

THE CORPORATION OF THE TOWNSHIP OF TAY

**BY-LAW NO. 2007-84**

**A by-law to prohibit or regulate signs and other  
advertising devices and the posting of notices  
within the Township of Tay and  
to repeal By-law 2004-36.**

**WHEREAS** the provisions of Section 11(2)7 of The Municipal Act, 2001, Statutes of Ontario, 2001 Chapter 25, provides that a council of a municipality may pass a By-law for the prohibition and regulation of signs and other advertising devices and the posting of notices within a municipality;

**AND WHEREAS** Council deemed it advisable to pass a by-law to prohibit or regulate signs and other advertising devices with the Township of Tay;

**NOW THEREFORE**, the Corporation of the Township of Tay enacts as follows:

**SECTION 1: TITLE, SCOPE AND CONFORMITY REQUIREMENTS**

- 1.1 This By-law may be cited as the "Sign By-law".
- 1.2 No sign or its structure, whether temporary or permanent, shall be erected or enlarged or placed for any purpose within the Township of Tay, except as permitted by this By-law and in conformity with the applicable provisions of the Ontario Building Code.

**SECTION 2: DEFINITIONS**

- 2.1 **ABANDONED SIGN** – shall mean a sign which no longer correctly directs or advertises a bona-fide business, lessor, owner, product or activity conducted, or product produced on the premises upon which the sign is displayed.
- 2.2 **A-FRAME SIGN** – shall mean a hinged, two sided, triangular free standing sign intended for daily use.
- 2.3 **AGRICULTURAL SIGN** – shall mean a sign accessory to the permitted agricultural use.
- 2.4 **ALTER** – shall mean to change the name on a sign of a business or occupancy, the size or area of a sign, the relocation of a sign, or a structural material sign. A change in the message displayed by a sign or other advertising device does not in itself constitute an alteration.
- 2.5 **AREA OF SIGN** – shall mean the number of square metres on the surface of a sign, including the border and frame, and where there is no border, shall include all the area of the surface lying within the extremities of the sign.
- 2.6 **BACK LIT SIGN** – shall mean any sign designed to provide artificial light through transparent or translucent material from a light source within the sign.

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- 2.7            **BANNER SIGN** – shall mean a sign composed of light-weight material, either enclosed or unenclosed in a rigid frame, secured or mounted so as to allow movement of the sign caused by movement of the atmosphere.
- 2.8            **BILLBOARD SIGN** – shall mean an advertising sign, symbol or structure, maintained by a person, firm, corporation, business, service, commercial or industrial enterprise, engaged in the sale or rental of space thereon to a clientele, upon which space therein is displayed advertising copy describing one or more products or services which are not necessarily made, produced, assembled, sold or stored from the lot or premise upon which the sign is displayed. A billboard sign may include:
- (a)    Poster Panels or signs normally mounted on a building wall or free-standing structure with advertising copy in the form of pasted paper.
  - (b)    Painted signs, where the advertiser's message is painted directly on the background of a wall-mounted or free-standing display area.
  - (c)    Poster sign with advertising copy in the form of pasted cardboard, plastic fiberboard, paper or similar flexible material on the one display area.
- 2.9            **BUBBLE AWNING SIGN** – shall mean a sign incorporated into an awning being a fixed frame structure covered with shingles, aluminium, plastic, vinyl or some similar material. These awnings have rounded or rectangular features, but do not include a crank awning or a shed type awning.
- 2.10          **BUILDING IDENTIFICATION SIGN** – shall mean a sign attached to or part of a building, lettered to give the name of a building itself as opposed to the name of occupants or services.
- 2.11          **BY-LAW ENFORCEMENT OFFICER** – shall mean the By-law Enforcement Officer of the Corporation of the Township of Tay and/or his/her designated representative.
- 2.12          **CHIEF BUILDING OFFICIAL** – shall mean the Chief Building Official for the Corporation of the Township of Tay and/or his/her designated representative.
- 2.13          **COMMERCIAL SIGN** – shall mean a sign accessory to the permitted main commercial use as permitted by the General Zoning By-law and may include facia signs, projecting signs, standard signs, directional information signs and window signs.
- 2.14          **COMPREHENSIVE DESIGN PLANS** – shall mean a building design and signs integrated into one architectural plan, the comprehensive plan being complete in all other building, structural and electrical requirements.
- 2.15          **CONSTRUCTION SIGN** – shall mean a sign identifying a proposed development or a construction project where work is in progress.

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- 2.16           **CORPORATION** – shall mean the Corporation of the Township of Tay.
- 2.17           **COUNCIL** – shall mean the Council of the Corporation of the Township of Tay.
- 2.18           **DIRECTIONAL INFORMATION SIGN** – shall mean a sign indicating the direction with regard to pedestrian and/or vehicular movement.
- 2.19           **DIRECTOR OF PLANNING AND DEVELOPMENT** – shall mean the Director of Planning and Development for the Township of Tay and/or his/her designated representative.
- 2.20           **DISPLAY SURFACE** – shall mean the surface made available by the structure, either for direct mounting of letters and decorations or for the mounting of facing material intended to carry the entire advertising message.
- 2.21           **ERECT** – shall mean to attach, alter, build, construct, reconstruct, enlarge or move, including the painting of wall signs, but not including copy changes on any signs.
- 2.22           **EXEMPT SIGN** – shall mean signs that are exempt from normal permit requirements, i.e., Federal, Provincial and/or Municipal sign requirements.
- 2.23           **FAÇADE** – shall mean the exterior face of a building hosting the building's principal entrance, often distinguished from other faces by the elaboration of prominent architectural features.
- 2.24           **FACIA SIGN** – shall mean a single faced sign located in such a manner that the sign face is parallel to the main wall of the building to which it is attached and shall also include a sign attached to or constructed in or on a canopy, marquee or awning and shall not include a banner sign or a sign painted on the building.
- 2.25           **FLASHING SIGN** – shall mean an illuminated sign, fixed or rotating, upon which the source of artificial light is not stationary or the intensity or colour is not constant, and does not include those electronic displays giving public service information such as, but not limited to, time, date, temperature or weather.
- 2.26           **GRADE** – when used in reference to a sign, shall mean the average elevation of the finished surface of the ground where it meets the supports of the sign or the building upon which it is erected, exclusive of any artificial embankment.
- 2.27           **HERITAGE PLAQUES** – shall mean a sign identifying a site or building designated or recognized by the Corporation as being of architectural or historical value or interest.
- 2.28           **HEIGHT OF SIGN** – shall mean the vertical distance from the ground to the highest extremity of the sign including the border or frame, and in the case of a sign without border or frame, the vertical distance from the ground to the top of the letter, symbol or other part of the sign that is the highest.

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- 2.29           **HOME OCCUPATION SIGN** – shall mean a sign identifying a permitted accessory use.
- 2.30           **HOME OCCUPATION** – shall mean a use as defined pursuant to the terms of the Township of Tay General Zoning By-law, as amended.
- 2.31           **IDENTIFICATION SIGN** – shall mean a sign which is limited to the name, address and number of a building, institute or person and to the activity carried on in the building or institution, or the occupancy of that person.
- 2.32           **ILLUMINATED SIGN** – shall mean any sign designed to provide artificial light, either through exposed lighting or on the sign face, or through transparent or translucent material from a light source within the sign.
- 2.33           **INDUSTRIAL SIGN** – shall mean a sign accessory to a permitted industrial use as permitted by the General Zoning By-law and may include facia signs, projecting signs, standard signs, directional information signs and window signs.
- 2.34           **INSTUTUTIONAL SIGN** – shall mean a sign accessory to a permitted institutional use as permitted by the General Zoning By-law and may include facia signs, projecting signs, standard signs, directional information signs and window signs.
- 2.35           **LENGTH OF SIGN** – shall mean the distance between the border or frame of the sign measured horizontally, and in the case of a sign without border or frame, it means the horizontal distance between the first and last extremities of the lettering, symbols or other parts of the sign.
- 2.36           **LOT** – shall mean a parcel or tract of land, described in a deed or other legal document, which is legally capable of conveying title.
- 2.37           **LOT LINE** – shall mean the division line between a utility or road right-of-way and a lot, or the division line between two lots.
- 2.38           **MOBILE SIGN** – shall mean any mounted sign on a trailer or on a supporting frame which is designed to be transported from one site to another and includes mobile signs with changeable copy and/or illumination.
- 2.39           **NEON SIGN** – shall mean a sign made of a sealed low pressure tube containing an inert gaseous element that glows when electricity is passed though and shall not include a back lit sign unless neon is used for the purpose of back lighting a sign.
- 2.40           **PARAPET WALL** – shall mean that portion of a building wall that rises above the roof level.
- 2.41           **PERMITTED USE** – shall mean a use as permitted pursuant to the Township of Tay General Zoning By-law, as amended.

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- 2.42            **PLANNING TECHNICIAN** – shall mean the Planning Technician for the Corporation of the Township of Tay and/or his/her designated representative.
- 2.43            **PORTABLE SIGN** – shall mean any sign not permanently attached to the ground or building or any other structure, and which may be transported from one site to another, and may be illuminated from the interior and have its own source of power, or may be dependent on an exterior source of power. Portable signs shall also include mobile signs, A-frame signs, and any movable structure not defined as a motor vehicle under the Highway Traffic Act.
- 2.44            **PROJECTING SIGN** – shall mean a sign attached and perpendicular to the main wall of the building and shall not include a banner sign.
- 2.45            **REAL ESTATE SIGN** – shall mean a sign notification advising that a property is to be sold, rented or leased and which may also indicate to whom a person should inquire with regard thereto.
- 2.46            **REAL ESTATE DEVELOPER SIGN** – shall mean a billboard or A-Frame sign, owned by a real estate developer, that advertises a subdivision or condominium development and may also provide the developer's contact information.
- 2.47            **RESIDENTIAL SIGN** – shall mean a sign accessory to the permitted residential use and may identify the address, owners/occupants or name of the residence and/or may advertise the home occupation or home industry on the lot.
- 2.48            **RURAL SIGN** – shall mean a sign accessory to the permitted rural use.
- 2.49            **SETBACK** – shall mean the horizontal distance from the lot line to the nearest part or leading edge of any sign.
- 2.50            **SIGN** – shall mean a display board, electronic display, screen, cloth or structure having characters, letters or illustration applied thereto or displayed thereon in any manner, including signs within a building visible from the street, and shall include the posting or painting or an advertisement or a notice on a building or structure advertising a place of business, product, activity, or a special happening.
- 2.51            **SIGN OWNER** - shall include any of the following:  
                  (a) owner of a sign and/or;  
                  (b) owner of the real property upon which the sign is located;  
                  and/or,  
                  (c) the person, for the time being, managing or receiving the rent of either the sign or the real property upon which the sign is located.

- 2.52            **SIGHT TRIANGLE** – shall mean the triangular space formed of a corner lot and a line drawn from a point in one street line to a point in the other street line, each such point being 6m from the point of intersection of the street lines (measured along the street lines). Where the two street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the projection of the street line or the intersection of the tangents to the street lines.
- 2.53            **STANDARD SIGN** – shall mean a sign not attached to a building but supported by a structure on the ground or placed upon poles or standards, and shall not include any rotating or swinging parts or a banner sign.
- 2.54            **STOREFRONT** – shall mean the portion of the building's façade that hosts the business or establishment's principal entrance.
- 2.55            **STREET** – shall mean an opened (established) public highway which affords the principal means of access to abutting lots.
- 2.56            **STREET LINE** – shall mean the dividing line between a lot and a street.
- 2.57            **TEMPORARY SIGN** – shall mean a sign conveying a message applicable for a definable and specific limited time or related to an event or project short in duration. Temporary signs shall include signs for construction projects and special events. Temporary signs for construction projects shall only be erected at construction sites and may indicate the nature of the project(s) and to identify the developers, contractors, architects, engineers and related personnel or trades involved in the development of the site.
- 2.58            **THIRD PARTY SIGN** – shall mean a sign that is advertising a business that is located on a property other than the property that the sign is located.
- 2.59            **WINDOW SIGN** – shall mean a sign which is directly affixed to or painted or etched on any window.
- 2.60            **GENERAL ZONING BY-LAW** – shall mean the General Zoning By-law for the Township of Tay, being By-law 2000-57, as amended, or its successor.

**SECTION 3:            APPLICATION FOR BUILDING PERMIT**

- 3.1            Except for the signs referred to in Section 4 no person shall erect, cause to be erected or structurally alter any sign within the corporate limits of the Township of Tay without first obtaining a building permit for a sign from the Corporation.
- 3.2            Prior to issuance of a building permit for a sign, an application for a permit shall be submitted to the Corporation to be checked for conformity with this By-law and any other applicable by-laws of the Corporation.

### 3.3 Building Permit Application Requirements

- 3.3.1 Completed drawings and specifications of what is to be erected or structurally altered, including where applicable, details of supporting framework, description of sign materials and lighting;
- 3.3.2 Erection plans indicating the location of the sign on the lot relative to any buildings, vehicle accesses, doors, windows, and other existing signs on the site:
- 3.3.3 Site plans to scale indicating location on the site, setbacks, street lines and other boundaries of the property, and the location of the building thereon.
- 3.3.4 Upon review and approval of a completed application, the Chief Building Official shall issue a building permit for a sign, provided the application is in compliance with the regulations contained in this By-law and any other applicable by-laws of the municipality and applicable legislation.
- 3.3.5 A fee, as set out by the Fee By-law for the Corporation, shall be paid upon application of a building permit for a sign.
- 3.3.6 Upon issuance of a building permit for a sign, the majority of the construction of said sign shall be completed within six months from the date of issuance, and completion of construction of the sign shall be within one year of the date of issuance of the permit.

## **SECTION 4: PERMIT EXEMPTIONS**

- 4.1 The following signs identified in this Section do not require a building permit for a sign, however, all other requirements of this By-law shall apply with respect to sign size, location, etc:
- 4.1.1 Signs for regulating traffic or similar devices, legal notices or warnings at railroad crossings;
- 4.1.2 Signs for public safety, such as caution, construction or detour signs;
- 4.1.3 Small signs issued by the Corporation of the Township of Tay;
- 4.1.4 Municipal exhibition or events signs;
- 4.1.5 Real estate signs 0.93 sq. m or less, refer to subsection 5.10 for regulations;
- 4.1.6 Residential signs as identified in Section 6.
- 4.1.7 "No Trespassing" signs 0.19 sq. m or less;
- 4.1.8 Window signs including writing, representation, painting or lettering directly on the surface of any window or door, or other signs not affixed to the building interior, refer to subsection 7.3 for regulations.

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- 4.1.9 A-Frame signs, refer to subsection 11.2 for regulations;
- 4.1.10 Heritage Plaques;
- 4.1.11 One building identification per frontage to a maximum of two signs provided that the total combined area does not exceed 0.38 sq. m;
- 4.1.12 Portable signs, refer to Section 11.0 for regulations;
- 4.1.13 Temporary signs, refer to subsection 5.6 for regulations.
- 4.1.14 Small signs displayed for the direction of the public including signs that identify rest rooms, freight entrances and such other similar directional signs, refer to paragraph 5.3.2 and subsection 7.6 for regulations.
- 4.1.15 Temporary signs for the Annual Library Garden Tour.
- 4.1.16 Temporary signs for the Midland District Model Railroad Club Annual Rail Show.

**SECTION 5: GENERAL REGULATIONS**

- 5.1 No sign owner shall erect or maintain, or cause to be erected or maintained, a sign which does not comply with the provisions of this By-law.
- 5.2 Policies:
- 5.2.1 A high standard of design and visual consistency is to be encouraged.
- 5.2.2 Attractiveness and aesthetically pleasing displays shall be encouraged.
- 5.2.3 The use of reflective, luminous or similar paint or fluorescent, garish or unnaturally bright colours shall not be permitted except for traffic control purposes by the Township or the Province of Ontario.
- 5.2.4 The use of signs that are designed to revolve, roll, spin, turn, twist or twirl or similar motion shall not be permitted.
- 5.2.5 Facia signs shall not cover up windows or decorative features of buildings.
- 5.2.6 Facia signs shall not extend below storefront openings, and shall be located within sign panels or sign bands and where no sign panel or band exists, no facia sign or part thereof shall be located above the main storey.
- 5.2.7 Signs shall not be permitted on a building that are located on the roof or project above the eaves or above the parapet or cornice of the building.
- 5.2.8 Signs on the same building should have a consistent location, size, and overall pattern and be compatible with one another.



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- 5.2.9 No sign shall be a bubble awning. Retractable awnings and shed type awnings are permitted to display small logos or the establishment name on the awning valence.
- 5.2.10 No awning sign shall be permitted at a height greater than the ceiling height of the main floor of the building.
- 5.2.11 No sign shall utilize any wording or characters that could be considered offensive, profane, obscene, for unlawful activity or contain nudity or partial nudity of any person.
- 5.2.12 No sign shall be painted directly onto the exterior of a building.
- 5.2.13 Generally all signs shall face a street or public lane or walkway and must be located on the property of the business it is promoting.
- 5.2.14 No person shall, for the primary purpose of displaying said sign or advertisement, attach, affix or display any sign or advertisement on a vehicle or trailer which is parked, stored or located on a site, that is not either the home or business of the owner or home of the employee of the businesses being advertised or is located at a construction site while under contract to provide a service to the property owner or tenant of the subject property, unless such property is zoned Commercial, Industrial or Institutional by the General Zoning By-law.
- 5.3 Lighting:
- 5.3.1 Where a sign is illuminated, the said light source shall be directed so that it does not cause a nuisance to neighbouring properties or conflict with traffic signalling devices.
- 5.3.2 No back lit sign shall be permitted, with the exception of standard signs and canopy's over gas pumps and directional signs located in the Highway/Service/Tourist Commercial Zone and the Marine Commercial Zone as identified in the General Zoning By-law.
- 5.3.3 No sign with green, red or amber lighting shall be located in such a fashion so as to diminish or detract from the effectiveness of any traffic signal or similar warning device, or fall within the vision of motorists in such a manner so as to create a traffic hazard.
- 5.3.4 No illuminated, flashing or reflecting signs which by its shape or colour might tend to be confused or in conflict with traffic lights shall be erected within 91m of traffic lights.
- 5.3.5 Illuminated signs shall be located so as to reflect light away from adjacent premises or streets to prevent any glare or blinding spill over effect.
- 5.3.6 Illuminated signs of an animated or flashing nature or having a message that scrolls on the sign face are prohibited.

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5.4 Location:

5.4.1 No sign shall be in a sight triangle.

5.4.2 Signs shall be setback in accordance with this By-law.

5.4.3 No sign shall be attached to a tree, or to a Hydro or Township pole or support, or on municipal or public property without permission of the municipality.

5.5 Temporary Signs:

5.5.1 Temporary signs shall not exceed a combined total area of 0.47 sq.m.

5.5.2 All temporary signs shall be removed on or before the project or event's final completion date.

5.6 Electrical Work:

5.6.1 All electrical components in a sign shall be Canadian Standards Association (CSA) certified.

5.6.2 Electrical transformer boxes, conduit and raceways should be concealed from public view.

5.7 Maintenance:

5.7.1 No sign owner shall fail to maintain, or fail to cause such sign to be maintained, in a proper state of repair, so that such sign does not become unsafe or unsightly and so that such sign shall be completely operative at all times.

5.7.2 It shall be the duty and responsibility of the owner or lessee of any sign to maintain the immediate premises occupied by the sign in a neat and tidy condition.

5.8 Inspection:

5.8.1 When work on a sign pursuant to a building permit has been completed, no sign owner shall fail to notify the Chief Building Official within three days of the date when the said work on the sign has been completed.

5.9 Real Estate Signs:

5.9.1 A maximum of one unlit real estate sign is permitted for each street frontage less than 46m in length and a maximum of two unlit real estate signs are permitted for each street frontage over 46m in length, provided that such sign is located on the property being sold or leased;

5.9.2 No real estate sign shall be located within 1.5 metres of an adjoining property line.

5.9.3 No sign owner shall fail to remove a real estate sign within 10 days of the closing date and transfer of the property's ownership.

5.10 Banner Signs:

- 5.10.1 Banner signs may only be erected by non-profit organizations so long as they comply with the provisions of this By-law.

**SECTION 6: RESIDENTIAL SIGNS**

- 6.1 One residential sign not exceeding 0.19 sq. m in area is permitted to be located on a residential lot.

- 6.2 The height of the sign shall not exceed a maximum of 1.8 metres;

- 6.3 No sign shall be located within 1.5 metres of an adjoining property line.

- 6.4 No residential sign shall project over the street or Township lands without the express written permission of the Township.

**SECTION 7: COMMERCIAL SIGNS**

7.1 General Conditions:

- 7.1.1 No sign located within the Village and Neighbourhood Commercial Zones as identified in the General Zoning By-law shall have alpha numeric characters higher than 0.76 metres high.

- 7.1.2 Gas stations may use the vertical face of a canopy located over gas pumps as a sign, provided no more than 50% of the vertical face is utilized as signage.

7.2 Facia Sign:

- 7.2.1 A maximum of one (1) facia sign may be erected for each store front.

- 7.2.2 A facia sign shall be attached to and parallel with the main wall of the building;

- 7.2.3 A facia sign shall be a minimum of 2.44m above the finished sidewalk or mall grade and no longer than the horizontal measurement of the wall or building façade to which it is attached;

- 7.2.4 A facia sign shall not project more than 0.30m from the building face.

- 7.2.5 A facia sign shall not carry advertising copy on its ends.

- 7.2.6 The display surface for facia signs shall be calculated by determining the length of the building frontage and multiplying by a factor of three (3) and shall not exceed 10% of the area of the business or storefront façade dedicated to a particular business. Where possible, the sign shall be harmoniously incorporated into the architectural façade of the building.

- 7.2.7 The facia sign shall not extend beyond the limits of the building façade.

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### 7.3 Window Signs

- 7.3.1 The display surface of a window sign shall not exceed 0.47 sq. m.
- 7.3.2 Notwithstanding paragraph 7.3.1 where a business does not utilize a fascia sign, a window sign may be used as a substitute provided the window sign does not occupy more than 25% of the window area.
- 7.3.3 Each window sign shall contain its entire advertising message.
- 7.3.4 All of a business or storefront's window signs shall be arranged so as to permit a clear, unrestricted line of sight from the street to the inside of the building.

### 7.4 Projecting Signs:

- 7.4.1 One vertical projecting sign may be erected on a storefront having a width of 7.62m or more.
- 7.4.2 The maximum projection of the projecting sign from the building facade shall not be greater than 1.22m.
- 7.4.3 Projecting signs shall not exceed 1.20 sq. m in total area.
- 7.4.4 No part of the projecting sign shall be closer than 3.35m from finished grade;
- 7.4.5 There shall be no overhanging structures or wires from the roof of any building where a projecting sign is permitted.

### 7.5 Standard Signs:

- 7.5.1 One standard sign may be erected for each commercial building on a lot. Said standard sign shall be located on the same lot as the lot on which the said commercial building is located.
- 7.5.2 The height of the standard sign shall not exceed a maximum of 4.5m;
- 7.5.3 The display surface of the standard sign shall not exceed 10% of the area of the storefront or a maximum of area of 10 square metres, whichever is more restrictive.
- 7.5.4 The distance between any standard signs shall not be less than 7.62m;
- 7.5.5 No standard sign shall be located within 1.5 metres of an adjoining property line.
- 7.5.6 No standard sign shall project over the street or Township lands without the express written permission of the Township.
- 7.5.7 Standard signs shall include soft landscape treatment at the base of the sign or supporting structure. The boundaries of such shall be defined by a line measuring a minimum of 1m from all sides of the sign or supporting structure.

- 7.6 Directional Information Signs:
- 7.6.1 Directional information signs may be permitted to direct vehicular traffic.
- 7.6.2 The maximum height of a directional information sign shall be 1.4m;
- 7.6.3 The maximum area of a directional information sign shall be 0.19 sq. m.
- 7.6.4 Directional information signs shall be located in a parking lot or at a driveway entrance and shall be located within a landscaped island protected with concrete curbs and a minimum of 2.0 metres from a property line.
- 7.6.5 The maximum number of directional information signs indicating the location of any business shall be four (4).

**SECTION 8: INDUSTRIAL SIGNS AND INSTITUTIONAL SIGNS**

- 8.1 The requirements of Section 7 "Commercial Signs" of this By-law shall apply with necessary modifications for industrial signs and for institutional signs.

**SECTION 9: AGRICULTURAL SIGNS AND RURAL SIGNS**

- 9.1 One agricultural sign or one rural sign, not exceeding 3.0 sq. m in area, advertising a permitted use may be erected on a lot zoned Agricultural or Rural as defined by the General Zoning By-law.
- 9.2 The height of an agricultural sign or a rural sign shall not exceed a maximum of 1.8 m;
- 9.3 No agricultural sign or rural sign shall be located within 3.0 metres of an adjoining property line.
- 9.4 No agricultural sign or rural sign shall project over the public right-of-way.

**SECTION 10: BILLBOARD SIGNS**

- 10.1 Permitted Billboard Sign Locations:
- 10.1.1 Billboard signs shall only be permitted in a Rural or Agricultural Zoned property as identified in the General Zoning By-law for the Township of Tay;
- 10.1.2 Billboard signs shall not be established at any location within 200 m of any property used for public parks, public schools, churches, courthouse, or public facilities having frontage on the same street.

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- 10.1.3 The general area of the vicinity of any billboard sign must be kept free and clear of sign material, debris, and trash and other refuse.
- 10.2 Display Surface:
- 10.2.1 The maximum display surface per billboard sign shall be 22.3 sq. m, including border and trim, but excluding the base or apron, supports or other structural members.
- 10.2.2 The maximum size limitation shall apply to each sign face of a billboard sign structure, and signs may be placed back-to-back, in line, or in a "V" type construction. Notwithstanding the foregoing, only two sign faces shall be permitted in any one billboard structure.
- 10.3 Spacing of Billboard Signs:
- 10.3.1 No billboard sign may be established within a 610m radius of any other billboard sign within the jurisdiction of this By-law.
- 10.3.2 Any other sign as permitted in this By-law, as well as any other sign which does not constitute a billboard sign as defined herein, and structures that are not lawfully maintained, shall not be counted, nor shall measurements be made from them for the purpose of determining compliance with paragraph 10.3.1.
- 10.4 Minimum Setbacks for Billboard Signs:
- 10.4.1 No billboard sign shall be located less than:
- (a) 15.0m from all street lines;
  - (b) 15.0m from any common lot boundary with an adjacent lot;
  - (c) 3.0m from any driveway;
  - (d) 100.0m from any land zoned Residential as identified in the General Zoning By-law.
- 10.5 Lighting:
- 10.5.1 Billboard signs which are not effectively shielded as to prevent beams or rays from being directed at any portion of a traveled roadway and are of such intensity or brilliance to cause glare or impair the vision of the driver or any motor vehicle are prohibited.
- 10.5.2 No billboard sign shall be so illuminated that it interferes with the effectiveness or obscures an official traffic signal, device or sign.
- 10.6 Real Estate Developer Signs
- 10.6.1 Real estate developer signs are permitted in accordance with this Section, provided that the development being advertised on the sign has draft plan approval.
- 10.6.2 In addition to the provisions of this Section, no real estate developer sign shall be more than 5 metres in width when located on the lands subject to the development.

- 10.6.3 Real estate developer signs can be located in any zone.
- 10.6.4 In addition to the provisions of this subsection 10.6, a real estate developer sign may be located on the façade of a sales centre in accordance with subsection 7.2.
- 10.6.5 Notwithstanding Subsections 10.3 and 10.4, real estate developer signs shall not be located closer than:
- (a) 50 m radius of any billboard sign;
  - (b) 3.0 metres from all street lines;
  - (c) 6.0 metres from any common lot boundary with an adjacent lot.
  - (d) 200 metres from any other sign advertising the same development with the exception of signs located on the property subject to the development.
- 10.6.6 Notwithstanding Subsection 10.4, real estate developer signs are exempt from the 100.0m residential zone set back and the setback for public parks, public schools, churches, courthouse, or public facilities having frontage on the same street, however, must maintain a setback of 30 metres to these properties.
- 10.6.7 In addition to any signage off site, one real estate developer sign per frontage shall be permitted on the development site.
- 10.6.8 No real estate developer sign can be located so as to block sight of any other real estate developer sign.
- 10.6.9 No sign owner shall fail to remove their real estate developer sign on or before the date that 80% of the units in the approved phase are built.
- 10.6.10 No real estate developer signs shall be illuminated.

## **SECTION 11: PORTABLE SIGNS**

- 11.1 Mobile Signs
- 11.1.1 Every mobile sign shall bear, in a visible location on such sign, the name, address, and telephone number of the owner of the sign. In addition, the lettering on every mobile sign shall be limited to a maximum of two colours on a single colour background, provided that all letters within each single word displayed on the mobile sign are of one colour.
- 11.1.2 No third party mobile signs are permitted to be located on any lands.
- 11.1.3 Mobile signs are only permitted in areas zoned Commercial, Industrial, and Institutional as identified in the General Zoning By-law for the Township of Tay.
- 11.1.4 No more than one mobile sign at a time is permitted to be located on any lot zoned Commercial, Industrial, or Institutional in the General Zoning By-law for the Township of Tay.

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- 11.1.5 No mobile sign shall exceed 2.44m in height measured from the grade level at the base of the sign, nor shall it exceed a single face area of 4.65 sq. m or a total area of 9.3 sq. m;
- 11.1.6 Every mobile sign shall be located entirely on private property; shall not be located in a sight triangle and shall be set back a minimum of:
- (a) 15.0m from any other mobile sign;
  - (b) 1.5m from a driveway, aisle, walkway, or parking space;
  - (c) 1.0 m from all street lines;
  - (d) 1.5m from any common lot boundary with an adjacent lot;
  - (e) 1.5m from any other sign;
- 11.1.7 Mobile signs shall be permitted for time periods of seven consecutive days. The property owner shall be entitled to a maximum of two such time periods per calendar year on the lot. Where a lot has two businesses located, the maximum number of time periods for which a mobile sign can be displayed is four (4) per calendar year. Where a lot has more than two businesses located, the maximum number of time periods for which a mobile sign can be displayed is six (6) per calendar year. In all cases, a minimum of 28 days must pass between the expiration of any time period and the beginning of the next following time period. In all cases no one business shall display a mobile sign more than 2 times per calendar year.
- 11.2 A-Frame Signs
- 11.2.1 No more than one a-frame sign is permitted per business entrance onto a street on any lot zoned Commercial, Industrial, or Institutional in the General Zoning By-law for the Township of Tay.
- 11.2.2 No third party a-frame signs shall be permitted to be erected on any lands.
- 11.2.3 Every a-frame sign must be removed to an indoor location no later than the time of closing of the business in the day and not replaced until the opening of the business the next day.
- 11.2.4 Each a-frame sign shall have a maximum height of 1.25m above grade and a maximum single sign face area of 0.77 sq. m and a total sign face area of 1.54 sq. m;
- 11.2.5 A-frame signs shall not be permitted within an entrance or planting bed, or in a parking space or aisle, placed on snow banks, planters or street furniture, or in any manner that may impede municipal maintenance.
- 11.2.6 When located on a sidewalk each a-frame shall be placed in such a way as to allow a minimum clearance of 1.2m to allow pedestrians to pass.
- 11.2.7 An a-frame sign shall not be placed within 3.0 metres of another a-frame sign or a driveway entrance.



### 11.3 Real Estate Developer A-Frame Signs

- 11.3.1 Real estate developer a-frame signs are exempt from provisions of paragraph 11.2.2 provided that the real estate developer obtains written permission from the owner of the property in front of which the developer wishes to place their sign and provided that the subdivision or condominium has draft plan approval.
- 11.3.2 Any real estate developer a-frame sign must be removed to an indoor location during the hours which the model home or sales office is not open for business.
- 11.3.3 No sign owner shall fail to remove a real estate developer a-frame sign on or before the date that 80% of the units in the approved phase are built.

## **SECTION 12: SIGN VARIANCE**

- 12.1 If a sign does not conform to the provisions of the By-law, the applicant may apply to Council for a variance. Any such decisions shall be final and conclusive. Application for such appeal shall include details as outlined in Subsection 3.3 and a sign variance application fee of \$300.00 or as otherwise defined in the Township's Fee By-law, for which the higher amount shall apply.
- 12.2 Council may require notice of the proposed variance and notice of the Council meeting at which time the proposed variance is to be discussed, to be mailed to all property owners within 60.96m of the property upon which the proposed sign is to be located at least 14 days prior to the Council meeting date indicated in the notice.

## **SECTION 13: NON-CONFORMING AND UNLAWFUL SIGNS AND REMOVAL OF SIGNS AND COSTS FOR SAME**

- 13.1 Designation of Legal Nonconformity:
- 13.1.1 Existing signs that do not conform to the specific provisions of this by-law may be eligible for the designation "legal nonconforming" provided that:
- (a) The Chief Building Official determines such signs are properly maintained and do not in any way endanger the public.
  - (b) The sign was installed in conformance with a valid permit for variance, or complied with all applicable laws on the date of adoption of this By-law.
- 13.2 Loss of Legal Nonconformity Status:
- 13.2.1 A legal nonconforming sign may lose this designation if:
- (a) The sign is relocated or replaced; or
  - (b) The structure of the size of the sign is altered in any way except towards conformity with this By-law. This does not refer to a change of copy or normal maintenance.

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- 13.3            Unlawful Signs:
- 13.3.1        No sign shall be affixed to any tree, utility pole or municipal standard or be erected or placed on municipal or public property without the express permission of the municipality.
- 13.3.2        When a sign is erected or displayed in contravention of any provision of this By-law, said sign may be removed immediately by the Township without notice at the expense of the owner, if located on, over, partly on, or partly over property owned by or under the jurisdiction of the Township.
- 13.3.3        Any person who has caused a sign or other advertising device to be erected, displayed, altered or relocated without first obtaining a building permit to do so, or having obtained a permit has caused a sign or other advertising device to be erected, displayed, altered or relocated contrary to the approved plans in respect of which the permit was issued, shall make such sign or other advertising device comply with the provisions of this By-law or remove such signs within 48 hours of receiving written notice of violation.
- 13.3.4        When a sign no longer correctly advertises a bonafide business, lessor, owner, product or activity conducted or product available, on the premises where such a sign is displayed, the sign owner shall remove the sign within 10 days from the date of receipt of notice of such removal from the Chief Building Official, Director of Planning and Development, Planning Technician, By-law Enforcement Officer or their representatives.
- 13.3.5        Where the owner, lessee or occupant is in default of doing the matter of thing required to be done under this by-law, the By-law Officer may remove the sign.
- 13.3.6        Where any of the matters or things are removed in accordance with this By-law, the matters or things may be immediately disposed of by the By-law Officer.
- 13.3.7        The Corporation may recover the expense incurred doing a matter or thing referred to in this Section by action, or the same may be recovered in like manner as municipal taxes.
- 13.3.8        Whenever the Corporation, after inspecting a sign, finds such sign to be in contravention with the provisions of this By-law, the Corporation shall notify the sign owner, in writing, requiring that the sign owner repair, alter, change or remove such sign within 10 days from the receipt of such notice in writing.
- 13.3.9        If any sign is in an unsafe or defective condition, the Chief Building Official may give written notice to the sign owner to repair or remove said sign within a period of 48 hours. It shall be the duty of such sign owner to repair or remove such sign in accordance with said notice. If the notice is not adhered to, or if the sign owner cannot be located, the Chief Building Official may have the offending sign removed.

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- 13.3.10 If, in the opinion of the Chief Building Official, any sign is in such condition as to constitute a physical hazard to public safety, the Chief Building Official may give notice, in writing, to the sign owner to remove the sign within 24 hours. It shall be the duty of such sign owner to provide compliance with the said notice. If the sign owner refuses to comply with the order, the Chief Building Official may have the offending sign removed.
- 13.3.11 If in the opinion of an official of the Corporation, material contained within/upon any sign is deemed offensive, profane, obscene, for unlawful activity, or inappropriate for public display the Corporation may give notice, in writing, to the sign owner to remove the sign within 24 hours. It shall be the duty of such sign owner to act in accordance with said notice. If the sign owner refuses to comply with the order, the Corporation may have the offending sign removed.
- 13.3.12 Signs not erected by a public authority which make use of words such as "STOP", "LOOK", "ONE WAY", "DANGER", "YIELD" or any similar words, phrases, symbols, lights, or characteristics in such a manner as to tend to interfere with, mislead, or confuse traffic are prohibited.
- 13.3.13 Signs located so as to obstruct emergency services or emergency escapes or exits are prohibited.
- 13.3.14 Signs painted on, attached to, or supported by a tree, stone or other natural object are prohibited, however, residential signs or heritage plaques may be attached to a stone.
- 13.3.15 A sign erected or painted on a vehicle or trailer where the vehicle or trailer is not being used in the day to day operation of the business for transportation purposes and is parked or located in a manner so as to be visible from the street is prohibited.
- 13.3.16 The Chief Building Official, Director of Planning and Development and/or the By-law Enforcement Officer or his/her representative shall have the authority to order the painting, repair, alteration or removal of signs which become unsafe, unsightly, inoperative or are abandoned.
- 13.3.17 Where an order is issued pursuant to subparagraph 13.2.17, notice of the order shall be given by posting a copy of the order on the face of the sign and by sending a copy of the order by prepaid first class mail addressed to the owner of the property on which the sign is located at the address last shown on the tax roll for the property. The owner of the property shall have five clear business days following the mailing of the order, failing which the Corporation may remove the sign at the expense of the owner of the property on which the sign is located.
- 13.3.18 The cost of such repair, removal, transportation and storage of such sign shall be a debt due and recoverable from the owner of the property on which the sign is/was located and in the case of non-payment, such costs shall be recoverable in the same manner as municipal taxes.

- 13.3.19 The Corporation shall not be liable for any damage which may arise, directly or indirectly, by reason of any removal of any sign in contravention of this By-law, provided that the subject matter of such action was not caused intentionally or through gross negligence on the part of the Corporation, its servants or agents or sub-contractors.
- 13.3.20 Where removal is appropriate, such notice as provided in the above subsections shall terminate the relevant building permit for a sign.
- 13.3.21 The provisions of this By-law shall not be construed as relieving or limiting 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 negligence or wilful acts of such person, his agents or employees, in the construction, erection, maintenance, repair or removal of any sign erected in accordance with a building permit issued hereunder. Nor can it be construed as imposing upon the municipality or its officers or employees any responsibility by reason of the approval of any signs, materials or devices under the provisions of this By-law.

**SECTION 14: ABANDONMENT**

- 14.1 Neither the granting of a building permit nor the approval of the plans and specifications, nor inspections made by the Corporation, shall in any way relieve the sign owner or any other person from full responsibility for carrying out work or having the work carried out in complete accordance with this By-law or any other applicable by-law thereto.
- 14.2 An application for a building permit for any work shall be deemed to be abandoned six months after the date of filing, unless such application has been diligently pursued or a permit has been issued.
- 14.3 Every building permit shall expire by limitation and become null and void under the provision of this By-law, if the work authorized by such permit is not commenced within six months of the date of the permit issuance, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of six months, or the sign has been removed.
- 14.4 If a building permit has been abandoned pursuant to subsection 14.2 hereof, before such work can be commenced, the original permit shall first be renewed upon payment of the prescribed fee and upon the Corporation being furnished with satisfactory proof that the plans and specifications conform with the requirements of this By-law at the time of the application for renewal.

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**SECTION 15: CONFLICT**

15.1 Notwithstanding the provisions of any other By-law to the contrary, in the event of a conflict between any other By-law of the Corporation, the By-law containing the more restrictive provisions shall prevail.

15.2 The regulations set forth by this By-law do not override the need for any other potentially applicable permits governing the erecting or owning of any sign. These may include permits issued by other federal, provincial, and/or county agencies.

**SECTION 16: SEVERABILITY**

16.1 Should any section, clause or provisions of this By-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or in part thereof, other than the part which was to be declared to be invalid.

**SECTION 17: PENALTY**

17.1 Any person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act.

**SECTION 18: REPEAL BY-LAW**

18.1 That By-law 2004-36 is hereby repealed.

**BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 10<sup>TH</sup> DAY OF SEPTEMBER, 2014.**

**THE CORPORATION OF THE TOWNSHIP OF TAY**

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**MAYOR, Scott Warnock**

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**CLERK, Alison Thomas**