

THE CORPORATION OF THE TOWN OF LINCOLN

BY-LAW NO. 05-60

A BY-LAW TO REGULATE SIGNS ON PRIVATE  
PROPERTY WITHIN THE GEOGRAPHIC LIMITS OF  
THE TOWN OF LINCOLN

WHEREAS Section 11 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that Councils of lower tier municipalities may pass by-laws respecting matters pertaining to structures, including fences and signs;

AND WHEREAS the Council of the Corporation of the Town of Lincoln deems it expedient to enact a by-law to regulate signs and other advertising devices on private property within the geographical limits of the Town of Lincoln;

AND WHEREAS the Council of the Corporation of the Town of Lincoln did hold public meetings on the 10th day of January, 2005 and the 15th day of March, 2005 to consider the enactment of this By-law, notice of which was provided in accordance the Town's General Notice By-law, and any persons in attendance at the said meetings were given an opportunity to make representations to Council regarding the passing of this By-law,

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF LINCOLN ENACTS AS FOLLOWS:

1. SECTION 1 - TITLE

1.1 This By-law shall be known as the "Private Property Sign By-law".

2. SECTION 2 - DEFINITIONS

2.1 In this By-law:

- a) Agent – means a Person who has been duly authorized, in writing, by an Owner to act on behalf of that Owner and to bind that Owner with respect to the provisions of this By-law.
- b) Alter - means any change to a Sign Structure or a Sign Face, with the exception of:
  - i) the rearrangement of numerals, letters or Copy applied directly to a Sign Face which is otherwise specifically designed and intended to be periodically rearranged;
  - ii) the repair or maintenance of a Sign or Sign Structure, including any replacement by identical components, as required by this By-law.
- c) Awning - includes a structure, retractable or otherwise, covered with fabric or like material, that is attached to and projects from the exterior of wall of a building above a window or door or otherwise and provides shade or other protection from the elements.
- d) Banner - means a Sign or advertising device made from cloth, plastic or a similar lightweight, non-rigid material.
- e) Building Code - means the Building Code Act, 1992, S.O. 1992, Chapter 23, as amended from time to time, and includes any regulations thereunder.
- f) Chief Building Official – means the Chief Building Official of the Corporation of the Town of Lincoln.

- g) Clerk – means the Clerk of the Corporation of the Town of Lincoln.
- h) Community Event – means a public holiday, celebration, public event, charitable organization event or similar function of a registered charity or non-profit corporation, organization or association organized to promote charitable, educational, religious or community objects or purposes.
- i) Copy - means any letters, words, numerals or symbols on a Sign.
- j) Council - means the Council of the Corporation of the Town of Lincoln.
- k) Dwelling - means a building or part of a building used or intended to be used for human habitation, in which all usual domestic functions may be carried on.
- l) Erect - means the Altering, building, constructing, displaying, enlarging, installing, maintaining, moving, placing or relocating of any Sign or Sign Structure or part thereof.
- m) Face Area - means the area of that portion of a Sign, excluding any part of the Sign Structure, that is open to view and which may be used for the display of any Copy, advertising, message or communication.
- n) Grade - means the lowest elevation of the ground directly beneath a sign.
- o) Lot - means a parcel of land described as a single parcel of land with definite boundaries in a Registered Plan of Subdivision or as a single parcel of land with definite boundaries described in a deed or transfer registered in a Land Registry Office pursuant to the *Registry Act* or the *Land Titles Act* and which may be legally conveyed by the owner thereof without obtaining a Consent for Severance pursuant to the provisions of the *Planning Act*, R.S.O. 1990, c.P.13, as amended.
- p) Lot Line - means the line formed by the boundary of any Lot.
- q) Municipal By-law Enforcement Officer - means a Municipal By-law Enforcement Officer of the Town of Lincoln or any other officer or person authorized to enforce the by-laws of the Corporation of the Town of Lincoln.
- r) Mural - means any type of display or artistic endeavour applied as paint, film or otherwise and any other covering to any external wall or other integral part of a building or structure which does not include any words or numerals of a commercial nature or any commercial advertisement or any other promotional message or content, including logos and trademarks;
- s) Owner – includes:
  - i) Owner of a Lot on which a Sign is Erected;
  - ii) Owner of a Sign;
  - iii) Occupant of a Lot on which a Sign is Erected;
  - iv) The Person, at the time being, managing or receiving the rent for either a Sign or the Lot on which a Sign is Erected;
  - v) An Agent of an Owner.
- t) Person - includes any individual, association, corporation, firm, Agent or trustee, and the heirs, executors or other legal representatives of a person to whom the context may apply according to law.
- u) Sign - means any identification, description, illustration, device or notice which advertises, directs attention to, or is capable of advertising or directing attention to, any person, business, commodity, service, use or subject matter.

A sign may include a "Face Area" and a "Sign Structure" and shall be considered a structure for the purposes of this By-law. Without limiting the generality of the above, the definition of Sign shall include, but is not limited to, the following types of signs:

- i) Abandoned Sign - includes a Sign Erected on a Lot which pertains to a business, commodity, service, use or subject matter which no longer occupies or exists on the Lot, or a Sign which pertains to a time, event or purpose which no longer applies, or a Sign Erected on a Lot which becomes vacant or unoccupied for a period of ninety (90) days or more.
- ii) Animated Sign - includes any Sign displaying kinetic or illusionary motion of all or any part of the Sign and includes the rotation of a sign but does not include an Electronic Message Display Sign;
- iii) Billboard Sign - means a Sign, including an Illuminated Sign, which uses either permanent Copy, or poster panels or other similar surfaces to which temporary or permanent sign Copy can be attached, with a single Face Area greater than 3 square metres (32.29 square feet); and used to identify or advertise any business, activity, service or person, or any goods, commodities or products which are not located in, conducted on, sold on, produced on or displayed on the Lot upon which the sign is located; but does not include a Wall Sign as defined herein;
- iv) Construction Sign - means a Sign which identifies or provides information relating to or advertising the development or construction of a building on the Lot on which the Sign is Erected;
- v) Election Sign - means a sign advertising or promoting the election of a political party or a candidate for public office or a position on a question in a federal, provincial or municipal election;
- vi) Electronic Message Display Sign - includes a Sign which is electronically controlled and which sequentially displays information and on which the intensity of illumination is constant;
- vii) Flashing Sign - includes a sign which contains an intermittent or flashing light source or sources, or which includes the illusion of intermittent or flashing light by means of illumination or an externally mounted light source or sources, but shall not include Electronic Message Display Signs;
- viii) Ground Sign - means a Sign less than 3 metres (9.84 feet) in height directly supported from the ground without the aid of any building or structure other than the Sign Structure;
- ix) Illuminated Sign - means a sign illuminated by any artificial light source;
- x) Inflatable Sign - means any Sign or advertising device intended to be inflated and which is tethered to the ground, a building, structure or other similar support;
- xi) Information Sign - means a Sign for public safety or convenience including Signs regulating on-premises traffic, parking or other subdivision of a Lot or a Sign denoting sections of a building and bearing no commercial advertising.
- xii) Interior Sign - means a Sign not visible or intended to be seen from outside of the premises in which the sign is located;
- xiii) Menu Board Sign - means a Sign Erected as part of a drive-through facility and used to display and order products and services available at the drive-through business;
- xiv) Mobile Sign - includes any Sign not permanently attached to or affixed to the ground or to a building or a structure and which is designed to be capable of being readily moved from one location to another, and which is usually built on a trailer or other solid platform and may include wheels, but shall not include a Sign attached to or located on a vehicle which is currently licensed and operative

- where the principal use of the vehicle is the transportation of people, goods or other materials;
- xv) Obsolete Sign – means an Abandoned Sign;
  - xvi) Official Sign - means any Sign required by a valid federal or provincial statute or regulation or by a municipal by-law and shall include Traffic Signs and other Signs erected to inform the public of the location of Business Improvement Areas, public buildings, hospitals, public libraries, institutions, places of worship, parks, recreational or educational facilities and signs required to be installed by the Town to inform the public of planning applications submitted under the Planning Act;
  - xvii) Open House Directional Sign – means a temporary Portable Sign intended to divert and direct traffic to a residence for sale or lease, such residence being open to the public for viewing;
  - xviii) Pole Sign – means a Sign greater than 3 metres (9.84 feet) in height directly supported from the ground without the aid of any building or structure other than the Sign Structure;
  - xix) Portable Sign – means a Sign which is free standing and which is Erected on, but not permanently anchored in, the ground and which is not an Illuminated Sign. Without limiting the generality of the foregoing, this definition shall include signs commonly referred to as A-frame, T-frame, and sandwich board Signs, but shall not include any other Sign defined in this By-law;
  - xx) Projecting Sign - means a Sign attached to a building or structure and projecting outwardly from such building or structure more than 450 millimetres (17.71 inches) at a right or other angle from the building or structure;
  - xxi) Real Estate Sign - means a temporary, non-Illuminated Sign Erected for the purpose of advising that a Lot or a portion thereof is available to be sold, rented or leased and which may also indicate to whom a person should inquire with regard thereto;
  - xxii) Real Estate Development Sign - means a Sign advertising the development of a Lot or a portion thereof, or a series of Lots or portions thereof on which the Sign is located;
  - xxiii) Real Estate Development Directional Sign – means a temporary Portable Sign or a temporary Ground Sign intended to divert and direct traffic to a Subdivision under development where Lots or residences are available for sale or lease;
  - xxiv) Wall Sign - includes a Sign attached to, marked or inscribed on, Erected or placed against, a wall forming part of a building or structure, or supported by or through a wall of a building or structure and having the exposed face thereof on a plane approximately parallel to the plane of such wall and not projecting outwardly more than 450 millimetres (17.71 inches) from the building or structure;
  - xxv) Window Sign - means a Sign located in the interior of a premises which is intended to be seen through a window from off of the premises, or a Sign attached to, marked or inscribed on, Erected or placed against a window of a premises, but shall not include Illuminated Signs.
- v) Sign Area - means the entire surface of a Sign Face including any border or frame, together with any material forming an integral part of the background of the display or used to differentiate the sign from the backdrop or building against which it may be erected. Where there is no border or the sign is composed of individually installed letters, numerals or shapes, the sign area shall include all of the area of the smallest polygon containing a maximum of eight right angle sides that encloses the surface of the Sign or the grouping of letters, numerals or shapes.

- w) Sign Face - means that portion of a Sign, excluding any supporting Sign Structure, where Copy can be placed.
- x) Sign Height - means the vertical distance measured from the proposed or finished Grade immediately below a Sign to the top of the highest attached extremity of a Sign.
- y) Sign Structure - means a structure which is intended to support, or be capable of supporting, any sign, and which in turn is supported by the ground, a building, or a structure which is not an integral part of the Sign.
- z) Streetline - means the limit of a street or road allowance; being the boundary line between a street or road allowance and an abutting Lot.
- aa) Town - means the Corporation of the Town of Lincoln.
- ab) Unsafe - means, when used with respect to a Sign, a condition that is structurally inadequate or faulty, or constitutes a fire or safety hazard, or impedes the movement of vehicular or pedestrian traffic, or which otherwise constitutes a risk or hazard to the safety of persons or premises;
- ac) Visibility Triangle – means:
  - i) In the case of an intersection of two highways, the triangular area formed by measuring from the actual and projected point of intersection of the Streetlines, a distance of 9 metres (29.53 feet) along each such Streetline to two points, and joining those two points; or
  - ii) In the case of an intersection of a driveway with a highway or other driveway, the triangular area formed by measuring from the Streetline and the edge of the driveway, a distance of 6 metres (19.68 feet) along the Streetline and the edge of the driveway to two points and joining these two points.
- ad) Zone - means an area of a defined land use zone as defined in the Town of Lincoln Zoning By-law, as amended, enacted under the Planning Act, R.S.O. 1990, c.P.13, as amended, or any predecessor or successor thereto; and includes Agricultural Zones, Commercial Zones, Industrial Zones, Institutional Zones and Residential Zones as defined in the aforementioned Zoning By-law.

### 3. SECTION 3 - INTERPRETATION AND APPLICATION

- 3.1 In this By-law, unless the contrary intention appears, words imparting the singular number or the masculine gender only, shall include more persons, parties or things of the same kind than one, and females as well as males.
- 3.2 In this By-law, the word "shall" is construed as being mandatory and not discretionary.
- 3.3 Where a form of words or expression are prescribed in this By-law, deviations therefrom not affecting the substance or calculated to mislead do not vitiate them.
- 3.4 Nothing in this By-law shall be interpreted in such a manner to exempt any person from complying with any requirement or applicable law that may be in force from time to time in the Town or from observing or complying with the requirements of any applicable Federal, Provincial or Municipal legislation.
- 3.5 The provisions of this By-law shall be held to be the minimum requirements adopted for the promotion of public health and safety and convenience. Whenever the requirements of this By-law are at variance with requirements

of any other By-law or the requirements of any other law or regulation, the most restrictive requirements or the higher standards shall apply.

3.6 If any term of this By-law or the application thereof shall to any extent be invalid or unenforceable, the remainder of this By-law or the application of such term to circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby and each term of this By-law shall be separately valid and enforceable to the fullest extent permitted by law.

3.7 This By-law shall not apply to:

- a) Interior Signs within an enclosed building or structure, except Window Signs;
- b) Official Signs installed by or on behalf of the Town, the Regional Municipality of Niagara, the Province of Ontario or the Government of Canada or any other government agency;
- c) Plaques placed by historical agencies of the Town, the Regional Municipality of Niagara, the Province of Ontario or the Government of Canada;
- d) Any sign that is lawfully erected or displayed on the day this by-law comes into force and effect if the sign is not substantially Altered, and the maintenance and repair of the sign or a change in the Copy displayed shall be deemed not in itself to constitute an Alteration.

#### 4. SECTION 4 - REGULATIONS

##### 4.1 General Regulations

4.1.1 No Person shall Erect or cause or permit to be Erected any Sign except in accordance with the requirements of this By-law including, without limiting the generality thereof, the Sign Provisions detailed in Section 5 of this By-law.

4.1.2 Notwithstanding any other provisions of this By-law, no Person shall Erect, or cause or permit to be Erected, any of the following Signs:

- a) Flashing Signs, Animated Signs or any Signs which incorporate any manner of flashing or moving illumination which varies in intensity or which varies in colour, or signs which have any visible moving parts, visible mechanical movement of any description, or other apparent movement achieved by electrical pulsations, by actions of normal wind current or otherwise;
- b) Signs that, by reason of size, location, content, colouring or manner of illumination, obstruct the vision of drivers or pedestrians, or obstruct or detract from the visibility or effectiveness of any Traffic Sign or control device on public streets and roads or which are located in a Visibility Triangle.
- c) Signs located so as to obstruct or impede any fire escape, fire exit, walkway, passageway, door, window, skylight, flue or air intake or exhaust or so as to prevent or impede free access of firefighters to any part of any premises.
- d) Inflatable Signs, with the exception of temporary or seasonal Inflatable Signs erected for non-commercial purposes or for purposes other than for hire or gain;
- e) Signs attached or displayed on a vehicle or trailer which is parked or located for the primary purpose of displaying said sign or advertisement;
- f) Signs which obstruct or which are otherwise located in a required parking space;
- g) Signs that make use of words including, but not limited to, "Stop", "Look", "One Way", "Danger", "Yield", or any similar words, phrases, symbols, lights or characters in such manner as to tend to interfere with, mislead, or confuse traffic and which are not erected by a Public Authority;

- h) Signs painted on, attached to, or supported by any tree, stone or other natural object, traffic sign post, traffic sign pole or utility pole unless otherwise provided for by law;
- i) Signs horizontally painted, marked or inscribed on any pavement;
- j) Unsafe Signs.

4.1.3 Every Owner shall keep every Sign, including every Sign Structure, in a good state of repair and in a proper state of preservation as to safety and appearance.

4.1.4 No Owner or Person shall Erect or leave an Abandoned or Obsolete Sign on a Lot.

#### 4.2 Applications and Permits

4.2.1 No Person shall Erect or cause or permit to be Erected, any Sign without first having obtained a Sign Permit from the Town issued in accordance with the provisions of this By-law.

4.2.2 Notwithstanding Section 4.2.1, a Person shall not be required to obtain a Sign Permit to Erect the following non-Illuminated Signs:

- a) In a Residential Zone, a Sign containing the name or address of a resident or occupant, provided such sign is not more than 0.2 square metres (2.15 square feet) in Sign Area and does not include any commercial advertising;
- b) Address Signs not located in Residential Zones;
- c) Signs for a blood donor clinic of the Canadian Blood Services;
- d) In a Commercial, Industrial or Institutional Zone, temporary Signs erected on a Lot and advertising a Community Event for a maximum period of thirty (30) days per Lot in any calendar year. Notwithstanding any other provisions of this By-law, such Signs shall not exceed 4 square metres (43.06 square feet) in Sign Area per Sign Face, shall be limited to one double-faced Sign or two single-faced Signs per Lot, shall not be Erected within a Visibility Triangle, and shall not be Erected within 3 metres (9.84 feet) lateral distance from the closest edge of a sidewalk, driveway, road curb, Lot Line or Streetline.
- e) Temporary Signs erected for non-commercial purposes or purposes other than for hire or gain and not exceeding 0.6 square metres (6.46 square feet) in Sign area in a Residential Zone and 2 square metres (21.53 square feet) in Sign area in all other zones. Notwithstanding any other provisions of this By-law, such Signs shall be limited to one double-faced Sign or two single-faced Signs per Lot, shall not be Erected within a Visibility Triangle, and shall not be Erected within 3 metres (9.84 feet) lateral distance from the closest edge of a sidewalk, driveway, road curb, Lot Line or Streetline.
- f) Commemorative Signs, plaques or corner stones denoting the date of erection of buildings and attached to the wall of a building;
- g) Emblems or insignia of patriotic, civic, educational, religious, charitable or fraternal organizations;
- h) In an Agricultural Zone, temporary Signs not exceeding 4 square metres (43.06 square feet) in Sign Area per Sign Face and advertising the sale of farm produce grown on the same Lot. Such Signs shall be limited to one double-faced Sign or two single-faced Signs per Lot, shall not be Erected within a Visibility Triangle and shall be removed within 24 hours of the date when the advertised produced ceases to be available for sale;
- i) Interior Signs;
- j) Window Signs on the first storey of a building occupied by a Commercial Use provided the Window Sign does not exceed 50% of each window section or pane;

- k) Information Signs not exceeding 0.6 square metres (6.46 square feet) in Sign Area and 1.2 metres (3.94 feet) in Sign Height;
- l) Real Estate Signs not exceeding 0.6 square metres (6.46 square feet) in a Sign Area in a Residential Zone and 2 square metres (21.53 square feet) in Sign Area in all other Zones. Such Real Estate Signs shall be removed within fourteen (14) days after the date of acceptance of an offer of purchase or lease of the Premises;
- m) Open House Directional Signs, provided such Signs are erected no greater than seven (7) days prior to the scheduled Open House and removed immediately after the conclusion of the Open House, and provided that no more than four (4) Open House Directional Signs are erected for any given Open House Event;
- n) Construction Signs not exceeding 5 square metres (53.82 square feet), to be removed within thirty (30) days of the construction being completed or discontinued;
- o) Signs for a contractor undertaking landscaping, home repairs or renovations, provided such Sign is erected no greater than two (2) days prior to the commencement of the project and is removed from the Lot immediately after the project is completed;
- p) A Garage Sale Sign or a Sign advertising lost pets;
- q) Election Signs;
- r) Official Signs.

4.2.3 Every application for a Sign Permit shall be submitted to the Town by the Owner of the Lot on which the Sign is proposed to be Erected on a form provided by the Town for that purpose and shall be accompanied by:

- a) Two plot plans dimensioned and drawn to scale showing the Lot, Lot Lines and Streetlines of the Lot on which the Sign is proposed to be erected and the proposed location of the Sign upon the Lot in relation to the said Lot Lines and Street Lines and to any other Signs, buildings, structures or driveways upon the subject Lot and adjacent Lots. The Chief Building Official may require the plot plans described in this Section to be prepared by an Ontario Land Surveyor;
- b) Two complete plans of the proposed Sign, including the Sign Structure and Face Area;
- c) A statement signed by the registered Owner of the Lot on which the Sign is proposed to be installed confirming the Lot Owner's agreement to the proposed installation and Lot Owner's acknowledgement of his responsibilities and obligations under this By-law;
- d) Such other documents as may be specified by the Town in order to ensure that the proposed Sign complies with the Building Code Act, 1992, and the Fire Protection and Prevention Act, 1997, and any other applicable law, including this By-law;
- e) A design prepared by an accredited architect or professional engineer for:
  - i) all Signs greater than 10 square metres (107.64 square feet) in Sign Area,
  - ii) all Signs greater than 7.5 metres (24.61 feet) in Sign Height,
  - iii) Projecting Signs weighing more than 115 kilograms (253.53 pounds),
  - iv) All Billboard Signs and all Roof Signs;
- f) The payment of the application fee for a Sign Permit as set out in Schedule "A", attached hereto and forming part of this By-law, as may be amended by the General Fees and Charges By-law of the Corporation of the Town of Lincoln, as amended, from time to time.

#### 4.3 Administration

4.3.1 The Chief Building Official shall review all applications and plans submitted for Sign Permits and, if in conformity with the provisions of this By-law and



other applicable law, shall certify the plans and approve the applications and issue a Sign Permit.

- 4.3.2 The Chief Building Official shall keep proper records of all sign applications received, sign permits and order issued, and retain all papers and documents associated with the administration of this By-law.
- 4.3.3 The Chief Building Official may refuse an application if any of the information, documentation or other items required to accompany an application is deemed incomplete or insufficient at time of application.
- 4.3.4 No person shall be granted a Sign Permit pursuant to the provisions of this By-law unless the Sign to which the Sign Permit relates complies with, or intends to comply with, the provisions of this By-law or to a variance from the said provisions granted by Council, pursuant to the provisions of the Municipal Act, 2001, as amended.
- 4.3.5 The Chief Building Official may revoke a Sign Permit issued to any Person or refuse to issue a Sign Permit to any Person pursuant to the provisions of this By-law where:
- a) a Sign is found by a Municipal By-law Enforcement Officer to be in contravention of the provisions of this By-law or any other applicable law;
  - b) a Municipal By-law Enforcement Officer is refused or denied access to inspect a Sign to which a Sign Permit relates;
  - c) a Person refuses to provide a Municipal By-law Enforcement Officer with any documentation relating to the design, location or structure of a Sign to which a Sign Permit relates;
  - d) the Sign Permit was issued on mistaken or false information;
  - e) after six (6) months of the issuance of the Sign Permit, the Erection of the Sign is not complete;
  - f) a Sign shall be deemed to be incomplete if, within six (6) months of the date of the issuance of the Sign Permit, the applicant has not notified the Chief Building Official that the Sign has been completed;
  - g) the Sign to which a Sign Permit relates has been Altered, destroyed, relocated, removed or become an Abandoned or Obsolete Sign.
- 4.3.6 The Chief Building Official may require an Owner to ensure the property bars of a Lot to be visible for field verification of the location of any Signs, buildings, structures or otherwise on a Lot in relation to any Sign, Sign Permit or application.
- 4.3.7 The Chief Building Official may require an Owner to provide a Surveyor's Certificate for field verification of the location of any Signs, buildings, structures or otherwise on a Lot in relation to any Sign, Sign Permit or application.
- 4.3.8 In the event that the Chief Building Official refuses to issue a Sign Permit or revokes a Sign Permit, the applicant or Owner may, within thirty (30) days after the Sign Permit is refused or revoked, make application to appeal the decision to Council.
- 4.3.9 Applications for Sign Permit Appeals shall be initiated by an applicant or Owner filing a letter with the Clerk requesting Council to consider a Sign Permit Appeal.
- 4.3.10 A Person making application for a Sign Permit Appeal shall also submit to the Town, at the time of the filing of the letter of appeal:
- a) A copy of the application for a Sign Permit that was refused or revoked;

- b) a detailed analysis of the situation including the nature of the Sign Permit Appeal and the rationale for consideration of the Sign Permit Appeal;
- c) two plot plans dimensioned and drawn to scale showing the Lot, Lot Lines and Streetlines on which the Sign is or is proposed to be erected and the location or proposed location of the Sign upon the Lot in relation to the said Lot Lines and Streetlines and to any other Signs, buildings, structures or driveways upon the subject Lot and adjacent Lots;
- d) two complete plans of the Sign or proposed Sign, including the Sign Structure and Face Area, prepared by a competent Person;
- e) A statement signed by the registered Owner of the Lot on which the Sign is or is proposed to be installed confirming the Lot Owner's agreement to the proposed installation and Lot Owner's acknowledgement of his responsibilities and obligations under this By-law;
- f) Such other documents as may be required in order to ensure that the Sign or proposed Sign complies with the Building Code Act, 1992, and the Fire Protection and Prevention Act, 1997, and any other applicable law, including this By-law;
- g) A design prepared by an accredited architect or professional engineer for:
  - i) all Signs greater than 10 square metres (107.64 square feet) in Sign Area,
  - ii) all Signs greater than 7.5 metres (24.61 feet) in Sign Height,
  - iii) Projecting Signs weighing more than 115 kilograms (253.53 pounds);
  - iv) All Billboard Signs and all Roof Signs;
- h) The payment of the application fee for a Sign Permit Appeal as set out in Schedule "A", attached hereto and forming part of this By-law, as may be amended by the General Fees and Charges By-law of the Corporation of the Town of Lincoln, as amended, from time to time.

4.3.11 Council shall consider the application for a Sign Permit Appeal, along with all supporting documentation, in accordance with the procedures of Council.

4.3.12 At the date, time and place so appointed, Council shall hear and consider the application, a report from the Chief Building Official and any submissions by the Applicant and any other affected Person in accordance with Council procedures.

4.3.13 In considering an application for a Sign Permit Appeal, Council shall have regard for:

- a) Special circumstances or conditions applying to the land, building or use referred to in the application;
- b) Whether strict application of the provisions of this By-law in the context of the special circumstances applying to the land, building or use would result in practical difficulties or unnecessary and unusual hardship for the applicant inconsistent with the general intent and purpose of this By-law;
- c) Whether such special circumstances or conditions are pre-existing and not created by the Owner;
- d) Whether the Sign that is the subject of the Sign Permit Appeal will alter the essential character of the area.

4.3.14 Council shall, in accordance with the provisions of the Municipal Act, 2001,

- a) grant the Sign Permit Appeal; or
- b) refuse to grant the Sign Permit Appeal; or
- c) grant the Sign Permit Appeal subject to such terms and conditions as Council deems appropriate.

4.3.15 In the event that the Sign Permit Appeal is granted by Council, the Chief Building Official shall issue a Sign Permit in accordance with the written direction of Council.

4.3.16 The decision of Council in the matter of a Sign Permit Appeal is final and the applicant shall not be entitled to any further hearing on the matter.

#### 4.4 Sign Variances

4.4.1 Upon the application of any Person, Council may, by resolution and without prejudice and without precedent, authorize minor variances from this By-law, if in the opinion of Council the general intent and purpose of the by-law are maintained.

4.4.2 Applications for Sign Variances shall be initiated by a Person filing a letter with the Clerk requesting Council to consider a Sign Variance.

4.4.3 A Person making application for a Sign Variance shall also submit to the Town, at the time of the filing of the letter requesting a variance:

- a) an application for a Sign Permit on a form provided for that purpose;
- b) a detailed analysis of the proposal including the nature of the variance requested and the rationale for consideration of the variance;
- c) two plot plans dimensioned and drawn to scale showing the Lot, Lot Lines and Streetlines on which the Sign is proposed to be erected and the proposed location of the Sign upon the Lot in relation to the said Lot Lines and Streetlines and to any other Signs, buildings, structures or driveways upon the subject Lot and adjacent Lots;
- d) two complete plans of the proposed Sign, including the Sign Structure and Face Area, prepared by a competent Person;
- e) A statement signed by the registered Owner of the Lot on which the Sign is proposed to be installed confirming the Lot Owner's agreement to the proposed installation and Lot Owner's acknowledgement of his responsibilities and obligations under this By-law;
- f) Such other documents as may be required in order to ensure that the proposed Sign complies with the Building Code Act, the Fire Code Act, and any other applicable law, including this By-law;
- g) A design prepared by an accredited architect or professional engineer for:
  - i) all Signs greater than 10 square metres (107.64 square feet) in Sign Area,
  - ii) all Signs greater than 7.5 metres (24.61 feet) in Sign Height,
  - iii) Projecting Signs weighing more than 115 kilograms (253.53 pounds);
  - iv) All Billboard Signs and all Roof Signs;
- h) The payment of the application fee for a Sign Variance as set out in Schedule "A", attached hereto and forming part of this By-law, as may be amended by the General Fees and Charges By-law of the Corporation of the Town of Lincoln, as amended, from time to time.

4.4.4 Council will consider the application for a Sign Variance, along with all supporting documentation, in accordance with the procedures of Council.

4.4.5 At the date, time and place so appointed, Council shall hear and consider the application, a report from the Chief Building Official and any submissions by the Applicant and any other affected Person in accordance with Council procedures.

4.4.6 In considering an application for a Sign Variance, Council shall have regard for:

- a) Special circumstances or conditions applying to the land, building or use referred to in the application;
- b) Whether strict application of the provisions of this By-law in the context of the special circumstances applying to the land, building or use would result in practical difficulties or unnecessary and unusual hardship for the applicant inconsistent with the general intent and purpose of this By-law;

- c) Whether such special circumstances or conditions are pre-existing and not created by the Owner;
- d) Whether the Sign that is the subject of the Sign Variance will alter the essential character of the area.

4.4.7 Council shall, in accordance with the provisions of the Municipal Act, 2001,

- a) grant the Sign Variance; or
- b) refuse to grant the Sign Variance; or
- c) grant the Sign Variance subject to such terms and conditions as Council deems appropriate.

4.4.8 In the event that a Sign Variance is granted by Council, the Chief Building Official shall issue a Sign Permit in accordance with the written direction of Council.

4.4.9 The decision of Council in the matter of an application for a Sign Variance is final and the applicant shall not be entitled to any further hearing on the matter.

## 5. SECTION 5 - SIGN PROVISIONS

### 5.1 General Sign Provisions

5.1.1 Every Owner and every Person shall ensure that every Sign shall be designed and Erected in conformity with the provisions of this By-law, the Ontario Building Code, the Electrical Code, the Fire Code and any other applicable law.

5.1.2 Every Owner and every Person shall ensure that every light source which illuminates any Sign shall be shielded so that glare from the light source is not visible from a point or location off of the Lot on which a Sign is Erected.

5.1.3 Every Owner and every Person shall ensure that every Sign that utilizes electricity shall bear a C.S.A. or Electrical Safety Authority label of approval, or equivalent, and all electrical wiring in a Sign and the Erection and location of a sign shall conform with the regulations of the Electrical Safety Authority as such regulations may apply.

5.1.4 Every Owner and every Person shall ensure that no Sign shall be Erected or located on or project over any public right-of-way unless permitted under this By-law or otherwise by law.

### 5.2 Billboard Sign Provisions

5.2.1 Every Owner and every Person shall ensure that a Billboard Sign shall be Erected on a Lot only in accordance with the following requirements:

- a) The Sign is located on a Lot, such Lot to be situated in a Commercial Zone or an Industrial Zone and having a minimum of 30 metres (98.42 feet) of frontage on an open municipal road allowance;
- b) The Sign contains no more than two (2) Sign Faces and the Sign Area of each Sign Face does not exceed 20 square metres (215.28 square feet);
- c) The Sign Height does not exceed 10.5 metres (34.45 feet);
- d) The Sign is not located within:
  - i. 30 metres (98.42 feet) lateral distance from any other Sign on the same Lot;
  - ii. 30 metres (98.42 feet) lateral distance from any traffic light standard;
  - iii. 8 metres (26.25 feet) lateral distance from the closest edge of a sidewalk, driveway, road curb, Lot Line or Streetline;

- iv. 100 metres (328.08 feet) lateral distance from any Lot situated in a Residential Zone;
  - v. a Visibility Triangle;
  - vi. 20 metres (65.62 feet) lateral distance from any above-ground electric wires, cables or conduit of any hydro electric utility, or any electric light pole, street lamp or other hydro utility pole or standard, with or without overhead wires attached;
  - vii. 100 metres (328.08 feet) lateral distance from any other Billboard Sign located on the same side of the same street.
- e) The Sign Structure is constructed of non-combustible materials;

### 5.3 Construction Sign Provisions

5.3.1 Every Owner and every Person shall ensure that a Construction Sign shall be Erected on a Lot only in accordance with the following requirements:

- a) The Sign is located on a Lot, such Lot to be situated in a Commercial Zone or an Industrial Zone;
- b) The Sign contains no more than two (2) Sign Faces and the Sign Area of each Sign Face does not exceed 6.0 square metres (64.58 square feet);
- c) The Sign Height does not exceed 2.5 metres (8.20 feet);
- d) The Sign is not located within:
  - i. 20 metres (65.62 feet) lateral distance from any other Sign on the same Lot;
  - ii. 30 metres (98.42 feet) lateral distance from any traffic light standard;
  - iii. 3 metres (9.84 feet) lateral distance from the closest edge of a sidewalk, driveway, road curb, Lot Line or Streetline;
  - iv. a Visibility Triangle;

### 5.4 Ground Sign Provisions

5.4.1 Every Owner and every Person shall ensure that a Ground Sign shall be Erected on a Lot only in accordance with the following requirements:

- a) The Sign is located on a Lot, such Lot to be situated in any Zone;
- b) The Sign contains no more than two (2) Sign Faces and the Sign Area of each Sign Face does not exceed:
  - i. 0.3 square metres (3.23 square feet) in a Residential Zone
  - ii. 4 square metres (43.06 square feet) in an Agricultural Zone or an Institutional Zone;
  - iii. 10 square metres (107.64 square feet) in any other Zone;
- c) The Sign Height does not exceed:
  - i. 1.5 metres (4.92 feet) in a Residential Zone;
  - ii. 3 metres (9.84 feet) in any other Zone;
- d) The Sign is not located within:
  - i. 20 metres (65.62 feet) lateral distance from any other Sign on the same Lot;
  - ii. 30 metres (98.42 feet) lateral distance from any traffic light standard;
  - iii. 3 metres (9.84 feet) lateral distance from the closest edge of a sidewalk, driveway, road curb, Lot Line or Streetline;
  - iv. a Visibility Triangle;
- e) The Sign is not illuminated in any Residential Zone.

### 5.5 Menu Board Sign Provisions

5.5.1 Every Owner and every Person shall ensure that a Menu Board Sign shall be Erected on a Lot only in accordance with the following requirements:

- a) The Sign is located on a Lot, such Lot to be situated in a Commercial Zone;
- b) One (1) Menu Board Sign shall be permitted on a Lot in association with each drive-through facility on such Lot;
- c) The Sign contains no more than one (1) Sign Face and the Sign Area of the Sign Face does not exceed 6 square metres (64.58 square feet);
- d) The Sign Height does not exceed 2.5 metres (8.20 feet);
- e) The Sign is not located within:
  - i. 30 metres (98.42 feet) lateral distance from any traffic light standard;
  - ii. 3 metres (9.84 feet) lateral distance from the closest edge of a sidewalk, driveway, road curb, Lot Line or Streetline;
  - iii. a Visibility Triangle;

5.5.2 In addition to each Menu Board Sign permitted by this By-law, one (1) pre-Menu Board Sign shall be permitted in association with each drive-through facility on a Lot in a Commercial Zone provided the Sign Height of the pre-Menu Board Sign does not exceed 2.5 metres (8.20 feet) and the pre-Menu Board Sign Area does not exceed 3 square metres (32.29 square feet).

#### 5.6 Mobile Sign Provisions

5.6.1 Every Owner and every Person shall ensure that a Mobile Sign shall be Erected on a Lot only in accordance with the following requirements:

- a) The Sign is located on a Lot, such Lot to be situated in a Commercial Zone or an Industrial Zone;
- b) The Sign contains no more than two (2) Sign Faces and the Sign Area of each Sign Face does not exceed 6 square metres (64.58 square feet);
- c) The Sign Height does not exceed 2.5 metres (8.20 feet);
- d) The Sign is not located within:
  - i. 20 metres (65.62 feet) lateral distance from any other Sign on the same Lot;
  - ii. 30 metres (98.42 feet) lateral distance from any traffic light standard;
  - iii. 3 metres (9.84 feet) lateral distance from the closest edge of a sidewalk, driveway, road curb, Lot Line or Streetline;
  - iv. a Visibility Triangle;
- e) The Sign has the name and telephone number of the Sign Owner affixed to it in a clearly visible location.

#### 5.7 Pole Sign Provisions

5.7.1 Every Owner and every Person shall ensure that a Pole Sign shall be Erected on a Lot only in accordance with the following requirements:

- a) The Sign is located on a Lot, such Lot to be situated in a Commercial Zone or an Industrial Zone;
- b) The Sign contains no more than two (2) Sign Faces and the Sign Area of each Sign Face does not exceed 20 square metres (215.28 square feet);
- c) The Sign Height does not exceed 10.5 metres (34.45 feet);
- d) The Sign is not located within:
  - viii. 20 metres (65.62 feet) lateral distance from any other Sign on the same Lot;
  - ix. 30 metres (98.42 feet) lateral distance from any traffic light standard;
  - x. 3 metres (9.84 feet) lateral distance from the closest edge of a sidewalk, driveway, road curb, Lot Line or Streetline;
  - xi. a Visibility Triangle;
  - xii. 10.5 metres (34.45 feet) lateral distance of any Lot situated in a Residential Zone;

## 5.8 Portable Sign Provisions

5.8.1 Every Owner and every Person shall ensure that a Portable Sign shall be Erected on a Lot only in accordance with the following requirements:

- a) The Sign contains no more than two (2) Sign Faces and the Sign Area of each Sign Face does not exceed 1 square metre (10.76 square feet);
- b) The Sign does not exceed 1 metre (3.28 feet) in width and 1 metre (3.28 feet) in Sign Height;
- c) The Sign is not illuminated in any manner;
- d) The Sign is not Erected within 3 metres (9.84 feet) lateral distance from the closest edge of a sidewalk, driveway, road curb, Lot Line or Streetline;
- e) The Sign is not Erected within a Visibility Triangle;
- f) The Sign is not located within 10 metres (32.81 feet) lateral distance from any other Portable Sign or Mobile Sign on the same Lot; and
- g) The Sign shall be removed and stored indoors each evening at the close of business.

## 5.9 Real Estate Development Sign Provisions

5.9.1 Every Owner and every Person shall ensure that a Real Estate Development Sign shall be Erected on a Lot only in accordance with the following requirements:

- a) The Sign is located on a Lot, such Lot located within the Real Estate Development area or the subdivision to which it pertains;
- b) The Sign contains no more than two (2) Sign Faces and the Sign Area of each Sign Face does not exceed 12 square metres (129.17 square feet);
- c) The Sign Height does not exceed 6 metres (19.68 feet);
- d) The Sign is not located within:
  - i. 20 metres (65.62 feet) lateral distance from any other Portable Sign or Mobile Sign on the same Lot;
  - ii. 30 metres (98.84 feet) lateral distance from any traffic light standard;
  - iii. 3 metres (9.84 feet) lateral distance from the closest edge of a sidewalk, driveway, road curb, Lot Line or Streetline;
  - iv. a Visibility Triangle;
  - v. 300 metres (984.25 feet) lateral distance from any other Real Estate Development Sign within the same Real Estate Development area or subdivision.
- e) The Sign shall not be Erected until the Real Estate Development being advertised has been draft approved by the Town;
- f) The Sign shall be removed when 100% of the units of the Real Estate Development being advertised have been sold.

## 5.10 Roof Sign Provisions

5.10.1 Every Owner and every Person shall ensure that a Roof Sign shall be Erected on a Lot only in accordance with the following requirements:

- a) The Sign is located on a Lot, such Lot to be situated in a Commercial Zone or an Industrial Zone;
- b) The Sign contains no more than two (2) Sign Faces and the Sign Area of each Sign Face does not exceed 20 square metres (215.28 square feet);
- c) The Sign Height does not exceed 10.5 metres (34.45 feet), and for greater clarity, the Sign Height of a Roof Sign means the vertical distance measured from the proposed or finished Grade immediately below a Sign, at ground level at the base of the building on which the Sign is installed or proposed to be installed, to the top of the highest attached extremity of a Sign;
- d) The Sign is not located within:

- i. 20 metres (65.62 feet) lateral distance from any other Sign, including any other Roof Sign, on the same Lot;
  - ii. 30 metres (98.84 feet) lateral distance from any traffic light standard;
  - iii. 20 metres (65.62 feet) lateral distance from the closest edge of a sidewalk, driveway, road curb, Lot Line or Streetline;
  - iv. 10.5 metres (34.45 feet) lateral distance from any Lot situated in a Residential Zone;
- e) The Sign is constructed of non-combustible materials;

#### 5.11 Wall Sign Provisions

5.11.1 Every Owner and every Person shall ensure that a Wall Sign shall be Erected on a Lot only in accordance with the following requirements:

- a) The Sign is located on the wall of a building on a Lot, such Lot to be situated in a Commercial Zone or an Industrial Zone;
- b) The Sign contains no more than one (1) Sign Face and the Sign Area of the Sign Face does not exceed 10 square metres (107.64 square feet) or twenty-five (25) percent of the area of the face of the building on which it is Erected, whichever is the lesser;
- c) The Sign projects no greater than 0.3 metres (0.98 feet) from the Wall on which it is Erected.

### 6. SECTION 6 – PENALTIES AND ENFORCEMENT

- 6.1 Every Person who contravenes any provision of the By-law is guilty of an offence and is liable upon conviction to a fine recoverable under the Provincial Offences Act, R.S.O. 1990, c.P.33, as amended.
- 6.2 When a Municipal By-law Enforcement Officer determines that there is a violation of this By-law, the Town may make an Order to the registered Owner of the Lot on which the Sign is Erected, sent by first class regular pre-paid mail, or delivered by hand, to the address of the Owner of the Lot as shown on the last returned assessment roll or the address provided in any application for a Sign Permit, requiring the Owner to make such Sign conform with the provisions of this By-law by the date specified in the Order.
- 6.3 If a Sign Permit for such Sign has been issued, such Sign Permit may be revoked by the Chief Building Official and such revocation shall become effective upon the giving of forty-eight (48) hours notice in writing to the registered Owner of the Lot on which the Sign is Erected and the Owner of the Sign by personal service or by registered mail at the address given in the application for such Sign Permit.
- 6.4 Where a Municipal By-law Enforcement Officer finds that a Sign Erected in contravention of this By-law presents a significant risk of damage to persons or property, the Municipal By-law Enforcement Officer may issue an Emergency Order to the Owner of the Lot on which the Sign is Erected directing the Owner to remove the Sign or bring the Sign into conformity with this By-law within 48 hours or less.
- 6.5 Where, following an Order or an Emergency Order, an Owner of a Lot on which a Sign is Erected fails to bring the Sign into compliance with this By-law, a Municipal Law Enforcement Officer may cause such Sign to be removed or the violation corrected at the expense of the Owner and the Town may recover the expenses incurred in doing it by action or by adding the costs to the tax roll for the Lot and collecting the costs in the same manner as taxes.

### 7 SECTION 7 - FEES AND CHARGES



- 7.1 Any Owner against which any proceedings are brought or against which any action is taken in accordance with this By-law shall pay fees in accordance with Schedule "A", attached hereto and forming part of this By-law.
- 7.2 An Owner shall pay the applicable fees within thirty days of the date on which an order becomes final or the date on which a conviction is pronounced or the date on which an action is taken.
- 7.3 Overdue fees imposed in accordance with this By-law may be added to the tax roll of the Owner and collected in the same manner and with the same priorities as municipal real property taxes.

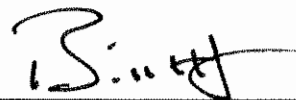
8 SECTION 8 – ENACTMENT

- 8.1 This By-law shall come into force and effect on the date of its final passing.

By-law read a FIRST time this 18th day of July, 2005.

By-law read a SECOND time this 18th day of July, 2005.

By-law read a THIRD time and FINALLY PASSED this 18th day of July, 2005.



MAYOR: BILL HODGSON



CLERK: WILLIAM J. KOLASA

## SCHEDULE "A"

### **Service Fees and Charges**

	<u>Service or Activity</u>	<u>Fee</u>
1.	For each Sign Permit Application	\$ 75.00
2.	For each Sign Variance Application	\$275.00
3.	For each Appeal of a Refusal or Revocation of a Sign Permit	\$200.00
4.	For each Order issued pursuant to the By-law in respect of any sign, where such order is not entirely quashed on appeal	\$150.00
5.	For each Municipal By-law Enforcement Officer who attends a hearing or court appearance regarding an appeal of an Order, where such Order is not entirely quashed on appeal	\$100.00
6.	For each Municipal By-law Enforcement Officer who attends a hearing or court appearance regarding a proceeding commenced pursuant to the By-law and resulting in a conviction registered for the breach of any provision of the By-law	\$100.00
7.	For any works undertaken by the Town to complete works required to comply with any final order	100% of the total costs of works plus an additional administrative fee of 15% of the total cost of the works with a minimum additional administrative fee of \$50.00.