

# THE CORPORATION OF THE TOWN OF WHITBY

## BY-LAW NO. 5696-05

### BEING A BY-LAW TO REGULATE TEMPORARY SIGNS AND OTHER TEMPORARY ADVERTISING DEVICES

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WHEREAS, Section 11 of the Municipal Act, S.O. 2001, c. 25, as amended, provides that by-laws may be passed by Council regulating signs.

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

#### DEFINITIONS

1. In this by-law,
  - (a) "Corporation" means the Corporation of the Town of Whitby;
  - (b) "display surface" means the surface of the sign, excluding the sign support structure, upon, against, or through which the message of the sign is displayed;
  - (c) "lot" means an entire parcel of land held in distinct and separate ownership;
  - (d) "lot frontage" means the narrow width, measured in linear metres parallel to the street, of a particular lot;
  - (e) "owner" includes a lessee, tenant or such other person in charge or possession of property;
  - (f) "person" means an individual, corporation, partnership or sole proprietorship;
  - (g) "premises" means the area of a building or part thereof and/or lands or part thereof occupied or used for residential, commercial and/or industrial purposes and in a multiple occupancy building, occupied by more than one business, each business area shall be considered a separate premises;
  - (h) "sign area" means,
    - (i) in the case of a temporary sign having one display surface, the area of the display surface;

- (ii) in the case of a temporary 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;
  - (iii) in the case of a free standing number, letter or shape, the smallest rectangle which will enclose the number, letter or shape; and,
  - (iv) in the case of groupings of free standing numbers, letters or shapes, or combinations thereof, the sum of the areas of the smallest rectangles which will enclose each separate grouping of letters, numbers or shapes;
- (i) "sign, construction identification" means a non-illuminated temporary sign located on a lot where a building or structure is to be or is being built, renovated or demolished indicating information relating to its design, construction, renovation, demolition, ownership, rental or sale and may include the names of the project consultant(s), contractor(s) and developer(s) involved, future tenants and any other pertinent land development information related to the project;
  - (j) "sign, election or campaign" means a temporary sign soliciting votes for or promoting the election of a person or political party seeking public office;
  - (k) "sign height" means the vertical distance from the ground directly below the sign measured to the highest extremity of the sign;
  - (l) "sign, home builders identification" means a temporary sign identifying a home builder and subdivision/condominium marketing name including directions to the subdivision/condominium site;
  - (m) "sign illumination" means the direct, indirect, internal or external illumination of a temporary sign using artificial light;
  - (n) "sign, mobile" means a sign which is specifically designed or intended to be temporary in nature, capable of being readily relocated from one location to another, does not rely on a building or a fixed foundation for its structural support and shall not include any other sign as defined herein;
  - (o) "sign, public information" means any of the following temporary signs:
    - (i) signs erected by The Federal/Provincial/Municipal Government or any of their agencies;
    - (ii) signs, designating public hospitals, private schools, schools operated by a public or separate board, churches, public libraries, public community

- centres, public arenas, conservation areas, Town designated tourist areas or other public government uses;
- (iii) signs required by the Town to inform the public of proposed zoning or official plan changes on property;
  - (iv) signs incidental to a construction site/work zone; or,
  - (v) signs advertising or promoting any function of general community interest within the Corporation provided that such function has been approved in writing by the Clerk or any other designated Town official and such signs may include a banner;
- (p) "sign, real estate open house" means a temporary sign identifying an open house and/or giving directions for a real estate point of sale.
- (q) "sign, real estate point of sale" means a temporary sign advertising the lease or sale of the premises on which it is located;
- (r) "sign, residential sales office" means a temporary sign located on a lot where a residential sales office has been legally erected, to identify the builder, subdivision/condominium marketing name and any other pertinent information related to the sales office;
- (s) "sign structure" means the framework, bracing and support of a temporary sign;
- (t) "sign, subdivision/condominium on-site" means a temporary sign located within the limits of a plan of subdivision/condominium indicating the name of the subdivision/condominium and/or advertising the sale of lots or dwellings within the plan of subdivision/condominium;
- (u) "sign, subdivision/condominium off-site" means a temporary sign located outside the limits of a plan of subdivision/condominium indicating the name of the subdivision/condominium, direction to the plan of subdivision/condominium and/or advertising the sale of lots or dwellings in the subdivision/condominium;
- (v) "sign, temporary" means a sign or other advertising device conveying a message for a specific limited period of display and includes a construction identification sign, an election or campaign sign, a home builders identification sign, a mobile sign, a public information sign, a real estate open house sign, a real estate point of sale sign, a residential sales office sign, a subdivision/condominium on-site sign, a subdivision/condominium off-site sign and a utility pole poster sign;

- (w) "sign, utility pole poster" means posters, notices, handbills and paper advertisements which are posted on a utility pole located within the boulevard of a street advertising or promoting a not for profit event or activity;
- (x) "street" means a highway as defined the Highway Traffic Act, R.S.O. 1990, c. H.7, as may be amended from time to time and includes unopened and unassumed highways;
- (y) "street line" means the dividing line between a lot and the adjacent highway or the limit of the planned width of street allowance as defined in the applicable zoning by-law of the Town, whichever is further from the centre line of the adjacent highway; and,
- (z) "Town" means the Town of Whitby.

### **PROHIBITED TEMPORARY SIGNS**

2. No person shall erect or display or cause to be erected or displayed,
- (a) a temporary sign within the limits of any street except an election or campaign sign, a home builders identification sign, a public information sign, a real estate open house sign, or a utility pole poster sign in accordance with the provisions of this by-law;
  - (b) a temporary sign which resembles any regulatory traffic sign established under the Highway Traffic Act or the regulations made thereunder or a temporary sign which attempts to direct the movement of traffic or which obstructs the view of a regulatory traffic sign;
  - (c) a temporary sign using red, green or amber illumination and located within 20 metres of a traffic signal light;
  - (d) a temporary sign in a sight triangle as defined by the Town's zoning by-laws;
  - (e) a temporary sign that obstructs or impedes a door, window, scuttle, fire escape, designated exit or exit direction market or light;
  - (f) an illuminated temporary sign of the flashing or animated type;
  - (g) an illuminated temporary sign that does not carry either the certification mark or approval label recognized under the current edition of the Ontario Electrical Safety Code or does not comply with the installation guidelines as provided by Ontario

Hydro;

- (h) a temporary sign that obstructs access to or occupies any drop off area, handicapped parking zone, sidewalk, driveway, loading space or parking space;
- (i) a temporary sign that impedes or obstructs emergency vehicle access to a lot;
- (j) a temporary sign in an area designated as a fire route;
- (k) a temporary sign that screens from view or obstructs the use of a fire hydrant or stand pipe or any other fire safety device.
- (l) an adhesive temporary sign placed on an official or authorized sign erected and maintained by a Federal/Provincial/Municipal Authority.

### **PERMITTED TEMPORARY SIGNS**

3. No person shall erect or display or cause to be erected or displayed a temporary sign except as follows:

### **CONSTRUCTION IDENTIFICATION SIGNS**

- (a) Construction identification signs shall be permitted in accordance with the following:
  - (i) on a lot where the subject building or structure is to be or is being built, renovated or demolished;
  - (ii) the sign shall have a maximum height of 7.5 metres;
  - (iii) the sign shall have a maximum area of 12.0 square metres;
  - (iv) the sign shall have a setback to any street line equal to the sign height, plus 1.0 metre;
  - (v) every contractor, developer and tenant involved in the project shall be entitled a maximum of one (1) sign; and,
  - (vi) where more than one (1) sign is erected on the lot, the combined maximum sign areas shall not exceed 12.0 square metres.

### **ELECTION OF CAMPAIGN SIGNS**

- (b) Election or campaign signs shall be permitted in accordance with the following:
- (i) election or campaign signs shall be permitted on private property with the consent of the property owner and such sign shall not exceed 3.0 square metres in area;
  - (ii) election or campaign signs shall be permitted to a maximum of 3.0 square metres in area on the boulevard of a street where the consent of the abutting property owner has been obtained and where such signs do not interfere with, or impair, pedestrian or vehicular movement;
  - (iii) election or campaign sign shall not be located within a sight triangle as required by the zoning by-laws of the Town, in a public park or open space owned by the Municipality, on or in any Municipality owned building or structure and adjoining boulevards or on property established as an election polling place;
  - (iv) election or campaign signs shall not be erected or displayed earlier than six weeks prior to the election to which they pertain and must be removed not later than seven days following such election;
  - (v) election or campaign signs shall have a minimum setback from the curb or travelled portion of the roadway of 1.0 metre and shall not obstruct a sidewalk..

### **HOME BUILDERS IDENTIFICATION SIGNS**

- (c) Home builders identification signs shall be permitted in accordance with the following:
- (i) the maximum sign height shall be 1.2 metres;
  - (ii) the maximum sign width shall be .8 metres;
  - (iii) the sign shall have a minimum setback from the curb or travelled portion of the roadway of 1.0 metre and shall not obstruct a sidewalk, driveway or be located within a sight triangle as determined by the Corporation's zoning by-laws;
  - (iv) the sign shall be permitted between Friday at 8:00 a.m. and Monday at 8:00

a.m. of the same weekend; and,

- (v) the sign shall be removed permanently once the subdivision/condominium is complete.

### **MOBILE SIGNS**

- (d) On any lot where a commercial, industrial or institutional use other than a gas bar/car wash or automobile service station is permitted under a relevant land use by-law, mobile signs shall be permitted in accordance with the following:
  - (i) the maximum sign height shall be 2.3 metres;
  - (ii) the maximum sign area shall be 3.0 square metres;
  - (iii) the mobile sign shall be set back a minimum distance of 1.0 metre from the street line and 3.0 metres from any driveway;
  - (iv) on a lot having 6 units or less, a maximum of one (1) mobile sign shall be permitted at any given time;
  - (v) on a lot having more than 6 units, a maximum of two (2) mobile signs shall be permitted at any given time;
  - (vi) the mobile sign shall be permitted for a maximum of four (4), 15 consecutive day periods within a calendar year;
  - (vii) where more than one (1) mobile sign is erected on the same lot, no mobile sign shall be erected within 60 metres of another mobile sign on the same lot; and,
  - (viii) the number of days that a mobile sign is displayed shall be measured from and shall include the date(s) shown on the permit identifying the date(s) of its installation and not when the sign is actually erected.

### **PUBLIC INFORMATION SIGNS**

- (e) Public information signs shall be permitted, it being understood that one or more signs incidental to a construction site or work zone may be located on the property where construction is to take place and such signs shall conform to Federal/Provincial/Municipal legislation.

**REAL ESTATE OPEN HOUSE SIGNS**

- (f) Real estate open house sign shall be permitted in accordance with the following:
- (i) the maximum sign height shall be 1.2 metres;
  - (ii) the maximum sign width shall be .8 metres;
  - (iii) the sign shall have a minimum set back from the curb or the travelled portion of the roadway of 1.0 metre and shall not obstruct a sidewalk, driveway or be located within a sight triangle as determined by the Corporation's zoning by-laws; and,
  - (iv) the sign shall be removed once the open house has been completed or within 72 hours, whichever occurs first.

**REAL ESTATE POINT OF SALE SIGNS**

- (g) Real estate point of sale signs shall be permitted in accordance with the following:
- (i) in a residential zone as provided in the Corporation's zoning by-laws, the maximum sign area shall be 1.0 square metre;
  - (ii) in a residential zone, no person shall erect or display or cause to be erected or displayed more than one (1) real estate point of sale sign per street line per lot;
  - (iii) in a non-residential zone as provided in the Corporation's zoning by-laws, the maximum sign area for a real estate point of sale sign shall be 6.0 square metres on lots having a total frontage onto a road allowance of 29 metres or less, and 35 square metres on lots having a total frontage onto a road allowance of more than 29 metres and/or are abutting service roads including Highway 401;
  - (iv) in a non-residential zone, more than one (1) real estate point of sale sign shall be permitted provided that the combined maximum sign areas mentioned in (3)(g)(iii), where applicable, are not exceeded;
  - (v) the sign shall have a maximum height of 7.5 metres;

- (vi) the sign shall have a setback to any street line equal to the sign height, plus 1.0 metre; and,
- (vii) no artificial illumination is to be used.

### **RESIDENTIAL SALES OFFICE SIGNS**

- (h) Residential sales office signs shall be permitted in accordance with the following:
  - (i) on a lot where a residential sales office has been legally erected;
  - (ii) the maximum sign height shall be 7.5 metres;
  - (iii) the maximum sign area shall be 35 square metres;
  - (iv) the sign shall have a setback to any street line equal to the sign height, plus 1.0 metre;
  - (v) a maximum of four (4) signs shall be erected on the lot; and.
  - (vi) where more than one (1) sign is erected on the lot, the combined maximum sign areas shall not exceed 35 square metres.

### **SUBDIVISION/CONDOMINIUM ON-SITE SIGNS**

- (i) A subdivision/condominium on-site sign shall,
  - (i) have a maximum sign area of 35 square metres;
  - (ii) have a maximum sign height of 7.5 metres;
  - (iii) have a setback to any street line equal to the sign height, plus 1.0 metre; and,
  - (iv) be removed on or before the Builder's completion of all of his or her respective lots or blocks within the subdivision/condominium;
- (j) Within a plan of subdivision/condominium plan, each builder shall be permitted more than one (1) subdivision/condominium on-site sign provided that the combined maximum sign areas for each builder does not exceed 35 square metres; and,
- (k) Where there is more than one builder within a subdivision/condominium plan, no

builder shall impede on any signage which is already established.

### **SUBDIVISION/CONDOMINIUM OFF-SITE SIGNS**

- (l) No person shall erect or display or cause to be erected or displayed a subdivision/condominium off-site sign except on a vacant lot in a residential, commercial, industrial, agricultural or development zone as provided in the Town's zoning by-laws and no more than one (1) sign per street line to a maximum of two (2) subdivision/condominium off-site signs shall be erected or displayed on any such vacant lot.
- (m) A subdivision/condominium off-site sign shall,
  - (i) have a maximum sign area of 35 square metres;
  - (ii) have a maximum sign height of 7.5 metres;
  - (iii) have a setback to any street line equal to the sign height, plus 1.0 metre;
  - (iv) not be erected on a lot having a frontage of less than 30 metres;
  - (v) not be erected on a lot having an area of less than 1.0 hectare; and,
  - (vi) be removed on or before completion of all lots or blocks within the subdivision/condominium.

### **UTILITY POLE POSTER SIGNS**

- (n) Utility poster pole signs shall be permitted in accordance with the following:
  - (i) the maximum sign dimensions shall be 216 mm x 356 mm;
  - (ii) utility pole poster signs shall only be affixed to a utility pole with masking tape and shall be installed as a wrap around sign;
  - (iii) utility pole poster signs shall only be located on a utility pole a maximum of 2.0 metres from grade;
  - (iv) utility pole poster signs shall only be permitted within a residential, commercial or industrial zone as provided in the Corporation's zoning by-laws;

- (v) the utility pole poster signs shall be removed 3 days after any advertised event or promotion and in no case shall such sign be posted for more than 7 days; and,
- (vi) the date of posting shall be clearly identified on the front of the sign.

**TEMPORARY SIGN PERMITS FOR CONSTRUCTION IDENTIFICATION SIGNS,  
MOBILE SIGNS, RESIDENTIAL SALES OFFICE SIGNS, SUBDIVISION/  
CONDOMINIUM ON-SITE SIGNS AND SUBDIVISION/CONDOMINIUM OFF-SITE  
SIGNS**

- 4. (1) The provisions of this section shall be administered by the Director of Public Works of the Corporation or his or her designate.
- (2) No person shall erect or display or cause to be erected or displayed a construction identification sign, a mobile sign, a residential sales office sign, a subdivision/condominium on-site sign, or a subdivision/condominium off-site sign, without first having obtained a temporary sign permit for such sign from the Town.
- (3) Every applicant for a temporary sign permit shall provide the Town with authorization from the property owner on which the sign is to be located.
- (4) Every person making application for a temporary sign permit shall make application therefor on such form or forms as may be prescribed from time to time by the Corporation.
- (5) Every person making application for a temporary sign permit shall submit to the Corporation with the application,
  - (a) payment of the application fee in the amount of \$75.00;
  - (b) complete drawings and specifications of the construction and support framework of the proposed sign;
  - (c) details showing the method of illumination of the proposed sign, if applicable; and,
  - (d) a site plan indicating the street lines and all other property boundaries of the lot upon which the proposed sign is to be constructed, erected or placed, and showing the location of the sign upon the lot in relation to all buildings and structures located thereon.

- (6) The Director of Public Works of the Corporation or his or her designate shall not issue a temporary sign permit unless the sign to which the permit relates complies with all applicable provisions of this by-law.

### **EXCEPTIONS**

5. The provisions contained in Clause 4(5)(a) of this by-law shall not apply to a sign erected by, or on behalf of, any Town based not for profit community group or organization.

### **GENERAL**

6. (1) Every owner of a temporary sign shall keep the sign cleaned and properly maintained at all times.
- (2) The zone designations referred to in this by-law are those established by the relevant zoning by-laws in effect from time to time within the Corporation pertaining to any particular premises under consideration.

### **ADMINISTRATION - REMOVAL OF ILLEGAL TEMPORARY SIGNS**

7. (1) Where a temporary sign is erected or displayed in contravention of the provisions of this by-law, such sign may be removed by the Town immediately without notice, if located on, over, partly on, or partly over, property owned by or under the jurisdiction of the Corporation.
- (2) Where a temporary sign is wholly located on property other than property owned by or under the jurisdiction of the Corporation and such sign is erected or displayed in contravention of the provisions of this by-law, the Town Clerk of the Corporation or his or her designate shall cause a notice to be personally delivered or mailed to the owner of the unlawful sign requiring the pulling down and permanent removal of the unlawful sign or the making of such unlawful sign to comply with the provisions of this by-law within a period of 7 calendar days from the date of such notice and failing the owners's compliance with such notice the Town Clerk of the Corporation or his or her designate in addition to such other remedies as are provided herein is authorized to enter on the land to cause the unlawful sign to be pulled down and removed at the expense of the owner of the unlawful sign.
- (3) An unlawful sign with the exception of a utility pole poster sign which has been pulled down and removed at the direction of the Town Clerk of the Corporation or

his or her designate shall be kept by the Corporation for a minimum period of 30 calendar days during which the Corporation shall restore possession of the sign to the sign owner upon the Corporation's receipt of payment of the actual cost incurred by the Corporation in the pulling down and removal of the unlawful sign based on labour and equipment, it being understood that the minimum cost shall be \$50.00.

- (4) Where, after the 31<sup>st</sup> day after the Corporation's pulling down and removal of the unlawful sign, possession of the sign has not been restored to the owner of the sign, the Town Clerk of the Corporation or his or her designate may dispose of the sign in such fashion as he or she in his or her sole discretion may decide.
- (5) The Corporation may recover any expense incurred by it in the pulling down and removal of any unlawful sign, including any costs incurred in the storage and disposition thereof, by auction, or the same may be recovered in like manner as municipal taxes.

#### **PENALTIES**

8. Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction thereof is liable to a fine in the amount provided for by Section 61 of the Provincial Offences Act, R.S.O. 1990 c. P.33, as amended, or any successor legislation in substitution therefor.

#### **SHORT TITLE**

9. This by-law may be referred to as the Temporary Sign By-law.

#### **VALIDITY**

10. Should any section, subsection, clause or provision of this by-law be declared by a court of competent jurisdiction to be invalid, it shall not affect the validity of this by-law as a whole or any part thereof, other than the part so declared to be invalid.

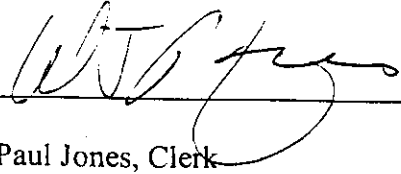
#### **REPEAL OF EXISTING BY-LAWS**

11. By-law No. 3698-95, as amended, is repealed.

**EFFECTIVE DATE**


12. This by-law shall come into force and take effect on the 1<sup>st</sup> day of January, A.D., 2006.

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 14TH DAY OF NOVEMBER, A.D., 2005.



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Paul Jones, Clerk



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Marcel L. Brunelle, Mayor