

THE CORPORATION OF THE TOWN OF MONO

BY-LAW NUMBER 2006 - 10

**BEING A BY-LAW PROHIBITING OR REGULATING SIGNS AND ANY OTHER
ADVERTISING DEVICES WITHIN THE TOWN OF MONO**

WHEREAS Section 99 of the *Municipal Act, 2001*, S.O. 2001, c. 25, provides Council with the authority to pass by-laws prohibiting and regulating Signs, advertising and advertising devices;

AND WHEREAS Council has determined that there is a need to enact a By-law prohibiting and regulating signs, advertising and advertising devices, to preserve the rural character and enhance the open landscape of the municipality;

AND WHEREAS Council has determined that there is a need to enact a By-law prohibiting and regulating signs, advertising and advertising devices, to reduce roadside visual clutter to enhance public safety while travelling roads in the community;

AND WHEREAS Council must balance the need for advertising of local businesses with the health and safety of the travelling public and the visual attractiveness of the municipality;

NOW THEREFORE Council enacts as follows:

Definitions

1. In this By-law the following terms are defined as:

“Chief Building Official” means the Chief Building Official of the Town of Mono and includes his or her designate or other duly appointed official pursuant to the *Building Code Act*.

“Clerk” means the Clerk of the Town of Mono duly appointed under the *Municipal Act*; and also includes the Deputy Clerk, if any, duly appointed under the *Municipal Act*.

“Lot” means a parcel of land that is capable of being conveyed pursuant to Section 50(3) of the *Planning Act*.

“Property” means all lands in the Town and includes a lot.

“Sign” means a message board or advertising device bearing a message or advertisement consisting of letters, numbers, symbols or characters, the various materials upon which they are displayed, any internal and external mechanical or electrical parts, and any stiffening bars or ornamental mouldings but shall not include any supports or trusses upon which the Sign is supported, unless such Sign is a Freestanding Sign, in which circumstances, the associated structure is deemed to be part of the Sign. Sign shall include a message painted on the wall or roof of a building. Sign shall be further defined in Schedule “A” to this By-law.

“Town” means the Corporation of the Town of Mono.

“Zone” means a designated area in the Town of Mono Zoning 78-1, as amended from time to time or such successor zoning by-law as passed under the *Planning Act*.

Prohibitions

2. No person shall erect, display, alter or relocate any Sign located upon private or public property unless: a) a permit has been obtained in accordance with the provisions of this By-law; or b) such type of Sign is exempt from the permit requirements under section 12 of this By-law.

3. Notwithstanding any other provision in this By-law, no Sign shall be located on any Town road or within any Town road allowance without the express permission of the Town.
4. Any Third Party Sign is prohibited.
5. Any Sign advertising an adult entertainment establishment is prohibited, (unless such use has been permitted under an amendment to the Town's Zoning By-law).
6. Any scrolling digital Sign is prohibited.
7. Any sign illumination is prohibited unless expressly permitted by this By-law.
8. Any flashing illumination of a Sign is prohibited.

Maintenance of Existing Signs

9. A change in the message displayed by a Sign does not require a permit, provided such Sign has been erected in conformity with this By-law, and remains in conformity with the provisions of this By-law.
10. The owner, occupant or permit holder of any property upon which a Sign is situated shall keep the Sign, together with its supporting structure in a good state of repair and in a proper state of preservation as to safety and appearance.
11. Any Sign that does not conform to any provision of this By-law and/or that falls into disrepair shall be removed by the owner, occupant or permit holder. The Town may remove the Sign at the expense of the person and/or owner of the Sign. The Town may deny any Application to re-erect such Sign.

Signs Where No Permits Are Required

12. No permit is required for the following Signs, provided such Sign complies with this By-law:
 - a) A non-illuminated sign as set out in Schedule "B" to this By-law; or,
 - b) A non-illuminated sign as set out in Schedule "C" to this By-law, which is proposed as part of a site plan approval.

Signs Where Permits Are Required

13. The following types of Signs may be permitted provided such Sign is authorized by a permit issued under this By-law:

A sign as set out in Schedule "C" to this By-law.

14. Signs permitted in Schedule "C" to this By-law may be illuminated, provided that such illumination shields from light trespass beyond the face of the sign to be illuminated, and providing that the Town expressly permits sign illumination as part of a Site Plan Agreement under the *Planning Act*.

Administration

15. This By-law shall be administered by the Clerk.

Application Process for Sign Permits

16. An applicant for a Sign permit shall provide to the Clerk the following documents:

- a) A duly executed application form, including providing the owner's authorization, if the applicant is not the owner of the lot;
 - b) A detailed site plan;
 - c) Construction drawings indicating, at a minimum, the lot boundaries, adjacent roadways, the location of the Sign in relation to other structures on the lot, and construction specifications for the Sign, including illumination, if any.
17. Upon application for a Sign permit the applicant shall pay an application fee in accordance with Schedules "C" and "D" of this By-law, to the Town.
 18. Where a Site Plan Agreement has been entered into with the Town, the Town may waive the requirements for a Sign permit, application fee for a Sign, and may waive any provision of this By-law while permitting a Sign under the provisions of the Site Plan Agreement.
 19. Where a building permit is required for the Sign under the *Building Code Act*, the applicant shall obtain a building permit together with a Sign permit prior to erecting the Sign. Nothing in this By-law restricts the Chief Building Official requiring further information from the applicant to determine compliance with the *Building Code Act*.
 20. Should the Sign require a building permit, the Clerk under this By-law shall issue no Sign permit until the Chief Building Official has issued the building permit.
 21. The Clerk under this By-law shall issue no Sign permit unless the proposed Sign complies with the provisions of this By-law. In determining such compliance, the Clerk may circulate the application and documents received under section 16 of this By-law for comment by the Clerk's Department, Chief Building Official; the Town's Director of Planning; the Town's Director of Public Works; the Police Chief having jurisdiction for the Town; the Fire Chief having jurisdiction for the Town; the County of Dufferin Director of Public Works; the Ministry of Transportation and/or any other public agency which may have an interest in the application. Should any of the above officials recommend denial of the Sign permit in writing with reasons, the Clerk shall deny the application and provide the applicant with the reasons for the denial. If the application is denied by the Clerk, an application for variance may be made in accordance with Paragraph 25.

Traffic Hazards

22. Notwithstanding any other provisions of this By-law, any Sign which creates a traffic hazard is prohibited. No sign shall be erected which reduces the effectiveness of any traffic signal on any roadway or otherwise interferes with traffic on any roadway including obstructing the view of motorists at any intersection of roadways; or access driveway; and/or a roadway within 6 metres of that intersection of the lot lines. Any public highway authority including the Director of Public Works for the Town may require the removal or relocation of any Sign and/or Sign structure or Sign landscaping which he/she considers to constitute a traffic hazard, and may remove the sign if the sign is deemed to be an immediate traffic hazard by the appropriate authority.

Municipal Property

23. No Signs shall be placed on any Town property without approval by the Town.

No Obstruction

24. No Sign shall be attached to or placed upon a building in such a manner as to obstruct any fire escape or to interfere in any way with the work of the Fire Department in case of a fire. In addition, no Sign shall be erected, constructed or installed on a lot that would preclude driveway access to the lot for firefighting purposes or otherwise, in the opinion of the Fire Chief having jurisdiction for the Town, impede access to the lot over firefighting routes.

Applications for Variances to the Sign By-law

25. Pursuant to s. 99 of the *Municipal Act, 2001*, Town Council may authorize a variance to this By-law if in the opinion of Town Council the general intent and purpose of this By-law are maintained.
26. An application for a variance to this By-law shall be made in writing to Town Council within 21 days after the date on which the Sign permit was denied by the Clerk and shall be accompanied with the requisite fee set out in Schedule "D" to this By-law, and the information set out in Paragraph 16. Town Council shall schedule a hearing within 45 days of the receipt of the variance application and shall determine such application, after hearing from the applicant, should the applicant so desire to be heard, and hearing from any other persons who may have an interest in the matter, should such persons so desire to be heard. Town Council shall issue its decision within 45 days after the variance application has been heard.
27. Any decision made by Town Council on an application for a variance to this By-law is final and binding.

Enforcement

28. Where the Owner or occupant of a lot has erected a Sign requiring a permit without the issuance of the required Sign permit, the Town shall give notice of such violation by sending correspondence to the last known address on record at the Town via registered mail to the Owner or occupant of a lot requiring the Owner or occupant of a lot to remove the Sign within 7 days of the issuance of the correspondence.
29. Should the Sign not be removed in compliance with section 28 of this By-law, the Town shall have the right to enter onto a lot and pull down, demolish or otherwise remove the Sign. For the purposes of pulling down, demolishing or otherwise removing the Sign under this By-law, an agent, employee or servant of the Town may enter upon the lot of the Owner or occupant and shall not be liable to compensate the Owner, occupant or any other person having an interest in the lot by reason of anything done by or on behalf of the Town under the provisions of this By-law.
30. Any unauthorized Sign which is placed on any Town property or within any municipal road allowance, or represents a traffic hazard in accordance with Paragraph 22, shall be removed by the Town at the expense of the Owner of the Sign, as set out in Schedule "D" to this By-law.
31. When pulling down, demolishing or otherwise removing the Sign, the Town may recover all the expenses incurred in respect thereof, including legal fees, by any or all methods available by statute, including collection through the property tax system.
32. In addition, the Town may cause a prosecution to be brought against any person in the Courts for violation of this By-law.

Penalties

33. Every person who contravenes any provision of this By-law is guilty of an offence and liable upon conviction to a penalty as authorized by the *Provincial Offences Act*.
34. Upon conviction, the Court in which the conviction has been entered and any Court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted.

Schedules Form Part of By-law

35. Schedules "A", "B", "C" and "D" shall form part of this By-law.

Former By-law Repealed

36. Town By-law 91-15 is hereby repealed.

Short Title

37. This subject By-Law shall be known and cited as the “Sign By-law”.

READ A FIRST, SECOND and THIRD TIME, and passed this 28TH day of FEBRUARY, 2006.

MAYOR

CLERK

Schedule “A” Sign Definitions

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| Auction | Means any Sign, which advertises a public auction, and is placed on the lot where the auction is to be held no more than 2 weeks prior to and during the auction event. Maximum placement time is 2 weeks prior to and during the auction event. An auction event time must not exceed one day and only one auction event per lot per year is allowed. |
| Awning | Means a covering stretched upon a frame that is affixed to the face of the building and may be moveable, with a Sign embossed, screened or otherwise affixed to awning. One building or unit in a shopping/centre may only display one of the following types of Signs: Awning, Canopy, Mansard, Marquee, or Wall. |
| Banner | Means a piece of fabric bearing an emblem, message or slogan for the purpose of, advertising goods or services, identifying a business or enterprise, or promoting a philosophy, concept or organization. |
| Canopy | Means a solid overhanging covering that projects from the face of the building and is firmly attached into the wall of the building, with a Sign embossed, screened or otherwise affixed to canopy. One building or unit in a shopping/centre may only display one of the following types of Signs: Awning, Canopy, Mansard, Marquee, or Wall. |
| Community Event | Means a Sign to promote citizen participation in civic or charitable activities and functions, placed for a period not exceeding 90 days, and providing the location of such sign has been approved by the Town of Mono. |
| Construction | Means a temporary Sign for a project, future use of site, or contractor sign, on a construction site for the lesser of, a period of not more than 6 months, or within 30 days of completion of the project, or as provided for in a site plan agreement or a subdivision agreement. |
| Contractor’s Roadwork | Means a temporary Sign placed for the purpose of warning traffic of a road construction project and/or directing traffic. |
| Directional | Means a Sign that is to give guidance or direction to locations on a lot. |
| Election | Means any Sign advertising or promoting the election of a candidate for municipal, provincial, or federal government office. An Election Sign must be removed within 48 hours after the election. |
| Emergency | Means any Sign erected by emergency services, including the police, fire, or ambulance services, or as authorized under a municipal emergency. |
| Flag | Means a flag or emblem of patriotic, civic, educational or religious organizations or corporations provided that no more than three flags or emblems are located on one lot and each flag or emblem shall not exceed 2.7 square metres. |
| Freestanding | Means a Sign not attached to a building but supported by a permanent attachment to the ground. |
| Highway Traffic Act | Means any sign erected by the Town, the County or the Province of Ontario under the <i>Highway Traffic Act</i> . |
| Hoarding | Means a message posted on, or affixed to construction hoarding placed around an active construction site, for a project, future use of site, or contractor sign, on a construction site for the lesser of, a period of not more than 6 months, or within 30 days of completion of the project, or as provided for in a site plan agreement or a subdivision agreement. |

Schedule “A”

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| Home Industry | Means a Sign which messages or advertising on such signage must be directly related to the use being carried out on the lot, and which use must be permitted under the Town’s Zoning By-law. |
| Home Occupation | Means a Sign which messages or advertising on such signage must be directly related to the use being carried out on the lot, and which use must be permitted under the Town’s Zoning By-law. Such signage shall be limited in that it shall not provide additional advertising beyond providing any of the details of: the name of the business; and/or name of the home occupier; and/or name of the home professional; the contact information, including phone number, facsimile number, web site and/or email; and, the hours of operation. |
| Identification | Means a Sign on the lot displaying only the name of the occupant and the address and/or the name of the dwelling. |
| Mansard | Means a Sign on or attached to a mansard roof. One building or unit in a shopping/centre may only display one of the following types of Signs: Awning, Canopy, Mansard, Marquee, or Wall. |
| Marquee | Means a Sign attached to any roof-like structure or overhang constructed as a permanent part of a building over the entrance to the building which structure or overhang projects more than 0.3 metres from the exterior of the wall. One building or unit in a shopping/centre may only display one of the following types of Signs: Awning, Canopy, Mansard, Marquee, or Wall. |
| Neighbourhood Identification | Means a Sign placed at the entrance to a neighbourhood identifying the name of the neighbourhood and the civic address, and containing no other message, as approved by the Town. |
| Planning Act | Means any Sign approved by the Town under an agreement between the Town and an applicant under the provisions of the Planning Act. |
| Portable | Means a Sign not exceeding 4 square metres that can be moved from place to place, and that is not attached to a building, the ground, or an immobile structure, and shall include mobile Signs, inflatable advertising devices and Sandwich Board Signs. Portable Signs shall only be allowed a maximum of 2 times per year for a period of 14 days each on a lot. |
| Real Estate | Means a single Sign to the sale, rent or lease of the lot upon which the Sign is located, except that for a lot having more than one lot line with frontage, more than one Real Estate Sign may be placed on the lot at any one time and shall not exceed more than one Real Estate Sign per lot line having frontage. A Real Estate Sign shall not be placed on a lot for more than fourteen (14) days after the premises or lot has been sold, rented or leased. |
| Sandwich Board | Means a freestanding, double-faced, inverted-vee type Sign. |
| Scrolling | Means a digital Sign, or readograph Sign or any other sign, which has a message, which scrolls across the face of the sign as either a static, or a changing message. |
| Seasonal | Means a Sign erected for the purpose of retailing agriculture products. |
| Shopping Centre/Plaza | Means a Sign placed at a commercial or industrial lot, upon which a group of at least 5 separate uses have been developed, and which Sign advertises or identifies the occupants of the shopping centre or plaza. |
| Third Party | Means a Sign or advertising device, including a billboard Sign, which directs attention to products, goods, services, activities or facilities which are not the principal products, goods, services, activities or facilities provided on the lot |

Schedule "A"

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| | upon which the Sign is located. |
| Trespass | Means a 'no trespass', 'no hunting', 'no fishing' or other warning Sign. |
| Wall | Means lettering or a display painted directly on the exterior wall of a building. One building or unit in a shopping/centre may only display one of the following types of Signs: Awning, Canopy, Fascia, Mansard, Marquee, or Wall. |

**Schedule “B”
SIGNS FOR WHICH NO PERMIT IS
REQUIRED / NON ILLUMINATED**

| SIGN TYPE | MAXIMUM SIZE (For additional specific restrictions see applicable Definition) | ZONE(S) PERMITTED | APPLICATION FEE |
|-----------------------|-------------------------------------------------------------------------------------------|--------------------------|------------------------|
| Auction | 1.5 sq m | All Zones | Nil |
| Community Event | 1.5 sq m | All Zones | Nil |
| Contractor’s Roadwork | As Approved by the Town of Mono, the County of Dufferin or the Ministry of Transportation | All Zones | Nil |
| Directional | 0.75 sq m | All Zones | Nil |
| Election | N/A | All Zones | Nil |
| Emergency | As Approved by the Town of Mono | All Zones | Nil |
| Flag | 2.7 sq m each | All Zones | Nil |
| Highway Traffic Act | As Prescribed by Legislation | All Zones | Nil |
| Home Occupation | 0.56 sq m | Residential// Rural | Nil |
| Home Industry | 0.56 sq m | Rural | Nil |
| Identification | 0.2 sq m | All Zones | Nil |
| Planning Act | As Approved by the Town of Mono | All Zones | Nil |
| Real Estate | 1 sq m | All Zones | Nil |
| Safety | 0.4 sq m | All Zones | Nil |
| Seasonal | 4 sq m | Rural | Nil |
| Trespass | 0.2 sq m | All Zones | Nil |

Schedule “C”
SIGNS FOR WHICH A PERMIT IS
REQUIRED / NON ILLUMINATED

| SIGN TYPE | MAXIMUM SIZE (For additional specific restrictions see applicable Definition) | ZONE(S) PERMITTED | APPLICATION FEE |
|------------------------------|--------------------------------------------------------------------------------------|----------------------------------------------------------|------------------------|
| Awning | 35% of Awning face, or 4 sq m (the lesser size shall apply) | Commercial Industrial Institutional | \$300. |
| Canopy | 35% of Canopy face or 4 sq m (the lesser size shall apply) | Commercial Industrial Institutional | \$300. |
| Construction | 10 sq m | All Zones | \$100. |
| Freestanding | 4 sq m | Commercial Industrial Institutional | \$300 |
| Hoarding | 2 sq m | Commercial Industrial Institutional | \$300. |
| Mansard | 35% of Mansard face or 4 sq m (the lesser size shall apply) | Commercial Industrial Institutional | \$300. |
| Marquee | 35% of Marquee face or 4 sq m (the lesser size shall apply) | Commercial Industrial Institutional | \$300. |
| Neighbourhood Identification | 5 sq m | Commercial Industrial Institutional Residential | \$300. |
| Portable | 2 faces, 4 sq m each face | Commercial Industrial Institutional | \$100. |
| Sandwich Board | 2 faces, 1.5 sq m each face | Commercial Industrial Institutional | \$100. |
| Shopping Centre | 15 sq m | Commercial Industrial Institutional | \$300. |
| Wall | 20% of wall face or 4 sq m (the lesser size shall apply) | Commercial Industrial Institutional | \$300. |

Schedule “D”
APPEALS / ENFORCEMENT / JOINT PROCESS / ILLUMINATION

| ACTIVITY | FEE |
|--------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| Variance Application | \$500. |
| Enforcement, Removal of Sign from Town Property | \$300 Administration Fee, plus \$50 Per hour for labour and vehicle expense |
| A Sign, which is proposed within a site plan agreement application, and which conforms to this By-law. | Nil |
| Illumination of a Permitted Sign | \$300 |