to the ground or to any *structure*, and is typically designed for the rearrangement of copy on the *sign’s display surface*, and which is capable of being readily moved from place to place.

“SIGN, OFF-PREMISES DIRECTIONAL” means a *sign* providing directions to the location of a *business* or service that is located elsewhere.

“SIGN, OVERHANGING” means a sign not directly supported from the ground but generally erected perpendicular to a supporting building wall, but shall not be a wall sign as defined in this By-law.

“SIGN, PERMANENT” means a *sign* permanently *erected* on or affixed to a *premises*.

“SIGN, PERSONAL” means a *temporary sign* used for a personal announcement or congratulatory message which is located on a *property zoned* for residential *uses*.

“SIGN, PUBLIC USE” means a *sign erected* by or under the jurisdiction of a Public Authority.



“**SIGN, REAL ESTATE**” means a *sign* located on a *property* for the purpose of announcing the sale, lease, or rental of such *property* or *building* or part of a *building* located thereon.

“**SIGN, REAL ESTATE OPEN HOUSE DIRECTIONAL**” means a *temporary sign* providing directions to a residence that is offered for sale and where an open house is being conducted.

“**SIGN, ROOF**” means a *sign* the entire face of which is above the lowest point at which the roof meets the *building*.

“**SIGN, SUPPORT STRUCTURE**” means the framework, bracing and support of a *sign*.

“**SIGN, TRAFFIC CONTROL**” means a *sign* erected under the jurisdiction of the Highway Traffic Act or the manual of Uniform Traffic Control Devices for the purpose of regulating traffic on *streets*.

“**SIGN, VEHICLE/TRAILER**” means a *sign* which is painted on or affixed to a *motor vehicle* or trailer which is parked and visible from a public *right-of-way* and its intended use is as a *sign*, unless said vehicle or trailer is used in the normal day-to-day operation of the *business*.

“**SIGN, WALL**” means a *sign* which is painted on or *permanently* affixed to a single wall of a *building* or *structure*.

“**SIGN, WINDOW**” means a *sign* placed, painted, etched or attached to the surface of a window facing the outside and intended to be primarily visible from a *street* or parking area.

“**STOREY**” means the horizontal division of a *building* from a floor to a ceiling, excluding an *attic*, *basement* or *cellar*, or other area that is unusable by virtue of its inaccessibility.

“**STOREY, FIRST**” means the *storey* of a *building* or *structure* with a finished floor level situated closest to the *established grade*.

“**STREET**” means a road or public highway under the jurisdiction of the City or the *Province* of Ontario that is maintained so as to allow normal use by *motor vehicles*, or a road or public highway located within a registered plan of subdivision that has not yet been assumed by a public authority. The term *street* shall not include a *lane*. The term *street* includes the total *right-of-way*, inclusive of the travelled portion of the roadway, sidewalks and any utilities.

“**STREET LINE**” means a *lot line* dividing a *lot* from a *street*, *private road* or *lane*.

“**STRUCTURE**” means anything that is *erected* or constructed of parts joined together, and fixed to or supported by the soil or any other *structure*.



“**TEMPORARY**” means intended to be used for a limited amount of time, not *permanent*.

“**USE**” means the *use* of land, a *building*, or *structure*, as permitted in the Municipality’s zoning by-laws and as identified in the Tables of this By-law.

“**VISIBILITY TRIANGLE**” means a triangular-shaped area of land abutting a *lane*, *street* or *private road* that is required to be kept free of obstructions that could impede the vision of a pedestrian or the driver of a *motor vehicle* exiting onto or driving on the *lane*, *street* or *private road*.

A *visibility triangle* shall be determined as follows:

- i) The *visibility triangle* shall be the area enclosed by each of the *street lines* measured to a point 9 metres back from the intersection of the *street lines* or the projections thereof, and a diagonal line drawn between these two points;
- ii) In *The Downtown*, The Traditional Commercial Zone, or where there is a fully signalized *street* intersection, the *visibility triangle* is 5 metres back from the intersection of the *street lines* or the projections thereof, and the diagonal line drawn between these two points;
- iii) The *visibility triangle* from a driveway, *lane*, or *right-of-way* shall be the area enclosed by the line along the limits of the driveway and the *street line* measured to a point 3 metres back from the intersection of the *street lines* and the limit of the driveway, *lane*, or *right-of-way* and a diagonal line drawn between these two points.

“**ZONE**” means a designated area of land *use* shown on any schedule of the *Municipality’s* zoning by-laws as enacted and amended by the *Municipality* pursuant to the Planning Act.

4 ADMINISTRATIVE PROVISIONS

4.1 Enforcement

The Chief Building Official of the *Municipality* shall be responsible for the administration and enforcement of this By-law.

4.2 Permit Requirement

Except for *signs* otherwise exempted in this By-law from the requirement for a permit, no person shall erect, keep, or maintain a *sign* on any *premises* unless a permit is obtained from the *Municipality* prior to the erection or display of the *sign*.

4.3 Application Requirement

Every *person* applying for a *sign* permit shall apply on the application form or forms as may be prescribed by the *Municipality* and shall submit the required plans and information and pay the applicable fees.



4.4 Application Fees Refund

The *Municipality* shall refund the fees paid for a *sign* permit where the applicant in writing requests a refund and the *Municipality* has not commenced its review of the permit application for compliance with this By-law.

4.5 No Application Fees Refund

There shall be no refund of fees where:

- a. The *Municipality* has issued the permit as the result of false, mistaken, incorrect, or misleading information, statements, or undertakings on the application; or,
- b. The *sign* for which the permit application is made, has been erected, located, or displayed prior to the issuance of the permit; or
- c. The *Municipality* has already undertaken the review.

4.6 Permit Refusal

A permit shall be refused if the proposed *sign* does not comply with this By-law and all other applicable laws.

4.7 Permit Revocation

A permit may be revoked where the permit was issued as the result of false, mistaken, incorrect, or misleading information, statements, or undertakings on the application.

4.8 Public Authorities

Where a sign is subject to the regulations of a public authority other than the *Municipality* by virtue of the *sign's* location or type:

- a. An applicant for the sign shall provide the *Municipality* with the written permission of the *public authority* having jurisdiction prior to making an application to the *Municipality* for a permit; and,
- b. Approval of the sign by a *public authority* does not exempt the *sign* from complying with the provisions of this By-law.

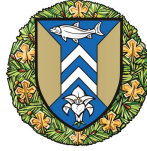
4.9 Signs Near Provincial Highways

Despite any other provision of this By-law, where a *sign* is located within 400 metres of a *Provincial* highway, the approval of the Ministry of Transportation may be required for the erection of the *sign*.

4.10 Permit Expiry

Every permit issued by the *Municipality* for a permanent *sign* shall expire six (6) months from the date of issuance unless the *sign* is erected for its intended purpose and the permit shall become null and void upon the removal of the *sign*.

Where a permit has been issued for a permanent *sign* and before it has expired, a written request may be made to the Chief Building Official to extend the permit for a further six (6) months.



4.11 Ontario Building Code

Nothing in this By-law shall exempt a person from the requirement to obtain a building permit where the Ontario Building Code Act requires a building permit for the *sign* proposed to be erected.

4.12 Signs Not Requiring a Permit

No permit is required to erect the following signs, provided the signs otherwise comply fully with the provisions of this By-law:

- a. *Home based business sign*
- b. *Contractor sign*
- c. *Real estate sign*
- d. *Real estate open house directional sign*
- e. *Personal sign*
- f. *A-Frame sign*
- g. *A sign having a sign area less than 650cm²*
- h. *A community event sign*
- i. *A sign advertising the sale of seasonal agricultural produce*
- j. *The replacement of sign content or messaging, so long as the sign size and structure is not altered in any way.*

4.13 Signs Exempt from this By-law

The following *signs* shall be exempt from the provisions of this By-law:

- a. *A sign erected for the purpose of public safety*
- b. *Election signs*
- c. *Flags or emblems of patriotic, civic, educational or religious organizations*
- d. *Commemorative plaques or cornerstones that do not advertise*
- e. *Murals that do not advertise*
- f. *A sign erected by a non-profit agricultural society for an event or fair it operates*
- g. *A sign erected at a market operated by a non-profit agricultural society*
- h. *A temporary sign associated with a sidewalk sale operated within The Downtown.*
- i. *Off-site directional signage erected by a public authority for the purposes of providing directions to tourist attractions and major public facilities.*

5 ENFORCEMENT PROVISIONS

5.1 Compliance Requirement

It shall be the duty of every *person* who *erects*, uses, maintains or causes a *sign* to be erected, used or maintained to ensure that the *sign* complies with all the provisions and requirements of this By-law.

5.2 Removal of Illegal Signs on Public Property

A sign erected in contravention of any provision of this By-law may be removed by the *Municipality* immediately and without notice if such sign, unless otherwise authorized, is



located wholly or partially on or over a *road allowance* or on any other lands owned by or under the jurisdiction of the *Municipality*.

5.3 Notice to Owners of Illegal Signs

The *Inspector* may cause a notice to be sent to any *owner* of a *property*, *sign* or both, by means of mail or hand delivery where any *sign* is found to be in contravention of any provision of this By-law.

5.4 Removal of Illegal Signs

Any *sign* found in contravention of any provision of this By-law may be removed by the *Inspector* or any *person* directed by him/her, without notice and such *sign* may be disposed of or impounded at the discretion of the *Inspector*.

5.5 Impound of Illegal Signs

Any *sign* impounded by the *Municipality* shall be held for a period of thirty (30) calendar days from the date of the sign being impounded and at 12:01 a.m. of the thirty first (31st) day the *sign*, if not released to the *owner* upon payment of the expenses incurred by the *Municipality*, may be disposed of in a manner at the discretion of the *Inspector*, without compensation or notice to any *person*.

5.6 Cost Recovery for Removing Illegal Signs

The reasonable expense as determined by the *Inspector* for the removal and disposal of any *sign* removed by the *Municipality* shall be the responsibility of the *sign's owner* and such costs are recoverable under the authority of the Municipal Act, 2001, as amended, and shall be collected in the same manner as taxes.

5.7 Provincial Offence

Every *person* who fails to comply with any provision or requirement of this By-law shall be guilty of an offence and liable to a fine as prescribed by the Provincial Offences Act.

6 PROHIBITIONS

6.1 Prohibited Signs

No *person* shall *erect* or maintain any of the following *signs*:

- a. A *sign* located on *premises* which does not specifically identify or *advertise* a business, service, or occupant of the *premises* where it is located, unless otherwise specified in this By-law;
- b. *Roof sign*;
- c. *Vehicle/Trailer sign* on non-motorized vehicles where the purpose of the *sign* meets the definition of a *sign* under this by-law;
- d. A *sign* which may cause confusion with a *traffic control sign* or a *traffic control signal*;
- e. An *abandoned sign*.



6.2 Prohibited Locations

- a. No *person* shall *erect a sign* within any *road allowance* other than a *sign* installed by *Municipal* agreement, a *real estate open house directional sign*, a *community event sign* or a *sign* otherwise permitted by this By-law;
- b. No *sign* or *sign structure* shall be located in a manner which, in the opinion of the *Inspector*, impedes the necessary view of a pedestrian or motorist;
- c. No *sign* shall be located within a *visibility triangle*;
- d. No *person* shall locate a *sign* which obstructs or impedes any fire escape, fire exit or door, any window required for natural ventilation or natural lighting or required as an emergency escape, or a fire fighter's access panel or skylight, or so as to prevent or impede free access from or to any part of a *building*;
- e. No *person* shall erect a *sign* which obstructs or otherwise impedes the utilization of a parking space, loading space, *driveway* or *aisle* unless additional parking spaces or loading spaces are provided to comply with the requirements and regulations of the *Municipality*;
- f. No *person* shall locate a *sign* which obstructs or impedes the functioning of any flue or air intake, or any exhaust system;
- g. No *person* shall nail, screw, tape or otherwise fasten a *sign* to a tree or utility pole;
- h. No *person* shall erect a *sign* that has a *height* greater than 0.75 metres within 3 metres of any road allowance where the sign may impede the visibility of an access from any improved public *street* to any *lot*.

7 GENERAL PROVISIONS FOR ALL SIGNS

7.1 Signs Permitted on Buildings Within a Road Allowance

In the event an existing *building* is located within a *road allowance*, *signs* are permitted on the façade of the *building* within the *road allowance* subject to complying with all the provisions of this By-law.

7.2 Existing Legal Signs

In the event a *sign* that is lawfully erected on the day this By-law comes into force is altered or removed, all applicable provisions of this By-law shall apply.

7.3 Illumination – Light Trespass

Where a *sign* is *illuminated*, the *sign* and source of *illumination* shall be designed and located so as to prevent light trespass beyond the sign support structure and the display surface area of the sign.

7.4 Maintenance and Good Repair

A *sign* and *sign structure* shall be kept in good repair at all times and maintained without any visible deterioration of the *sign* or *sign structure*.

A *sign* and *sign structure* shall be maintained in compliance with this By-law and any other By-law that contains requirements for the upkeep and maintenance of *signs*.



8 PERMITTED SIGNS

Section 8 and Section 9 of this By-law are interdependent and shall be read together.

8.1 Permitted Signs

If a *sign* is specifically defined in this By-law but not listed as a permitted sign in any Table to this By-law or section of this By-law, then the *sign* shall not be permitted.

A *sign* that is listed as being permitted shall only be permitted if it satisfies all applicable provisions of this By-law.

8.2 Sign Districts

For the purposes of this By-law, the following Sign Districts are established by reference to the zone categories as set out in the Municipality's Zoning By-law and are identified in the Tables to this By-law

RES	Residential Zone Categories: R1, R2, R3, R4, R5, R6, EM, RP
IND	Industrial Zone Categories: M1, M2, M3
COM	Commercial Zone Categories: C1, C2, CT2, C3, C4, C5, HZ
INS	Institutional Zone Categories: I, AIR, PR
RA	Rural Area Zone Categories: RA, REX

8.3 Sign Tables

The Tables to this By-law identify the type of *sign* permitted on a *property* and the regulations applicable to a *sign*

The *sign* types listed in Column 1 of Table 1 to Table 5 inclusive below, shall be subject to the provisions in Column 2 to Column 5 inclusive and all other applicable provisions of this By-law.



TABLE 1
RES – RESIDENTIAL SIGN DISTRICT

Column 1	Column 2	Column 3	Column 4	Column 5
Sign Type Permitted	Number of Signs	Maximum Sign Area	Maximum Sign Height	Section
<i>Home Based Business Sign</i>	1 non-illuminated ground or wall sign	0.2 m ²	1.2 m	N/A
<i>Real Estate Sign</i>	1 per street line	1.0 m ²	1.2 m	N/A
<i>Real Estate Open House Directional Sign</i>	2	0.6 m ²	1.2 m	N/A



TABLE 2
IND – INDUSTRIAL SIGN DISTRICT

Column 1	Column 2	Column 3	Column 4	Column 5
Sign Type Permitted	Number of Signs	Maximum Sign Area	Maximum Sign Height	Section
<i>Awning or Canopy Sign</i>	N/A	50% of the area of the awning or canopy	N/A	9.2
<i>Banner Sign</i>	1	10.0 m ²	N/A	9.3
<i>Directional Sign</i>	N/A	0.3 m ²	N/A	N/A
<i>Electronic Message Board</i>	1 as part of a ground sign	30% of the maximum sign area of a <i>ground sign</i>	N/A	9.7
<i>Ground Sign</i>	1 m ² for each 200 m or less of the <i>street line</i> of a property	0.3 m ² times the length of the <i>street line</i> , maximum 15 m ²	7.5 m	9.8
<i>Portable Sign</i>	Refer to Section 9.9	5.0 m ²	2.5 m	9.12
<i>Real Estate Sign</i>	1 per <i>street line</i>	4.0 m ²	1.2 m	N/A
<i>Real Estate Open House Directional Sign</i>	1 per <i>street line</i>	0.6 m ²	1.2 m	N/A
<i>Wall Sign</i>	N/A	25% of the <i>building facade</i> facing a <i>street line</i>	N/A	9.13



**TABLE 3
COM – COMMERCIAL SIGN DISTRICT**

Column 1	Column 2	Column 3	Column 4	Column 5
Sign Type Permitted	Number of Signs	Maximum Sign Area	Maximum Sign Height	Section
<i>A-Frame Sign</i>	1 for each 75 m or part thereof, of <i>street line</i> of a property	0.6 m ² on a public sidewalk 1.0 m ² on a lot	1.0 m	9.1
<i>Awning or Canopy Sign</i>	N/A	50% of the area of the awning or canopy	N/A	9.2
<i>Banner Sign</i>	1	10.0 m ²	N/A	9.3
<i>Digital Sign</i>	1	<i>Billboard:</i> 20 m ² <i>Ground Sign:</i> 7.5 m ² <i>Wall Sign:</i> 15% of the <i>facade</i> area or 8 m ² , whichever is less	7.5 m	9.6
<i>Directional Sign</i>	N/A	0.3 m ²	N/A	N/A
<i>Electronic Message Board</i>	1 as part of a <i>ground sign</i>	30% of the maximum sign area of a <i>ground sign</i>	N/A	9.7
<i>Flag Sign</i>	N/A	N/A	N/A	9.8
<i>Ground Sign</i>	1 m ² for each 200 m or less of the <i>street line</i> of a property	0.3 m ² times the length of the <i>street line</i> , maximum 15 m ²	7.5 m	9.9
<i>Overhanging Sign</i>	1	1.0 m ²	N/A	9.11
<i>Portable Sign</i>	Refer to Sec. 9.9	5.0 m ²	2.5 m	9.12
<i>Real Estate Sign</i>	1 per <i>street line</i>	4.0 m ²	1.2 m	N/A
<i>Real Estate Open House Directional Sign</i>	2 per <i>street line</i>	0.6 m ²	1.2 m	N/A
<i>Wall Sign</i>	N/A	25% of the <i>building facade</i> facing a <i>street line</i>	N/A	9.13



TABLE 4
INS – INSTITUTIONAL SIGN DISTRICT

Column 1	Column 2	Column 3	Column 4	Column 5
Sign Type Permitted	Number of Signs	Maximum Sign Area	Maximum Sign Height	Section
<i>A -Frame Sign</i>	1 for each 75 m or part thereof, of a <i>street line</i> of a property	1.0 m ²	1.0 m	9.1
<i>Awning or Canopy Sign</i>	N/A	50% of the area of the awning or canopy	N/A	9.2
<i>Banner Sign</i>	1	10.0 m ²	N/A	9.3
<i>Directional Sign</i>	N/A	0.3 m ²	N/A	NA
<i>Electronic Message Board</i>	1 as part of a ground sign	30% of the maximum sign area of a <i>ground sign</i>	N/A	9.7
<i>Ground Sign</i>	1 m ² for each 200 m or less of the <i>street line</i> of a property	0.3 m ² times the length of the <i>street line</i> , maximum 15 m ²	7.5 m	9.9
<i>Portable Sign</i>	Refer to Sec. 9.9	5.0 m ²	2.5 m	9.9
<i>Real Estate Sign</i>	1 per <i>street line</i>	4.0 m ²	N/A	N/A
<i>Real Estate Open House Directional Sign</i>	2	0.6 m ²	N/A	N/A
<i>Wall Sign</i>	N/A	25% of the <i>building facade</i> facing a <i>street line</i>	N/A	9.12



TABLE 5				
RA – RURAL AREA SIGN DISTRICT				
Column 1	Column 2	Column 3	Column 4	Column 5
Sign Type Permitted	Number of Signs	Maximum Sign Area	Maximum Sign Height	Section
<i>Directional Sign</i>	N/A	0.3 m ²	N/A	N/A
<i>Ground Sign</i>	1 m ² for each 200 m of the street line of a property	0.3 m ² times the length of the <i>street line</i> , maximum 15 m ²	7.5 m	9.9
<i>Home Based Business Sign</i>	1 non-illuminated <i>ground or wall sign</i>	0.55 m ²	1.2 m	N/A
<i>Real Estate Sign</i>	1 per <i>street line</i>	4.0 m ²	1.2 m	N/A
<i>Real Estate Open House Directional Sign</i>	2	0.6 m ²	1.2 m	N/A
<i>Wall Sign</i>	N/A	25% of the <i>building facade</i> facing a <i>street line</i>	N/A	9.12



9 SPECIFIC SIGN REGULATIONS

9.1 A-Frame Signs

A-Frame signs not erected for an *agricultural use* shall be erected in compliance with the following:

- a. An *A-Frame sign* shall only be used and displayed during the actual hours of operation of the *business* that it is advertising.
- b. An *A-Frame sign* shall only be used and displayed on or in front of the *premises* where the *business* it is advertising operates.
- c. No *A-Frame sign* shall be located in a manner that restricts the free and safe movement for any pedestrian, vehicle or other conveyance on any sidewalk, path, *road allowance* or *driveway*, or in a manner which impedes vision. Where *A-Frame Signs* are located upon a sidewalk, a minimum 1.5 m path of travel shall be maintained which is free and clear of any obstructions.
- d. An *A-Frame sign* shall be located no closer than 20 m to another *portable sign*, or *ground sign* erected on the same property;
- e. In no case shall a person erect an *A-Frame sign* and a *Portable sign* on a property for the same *business* at the same time.

9.2 Awning or Canopy Signs

- a. No *awning* or *canopy sign* shall be erected less than 2.5 m above *established grade* or the surface of the *road allowance* or public sidewalk;
- b. Every owner of an *awning* or *canopy sign* shall carry adequate liability insurance for any such *sign* and that insurance coverage shall also name the *Municipality* as an additional insured, where the *awning* or *canopy sign* is located over a *road allowance* in *the Downtown*;
- c. In *the Downtown*, an encroachment permit will be obtained from the *Municipality* for the installation of *signs* overhanging the *road allowance*, if required.

9.3 Banner Signs

- a. No person shall display a *banner sign* for more than two periods of 90 consecutive days in one calendar year.

9.4 Billboard Signs

- a. *Billboard signs* shall be erected only in the areas designated in Schedules "A-1, A-2, and A-3" to this By-law;
- b. Not more than 25 *billboard signs* are permitted to be located in *The Downtown*;
- c. No *billboard sign* shall be erected on a fence;
- d. No *billboard sign* shall be erected less than 75 m from a residential zone;



- e. No *billboard sign* shall be *erected* less than 100 m from another billboard sign;
- f. No *billboard sign* shall be *erected* within a setback required by a *zoning* by-law between a *building* and a *lot line* or *street*.

9.5 Community Event Signs

- a. A *community event sign* may be *erected* on private *property* with the consent of the *owner*.
- b. A *community event sign* may be *erected* on a *property* owned by the *Municipality* or on the untraveled portion of a *road allowance* with the approval of the *Municipality* and subject to any conditions or requirements imposed by the *Municipality*.
- c. A maximum of one *community event sign* may be *erected* on a *private property*.
- d. No *community event sign* shall exceed 5.0 m² in area.
- e. *Community event signs* are permitted to be *erected* for not more than 30-days prior to the *advertised* event, and shall be removed within 24 hours after the event.

9.6 Digital Signs

- a. *Digital signs* shall not:
 - i. Display any visible effects including but not limited to motion, dissolving, fading, flashing, intermittent or blinking light, scrolling or the illusion of such effects;
 - ii. Emit sound or be interactive in any way;
 - iii. Take the form of a *portable sign*;
 - iv. Display *sign copy* that *advertises* a *business*, goods, products, or services not necessarily sold or offered or conducted on the *property* unless it is a *billboard*.
- b. The *sign copy* of a *digital sign* shall be displayed continuously in a static manner without animation and without any change or any visual effects for not less than 15 seconds.
- c. Any change from one message to another in the *sign copy* of a *digital sign* shall:
 - i. Be completed in 0.25 seconds or less;
 - ii. Involve the change of the entire *sign copy*;
 - iii. Not include a partial, incremental or sequential change of *sign copy*.
- d. *Digital signs* shall:
 - i. Be equipped with an operating automatic light sensor that is set to control the brightness of the *digital sign* so its brightness does not exceed 3.23 lux (0.3 foot candles) above ambient light levels as measured at a distance from the *sign* based on the following calculation:
 - a. Measurement distance is equal to the square root of the sign area multiplied by 100.
 - ii. In no case create undue glare as determined by the *Inspector*.
 - iii. Be designed and operated to cease its operation and display of *sign copy* in the event of a malfunction.
 - iv. Provide a minimum clearance of 3.0 metres above *established grade*.



- e. Any *digital sign* that is located within 100 metres of a signalized intersection or 50 metres of a non-signalized intersection of two *streets* or a railway crossing (measured from the centre of the intersection to the nearest point of the *sign's display* surface) shall submit a safety review completed by a qualified Professional Engineer to the satisfaction of the *Municipality*.
- f. The safety review referred to above shall assess if the digital sign is appropriate at the proposed location. The assessment shall be based on but not limited to the following:
 - i. Crash and accident history;
 - ii. Traffic and pedestrian volumes;
 - iii. Current and expected driver workload;
 - iv. The relative geometric complexity of the roadway and intersection.
 - i. The safety review shall identify any mitigating measures that will reduce potential risks identified by the review and assessment.
- g. A *window sign* that is also a digital sign shall have a maximum *sign* area equal to 50% of the total window area to a maximum sign area of 2.0 m².
- h. A *sign* projected onto a *building, structure* or surface is also a *digital sign* and shall require the written approval of the Planning Director prior to the issuance of a *sign* permit.
 - i. If the application is denied, the applicant may appeal the decision to City Council
- i. A *digital fuel price* sign shall:
 - i. Be located on the same *property* as the fuel sales *use* and not exceed two *digital fuel price signs*;
 - ii. Not exceed 0.5 square metres in *sign area*.

9.7 Electronic Message Board Signs

- a. The minimum display time for any electronic message, without movement or change in colour, shall be 30 seconds, and the intensity of the illumination shall be maintained at a constant level.
- b. The *electronic message board sign* shall not display any visible effects including but not limited to motion, fading, dissolving, flashing, intermittent or blinking light, scrolling or the illusion of such effects.

9.8 Flag Signs

- a. No person shall display a *flag sign* for more than two periods of 21 consecutive days in one calendar year.

9.9 Ground Signs

- a. No *person* shall *erect a ground sign* less than 1.0 metre from a *street line*.
- b. A maximum of 30% of the permitted *sign area* of a *ground sign* may consist of a *changeable copy sign*.



9.10 Off-Premises Directional Signs

A *temporary off-premises directional sign* providing directions to the seasonal sale of produce may be located on the untraveled *road allowance* provided the *sign* is located in a manner that does not restrict the free and safe movement for any pedestrian, vehicle or other conveyance on the *road allowance* and in no manner impedes the visibility of a *driveway*.

9.11 Overhanging Signs

- a. An *overhanging sign* shall only be *erected* on *premises* located within the boundaries of *the Downtown* and on *properties* with a *street line* on Queen Street or Gore Street;
- b. No *overhanging sign* shall be erected less than 2.5 metres above *established grade* or the surface of the *road allowance* or public sidewalk;
- c. Every *owner* of an *overhanging sign* shall carry adequate liability insurance for any such sign and that insurance coverage shall also name the *Municipality* as an additional insured, where the *overhanging sign* encroaches onto a *road allowance*;
- d. An encroachment permit will be obtained from the *Municipality* for the installation of signs overhanging the *road allowance*, if required.

9.12 Portable Signs

- a. A permit for a *portable sign* shall expire not more than one hundred and eighty (180) days after the date the permit is issued;
- b. Upon expiry of a permit for a *portable sign*, the *sign* must be removed within twenty-four (24) hours and the *Municipality* must be informed of the removal of the *portable sign*. If the *portable sign* is not removed in compliance with this By-law, the *Municipality* may remove the *sign* in accordance with Section 3.15;
- c. Permits for *portable signs* may be issued provided the total permit timeframe does not exceed one hundred and eighty (180) days in the calendar year, per *portable sign* permitted on the *property*.
- d. A maximum of one (1) *portable sign* is permitted per 50m frontage, or part thereof, to a maximum of three (3) portable signs per property.
- e. In no case shall a *business* or *person* erect for its purpose a *portable sign* and *A-Frame sign* at the same time on a *property*;
- f. *Portable signs* are not permitted on vacant *property* or on a *road allowance*;
- g. A *portable sign* shall be located no closer than 50m to another *portable sign* erected on the same *property*;
- h. A *Home based business* is not permitted to have a *portable sign*;
- i. Every *portable sign* shall permanently *display* the name and telephone number of the *owner* of the *portable sign*.
- j. A *portable sign* shall only *display advertising* for the *business* located on the same *lot* where the *portable sign* is located.



9.13 Wall Signs

- a. A *wall sign* shall not project more than 0.3 metres from the wall of a *building* or *structure*.
- b. No *wall sign* shall be *erected* above the first *storey* of a *building* or *structure*.
- c. No *wall sign* shall project above the roofline of a *building* or *structure*.
- d. A *wall sign* shall be *erected* only upon the wall of a *building* or *structure* containing the *business* to which the *sign* applies.

10 VARIANCES AND AMENDMENTS

10.1 Variances

An application for a variance or an amendment from any provision of this By-law shall be accompanied by the appropriate form and fee.

10.2 Variance Applications

The *Municipality* may on the application of a *person* authorize a variance from the provisions of this By-law where in the opinion of the *Municipality*:

- a. There are special circumstances or conditions applicable to the *property* or *building* where the sign is proposed to be erected and these circumstances or conditions are not shared by others with similar *properties* or buildings; or,
- b. Strict application of the provisions of this By-law would create practical difficulties or unusual hardship for the applicant; or,
- c. The special circumstances or conditions were not created by the applicant; or,
- d. Approval of the variance will not alter the character of the area where it is located; and,
- e. Approval of the variance will not affect public safety; and
- f. Approval of the variance maintains the general intent and purpose of this By-law.

10.3 Variance Approval Authority

A variance from the provisions of this By-law may be authorized by Council, or if Council so delegates, by a Committee of Council or an official designated by Council.

Where Council has delegated approval of a variance to a Committee of Council or an official and the Committee of Council or official refuses the application, the applicant may appeal the refusal and Council shall consider the appeal and decide on the variance application.

11 SEVERABILITY

If a court of competent jurisdiction should declare any section or part of a section of this By-law to be invalid, such decision does not affect the validity, effectiveness, or enforceability of the other sections or parts of the provisions of this By-law unless the court makes an order to the contrary.



12 REPEAL OF PRIOR BY-LAWS


12.1 The following by-laws are repealed:

By-law 2005-166;
By-law 2012-206.

13 EFFECTIVE DATE

13.1 This By-law takes effect on the day of its final passing.

PASSED in open Council this 21st day of February, 2017.



Christian Provenzano - Mayor

PAUL CHRISTIAN - ACTING MAYOR



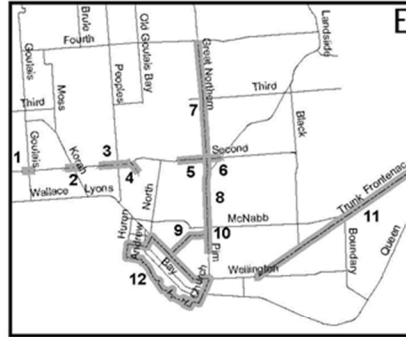
Malcolm White - City Clerk

RACHEL TYCZINSKI - DEPUTY CLERK

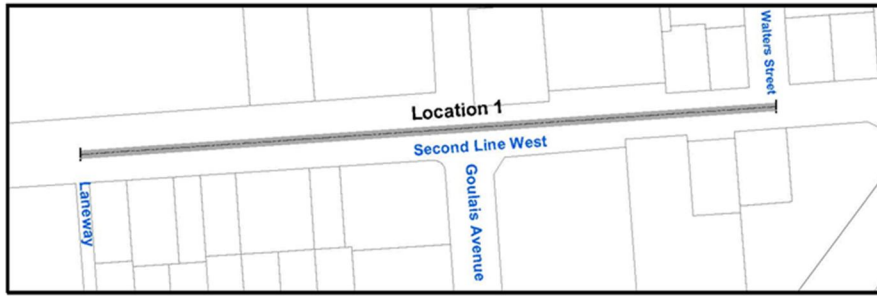


Schedule A1 – Permitted Billboard Locations

Schedule A1



Area of Interest Key Map



LOCATION 1 - SECOND LINE WEST

Between laneway centre line on the south side of Second Line West adjacent to Lot 10 (Plan 14324) and Walters Street centre line.



LOCATION 2 - SECOND LINE WEST

Between Second Avenue centre line and Brunswick Avenue centre line.



LOCATION 3 - SECOND LINE EAST & WEST

Between Moody Street centre line and John Street centre line

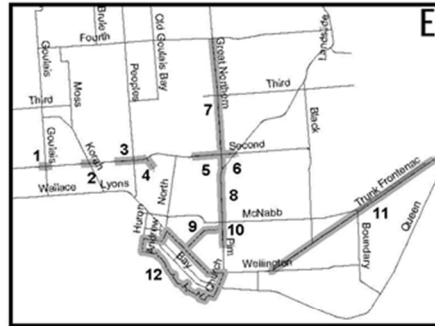
LOCATION 4 - JOHN STREET

Between Second Line East and Bainbridge Street



Schedule A2- Permitted Billboard Locations

Schedule A2



Area of Interest Key Map

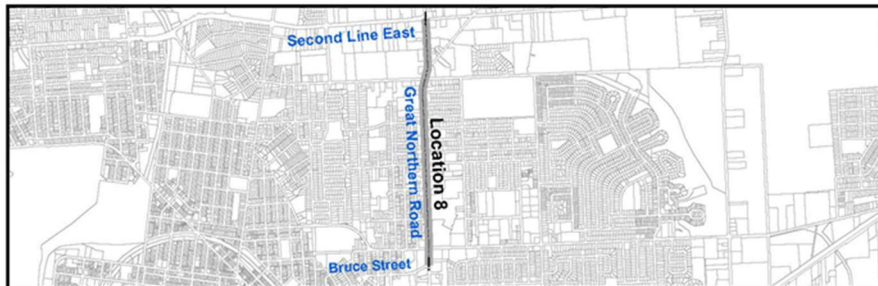


LOCATION 5 - SECOND LINE EAST - WEST OF GREAT NORTHERN ROAD
Between Sackville Road centre line and Great Northern Road centre line.

LOCATION 6 - SECOND LINE EAST - EAST OF GREAT NORTHERN ROAD
Between Great Northern Road centre line and Old Garden River Road center line.



LOCATION 7 - GREAT NORTHERN ROAD - NORTH OF SECOND LINE
Between Second Line East centre line and Fourth Line centre line.

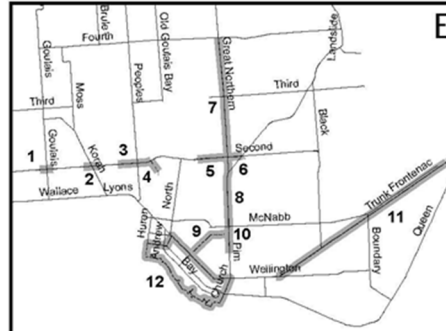


LOCATION 8 - GREAT NORTHERN ROAD - SOUTH OF SECOND LINE
Between Second Line East centre line and Bruce Street centre line.



Schedule A3– Permitted Billboard Locations

Schedule A3



Area of Interest Key Map

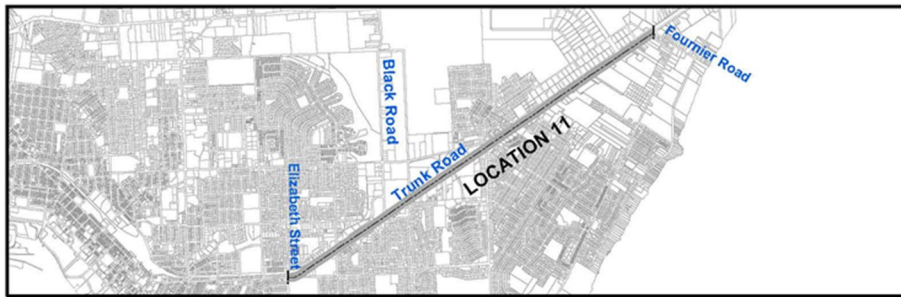


LOCATION 9 - BRUCE STREET

Between Bruce Street centre line and Great Northern Road centre line.

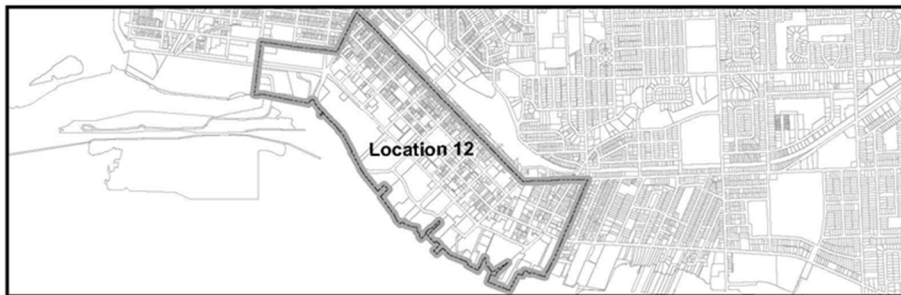
LOCATION 10 - PIM STREET

Between Bruce Street centre line and MacDonald Avenue centre line.



LOCATION 11 - TRUNK ROAD

Between Elizabeth Street centre line and Fournier Road centre line.



LOCATION 12 - DOWNTOWN AREA

The Downtown area is defined as those lands bounded by or with frontage on Church Street, Wellington Street East, Gore Street, Queen Street West, Huron Street and the waterfront. (Source: City of Sault Ste. Marie Official Plan, 1996)